

The Bylaws of the CUNY Board of Trustees
are updated as last amended by the Board of Trustees:

January 30, 2017

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. 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. 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 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 data 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 at least twenty-four hours before the meeting.
- 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 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 may conduct executive sessions, with attendance limited to members and 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 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 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.

SECTION 1.9. 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, 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.
- 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, 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, audit, 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 shall be determined by the chairperson.
- 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 audit, the chair of the committee on facilities planning, and management and the chair of the committee on student affairs and special programs. A majority of the individual members shall constitute a quorum for the transaction of business.
- b. The executive committee may meet in intervals between meetings of the board and at such times that the chairperson of the board may convene 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 amend these bylaws, upon the determination 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.
- 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, 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 presidents are specifically charged with the administration of their respective institutions and in this capacity they are responsible directly to the chancellor and through the chancellor to the board.

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 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:

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
Senior university dean
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
Research professor
Research associate professor
Research 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)
Senior registrar
Associate registrar
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
College physician
Higher education officer
Higher education associate
Higher education assistant
Assistant to higher education officer
Continuing education teacher
Non-teaching adjunct (I-V)
Non-teaching adjunct (doctoral student)
Affiliated professional
Professor of Military Science
Affiliated medical professor
Associate affiliated medical professor
Assistant affiliated medical professor
Affiliated medical lecturer
Affiliated medical teacher
Clinical professor—medical series
CLIP instructor
CUNY Start instructor

and in the Hunter College Elementary School and Hunter College High School

Principal
Chairperson of department
Assistant principal
Teacher
Assistant Teacher
Temporary teacher
Campus schools college laboratory technician
Campus schools senior college laboratory technician
Guidance counselor
Placement director
Education and vocational counselor
Librarian
Substitute teacher
Occasional per diem substitute teacher

and in the childhood centers

Teacher
Assistant teacher

And in the educational opportunity centers (EOC)

Educational opportunity center adjunct lecturer
Educational opportunity center adjunct college laboratory technician
Educational opportunity center 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

*and in the School of Journalism and in the Executive MBA Programs of the Zicklin School of Business at Baruch College:

Professional programs adjunct professor

Professional programs adjunct associate professor

Professional programs adjunct assistant professor

Professional programs adjunct lecturer

Professional programs professor (H)

Professional programs associate professor (H)

Professional programs assistant professor (H)

Professional programs lecturer (H)

Professional programs Non-Teaching Adjunct 1

Professional programs Non-Teaching Adjunct 2

Professional programs Non-Teaching Adjunct 3

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 subs. a through e below.

- 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 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 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. 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.
- c. (1) Appointments before September 1, 2006 – A person appointed to the title of professor, associate professor, or assistant professor may be granted early tenure by the board in its discretion, under these bylaws, after not less than one nor more than five years of continuous satisfactory service on an annual salary basis, when such service is interrupted by the period of a fellowship deemed by the college valuable to it, when for a very substantial reason the college would be well served by such early grant of tenure or when the person has had tenure in another accredited institution of higher learning.
- (2) Appointments on or after September 1, 2006 – A person appointed to the title of professor, associate professor, or assistant professor may be granted early tenure by the board in its discretion, under these bylaws, after not less than one nor more than seven years of continuous satisfactory service on an annual salary basis, when such service is interrupted by the period of a fellowship deemed by the college valuable to it, when for a very substantial reason the college would be well served by such early grant of tenure or when the person has had tenure in another accredited institution of higher learning.
- d. A person who has attained tenure under the provisions of section 6.2 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.
- e. 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.

SECTION 6.3. 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 any instructional staff position other than those listed in Section 6.2 above. However, appointment to any non-tenurable position, or removal therefrom, 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 6.4. 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, the affirmative vote of a majority of all members of the board shall be required.
- 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. In the position of instructor, there shall be no more than four successive annual reappointments.
- f. Appointments and reappointments to a full-time position on the instructional staff shall be considered final when formally approved by the board.

SECTION 6.5. 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.

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.

ARTICLE VIII ORGANIZATION AND DUTIES OF THE FACULTY

SECTION 8.1. DEFINITION OF FACULTY RANK.

The presidents, vice presidents, deans, associate and assistant deans with underlying professorial appointments, 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, lecturer (full time), distinguished lecturer or clinical professor, 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 GRADUATE SCHOOL.

The faculty (except in the graduate school) 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 based on 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 FACULTY OF THE GRADUATE SCHOOL.

The faculty of the graduate school shall include the president of the graduate school, the provost or vice president of academic affairs, vice presidents and deans of the graduate school with underlying faculty appointments, 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 8.5. 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 8.6. FACULTY/ACADEMIC COUNCILS.

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.

SECTION 8.7. COMMITTEE ON FACULTY PERSONNEL AND BUDGET.

- a. There shall be in each college 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 chairs, the vice president of academic affairs and one or more deans designated by the president.
- b. This committee shall receive from the several departments all recommendations for annual appointments to 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, reappointments thereto, with or without tenure, and promotions therein, together with compensation; it shall recommend action thereon to the president. 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.
- c. 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.

SECTION 8.8. APPOINTMENTS AND PROMOTIONS IN THE GRADUATE SCHOOL.

- a. For faculty positions at the graduate school in a doctoral program, the appointment, reappointment, promotion, and tenure shall be processed in accordance with procedures in the graduate school's governance plan.
- b. The president, pursuant to his/her responsibility for conserving and enhancing the educational standards of the graduate school, 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 8.9. PROCEDURE FOR COLLEGE COMMITTEES ON FACULTY PERSONNEL AND BUDGET OR THEIR EQUIVALENT.

Each college committee on faculty personnel and budget or its equivalent shall keep minutes of its proceedings conforming insofar as is practicable to the most recent edition of Robert's Rules of Order. 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. A negative recommendation of the committee shall be final unless an appeal filed by the employee is successful.

SECTION 8.10. 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 8.11. 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 it may also choose to permit a vote on departmental matters by 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 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.
- 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 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 9.5, the chairperson need not be tenured.
- e. 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, a designee of the provost of hunter college, and three members of the instructional staff of the school who are tenured or will have tenure by the time of service, 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.
- g. 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. 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. 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 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. 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 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.

SECTION 9.6. PROMOTIONS.

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

PLAN NO. ONE. 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 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.

PLAN NO. TWO. All promotions 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.

- 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 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.

SECTION 9.7. 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 9.8. 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 9.9. 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 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.

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.
 5. 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 9.5.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. 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.

ARTICLE XII SALARY SCHEDULE CONDITIONS

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 city office of labor relations and the city office of management and budget. All 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 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, such compensation shall not be paid or accepted unless reported to and specifically authorized by the chancellor, 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.

ARTICLE XIII INSTRUCTIONAL STAFF – MISCELLANEOUS PROVISIONS

SECTION 13.1. TEMPORARY DISABILITY LEAVE.

- a. 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.

- b. 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 13.2. 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 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 13.3. 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 purposes such as study, writing, research, the carrying out of a creative project or public service of reasonable duration. Where 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.

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, classified under one of the four jurisdictional classes - exempt, competitive, non-competitive, and labor.

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.

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 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.

ARTICLE XV STUDENTS

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.

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) the governance plan, policies, regulations, and orders of the college.

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.

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 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.

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.

Each student leader and officer of student organizations recognized by or registered with the institution, as well as those seeking recognition by the institution, must complete training on domestic violence, dating violence, stalking, and sexual assault prevention and on CUNY's Policy on Sexual Misconduct prior to the organization receiving recognition or registration.

- b. Extra-curricular activities at each college or school shall be regulated by the duly elected student government organization 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.

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 notify the affected organization, investigate any complaint and report the results of that investigation along with a recommendation for appropriate action to the complainant and the student government which shall take action as it deems appropriate, except that in the case of a complaint against the student government itself, the chief student affairs officer shall report the results of the investigation and the recommendation for appropriate action directly to the president.

2. The complainant or any student organization adversely affected pursuant to paragraph C (1) above may appeal to the president. The president may take such action as he or she deems appropriate, and such action shall be final.

- 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, whose decision shall be final. An appeal from the decision of the student elections review committee must be made in writing to the President within ten (10) calendar days of the decision. The President shall consult with the student elections review committee and render a decision as expeditiously as possible which may affirm, reverse, or modify the decision of the student elections review committee.
- 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. THE UNIVERSITY STUDENT SENATE.

There shall be a university student senate responsible, subject to the board of trustees, 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 15.4. STUDENT DISCIPLINARY PROCEDURES.

Complaint Procedures:

- a. A University student, employee, organization, department or visitor who believes she/he/it is the victim of a student's misconduct (hereinafter "complainant") may make a charge, accusation, or allegation against a student (hereinafter "respondent") which if proved, may subject the respondent to disciplinary action. Such charge, accusation, or allegation must be communicated to the chief student affairs officer of the college the respondent attends.
- b. The chief student affairs officer of the college or her or his designee shall conduct a preliminary investigation in order to determine whether disciplinary charges should be preferred. The chief student affairs officer or her or his designee shall advise the respondent of the allegation against her or him, explain to the respondent and the complainant their rights, consult with other parties who may be involved or who have information regarding the incident, and review other relevant evidence. The preliminary investigation shall be concluded within thirty (30) calendar days of the filing of the complaint, unless: (i) said complaint involves two or more complainants or respondents; or (ii) said complaint involves a matter that is also under investigation by law enforcement authorities. In those cases, the preliminary investigation shall be completed within sixty (60) calendar days. Further, if the matter has been previously investigated pursuant to the CUNY Policy on Sexual Misconduct, the chief student affairs officer shall dispense with a preliminary investigation and rely on the report completed by the Title IX Coordinator. Following the completion of the preliminary investigation, the chief student affairs officer or designee shall take one of the following actions:
 1. Dismiss the matter if there is no basis for the allegation(s) or the allegation(s) does not warrant disciplinary action. The individuals involved shall be notified that the complaint has been dismissed;
 2. Refer the matter to mediation (except in cases involving allegations of sexual assault, stalking or other forms of sexual violence); or
 3. Prefer formal disciplinary charges.
- c. In cases involving the CUNY Policy on Sexual Misconduct, both the Complainant and Respondent may be accompanied by an advisor of their choice (including an attorney) who may assist and advise throughout the entire process, including all meetings and hearings. Advisors may represent a party and fully participate at a hearing, but may not give testimony as a witness.
- d. In the event that a respondent withdraws from the college after a charge, accusation or allegation against a respondent has been made, and the college prefers formal disciplinary charges, the respondent is required to participate in the disciplinary hearing or otherwise to resolve the pending charges and shall be barred from attending any other unit of the university until a decision on the charges is made or the charges are otherwise resolved. Immediately following the respondent's withdrawal, the college must place a notation on her/his transcript that she/he "withdrew with conduct charges pending." If the respondent fails to appear, the college may proceed with the disciplinary hearing in absentia, and any decision and sanction shall be binding, and the transcript notation, if any, resulting from that decision and penalty shall replace the notation referred to above

Mediation Conference:

- e. The college may offer the respondent and the complainant the opportunity to participate in a mediation conference prior to the time the disciplinary hearing takes place in an effort to resolve the matter by mutual agreement (except in cases involving sexual assault, stalking and other forms of sexual violence). The conference shall be conducted by 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 shall be made to resolve the matter by mutual agreement through such process as the mediator deems most appropriate; provided, however, that the complainant must be notified of her/his right to end the mediation at any time
 - 2. If an agreement is reached, the faculty or staff member conducting the conference shall report her/his recommendation to the chief student affairs officer for approval and, if approved, the complainant and the respondent 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 within a reasonable time, or if the respondent fails to appear, the faculty or staff member conducting the conference shall refer the matter back to the chief student affairs officer who may prefer disciplinary charges, or, if charges have been preferred, proceed to a disciplinary hearing.
 - 4. The faculty or staff member conducting the mediation conference is precluded from testifying at a college hearing regarding information received during the mediation conference, or presenting the case on behalf of the college.

Notice of Charges and Hearing:

- f. Notice of the charge(s) and of the time and place of the hearing shall be personally delivered to the respondent, or sent by certified or overnight mail and email to the address appearing on the records of the college. Notice shall also be sent in a similar manner to the complainant to the extent the charges relate to her/him/it. The chief student affairs officer is also encouraged to send the notice of charges to any other e-mail address that he or she may have for the respondent and the complainant. The hearing shall be scheduled within a reasonable time following the filing of the charges or the mediation conference. Notice of at least seven (7) calendar days shall be given to the respondent in advance of the hearing unless the respondent consents to an earlier hearing. The respondent is permitted one (1) adjournment as of right. Additional requests for an adjournment must be made at least five (5) calendar days prior to the hearing date, and shall be granted or denied at the discretion of the chairperson of the faculty-student disciplinary committee. If the respondent fails to respond to the notice, appear on the adjourned date, or request an extension, the college may proceed in absentia, and any decision and sanction shall be binding.
- g. The notice shall contain the following:
 - 1. A complete and itemized statement of the charge(s) being brought against the respondent including the rule, bylaw or regulation she/he is charged with violating, and the possible penalties for such violation.

2. A statement that the respondent and the complainant have the right to attend and participate fully in the hearing including the right:

- (i) to present their side of the story;
- (ii) to present witnesses and evidence on their behalf;
- (iii) to cross-examine witnesses presenting evidence;
- (iv) to remain silent without assumption of guilt; and
- (v) to be assisted or represented by an advisor or legal counsel at their expense; if the respondent or the complainant requests it, the college shall assist in finding a legal counsel or advisor.

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

Pre-Hearing Document Inspection:

h. At least five (5) calendar days prior to the commencement of a student disciplinary hearing, the college shall provide the respondent and the complainant and/or their designated representative, with similar and timely access to review any documents or other tangible evidence that the college intends to use at the disciplinary hearing, consistent with the restrictions imposed by Family Education Rights and Privacy Act ("FERPA"). Should the college seek to introduce additional documents or other tangible evidence during, or some time prior to, the disciplinary hearing, the respondent and the complainant shall be afforded the opportunity to review the additional documents or tangible evidence. If during the hearing the complainant or the respondent submits documentary evidence, the chairperson may, at the request of any other party grant an adjournment of the hearing as may be necessary in the interest of fairness to permit the requesting party time to review the newly produced evidence.

Admission and Acceptance of Penalty Without Hearing:

i. At any time after receiving the notice of charges and hearing but prior to the commencement of a disciplinary hearing, the respondent may admit to the charges and accept the penalty that the chief student affairs officer or designee determines to be appropriate to address the misconduct. This agreed upon penalty shall be placed on the respondent's transcript consistent with subparagraphs q(19) and (20) herein. Before resolving a complaint in this manner, the chief student affairs officer must first consult with the complainant and provide the complainant an opportunity to object to the proposed resolution, orally and/or in writing. If a resolution is reached over the complainant's objection, the chief student affairs officer or designee shall provide the complainant with a written statement of the reasons supporting such resolution, and the complainant may appeal the decision to enter into the resolution to the president.

Emergency Suspension:

j. The president or her/his designee may in emergency or extraordinary circumstances, temporarily suspend a student pending an early hearing as provided in this bylaw section 15.4. to take place within not more than twelve (12) calendar days, unless the student requests an adjournment. Such suspension shall be for conduct which impedes, obstructs, impairs 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. Prior to the commencement of a temporary suspension of a student, the college shall give the student oral notice

(which shall be confirmed via email to the address appearing on the records of the college) or written notice of the charges against her/him and, if she/he denies them, the college shall forthwith give the student an informal oral explanation of the evidence supporting the charges and the student may present informally her/his 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. The complainant shall be notified in the event that an emergency suspension is imposed against a student, and/or when the suspension is subsequently lifted to the extent that the suspension involves the complainant in the same manner notice is given to the student.

Faculty-Student Disciplinary Committee Structure:

- k. Each faculty-student disciplinary committee shall consist of two (2) faculty members or one (1) faculty member and one (1) member of the Higher Education Officer series (HEO), and two (2) student members and a chairperson, who shall be a faculty member. A quorum shall consist of the chairperson and any two (2) 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 insure full student and faculty representation.
- l. 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 faculty of that college to receive training upon appointment and to serve in rotation as chairperson of the disciplinary committee. The following schools shall be required to select two (2) chairpersons: CUNY School of Law, Guttman Community College, CUNY School of Professional Studies, and the CUNY School of Journalism. If none of the chairpersons appointed from the campus can serve, the president, at her/his 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 committee and decide and make all rulings for the committee. She/he shall not be a voting member of the committee but shall vote in the event of a tie.
- m. The faculty members shall be selected by lot from a panel of six (6) elected biennially by the appropriate faculty body from among the persons having faculty rank or faculty status. CUNY School of Law, Guttman Community College, CUNY School of Professional Studies, and the CUNY School of Journalism shall be required to select four (4) faculty members. The HEO members shall be selected by lot from a panel of six (6) HEO appointed biennially by the president. CUNY School of Law, Guttman Community College, CUNY School of Professional Studies, and the CUNY School of Journalism shall be required to select four (4) HEO's. The student members shall be selected by lot from a panel of six (6) elected annually in an election in which all students registered at the college shall be eligible to vote. CUNY School of Law, Guttman Community College, CUNY School of Professional Studies, and the CUNY School of Journalism shall be required to select four (4) students. 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 four (4) consecutive years. Notwithstanding the above, in cases of sexual assault, stalking and other forms of sexual violence, the president shall designate from the panels one (1) chairperson, two (2) faculty/HEO members, and two (2) students, who shall be specially trained on an annual basis, and who shall constitute the faculty-student disciplinary committee in all such cases.

- n. In the event that the chairperson cannot continue, the president shall appoint another chairperson. In the event that a seat becomes vacant and it is necessary to fill the seat to continue the hearing, the seat shall be filled from the respective faculty, HEO, or student panel by lottery.
- o. Each academic year, the chief student affairs officer, and her or his designee, shall appoint/identify one or more college employees to serve as presenters for the hearings. This list shall be forwarded to the Office of the Vice Chancellor for Student Affairs, and the Office of the General Counsel and Sr. Vice Chancellor for Legal Affairs prior to the first day of the academic year.
- p. 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.

Faculty-Student Disciplinary Committee Procedures:

- q. The following procedures shall apply to faculty-student disciplinary proceedings:

Hearing:

1. The chairperson shall preside at the hearing. The chairperson shall inform the respondent of the charges, the hearing procedures and her or his rights.
2. All faculty student disciplinary committee hearings are closed hearings unless the respondent requests an open public hearing. Notwithstanding such requests, the chairperson shall not permit an open hearing in cases involving allegations of sexual assault, stalking, or other forms of sexual violence. Furthermore, the chairperson has the right to deny the request and hold a closed hearing when an open public hearing would adversely affect and be disruptive to the committee's normal operations. In the event of an open hearing, the respondent must sign a written waiver acknowledging that those present will hear the evidence introduced at the hearing
3. After informing the respondent of the charges, the hearing procedures, and her or his rights, the chairperson shall ask the respondent to respond. If the respondent admits the conduct charged, the respondent shall be given an opportunity to explain her/his actions before the committee and the college shall be given an opportunity to respond and present evidence regarding the appropriate penalty. If the respondent denies the conduct charged, the college shall present its case. At the conclusion of the college's case, the respondent may move to dismiss the charges. If the motion is denied by the committee, the respondent shall be given an opportunity to present her or his defense.
4. 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 rule on the admissibility of the evidence and may exclude irrelevant, unreliable or unduly repetitive evidence. In addition, if any 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 from the hearing room all persons who are to appear as witnesses, except the respondent and the complainant.
5. The college shall make a record of each fact-finding hearing by some means such as a stenographic transcript, an audio recording or the equivalent. The college must assign a staff member for each hearing, with the sole responsibility of ensuring that the hearing is recorded in its entirety. No other recording of the proceedings may be permitted. A respondent who has been found to have

committed the conduct charged after a hearing is entitled upon request to a copy of such a record without cost upon the condition that it is not to be disseminated except to the respondent's representative or attorney. In the event of an appeal, both the respondent and the complainant are entitled upon request to a copy of such a record without cost, upon the condition that it is not to be disseminated except to their representatives or attorneys.

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. In the event the respondent is found to have committed the conduct charged, the committee shall then determine the penalty to be imposed.

8. The college, the respondent and the complainant are permitted to have lawyers or other representatives or advisors act on their behalf during the pendency of a disciplinary action, which shall include the calling and examining of witnesses, and presenting other evidence. Any party intending to appear with an attorney shall give the other party 5 (five) calendar days' notice of such representation.

9. The chairperson of the faculty-student disciplinary committee retains discretion to limit the number of witnesses and the time of testimony for the presentations by any party and/or their representative.

10. In the event that the respondent is charged with a sexual assault, stalking or other forms of sexual misconduct, neither the respondent nor the complainant shall be permitted to cross-examine the other directly. Rather, if they wish to, the respondent and the complainant may cross-examine each other only through a representative. If either or both of them do not have a representative, the college shall work with them to find a representative to conduct such cross-examination. In the alternative, the complainant and respondent may provide written questions to the chairperson to be posed to the witness.

11. In a case involving the CUNY Policy on Sexual Misconduct:

a) Evidence of the mental health diagnosis and/or treatment of a party may not be introduced.

b) Evidence of either party's prior sexual history may not be introduced except that (i) evidence of prior sexual history between complainant and respondent is admissible at any stage of the hearing, and (ii) past findings of domestic violence, dating violence, stalking, or sexual assault may be admissible in the stage of that hearing related to penalty

Penalty Phase:

12. If the respondent has been found responsible, then all parties may introduce evidence related to the respondent's character including any past findings of a respondents' responsibility for domestic violence, stalking, or sexual assault or any other sexual violence. The College may introduce a copy of the respondent's previous disciplinary record; including records from any CUNY institution the respondent has attended, where applicable, provided the respondent was shown a copy of the record prior to the commencement of the hearing. The previous disciplinary record shall be submitted to the committee in a sealed envelope, bearing the respondent's signature across the seal, and shall only be opened if the respondent has been found to have committed the conduct charged. The previous

disciplinary records, as well as documents and character evidence introduced by the respondent, the complainant, 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. The complainant and respondent may also provide or make an impact statement. Such evidence and impact statements shall be used by the committee only for the purpose of determining an appropriate penalty if the charges are sustained.

Decision:

13. The committee shall deliberate in closed session. The committee 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.

14. The respondent shall be sent a copy of the faculty-student disciplinary committee's decision within seven (7) calendar days of the conclusion of the hearing, by regular mail and e-mail to the address appearing on the records of the college. In cases involving two or more complainants or respondents, the respondent shall be sent a copy of faculty-student disciplinary committee's decision within fourteen (14) calendar days of the conclusion of the hearing. The chief student affairs officer is also encouraged to send the decision to any other e-mail address that he or she may have for the respondent. The decision shall be final subject to any appeal. In cases involving a crime of violence or a non-forcible sex offense, as set forth in FERPA, the complainant shall simultaneously receive notice of the outcome of the faculty-student disciplinary committee's decision as it relates to the offense(s) committed against the complainant, in the same manner as notice is given to the respondent.

15. 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 respondent shall be barred from admission to, or attendance at, any other unit of the university while the penalty is being served.

Appeals:

16. A respondent or a complainant may appeal a decision of the faculty-student disciplinary committee to the president on the following grounds: (i) procedural error, (ii) newly discovered evidence that was not reasonably available at the time of the hearing, or (iii) the disproportionate nature of the penalty. The president may remand for a new hearing or may modify the penalty either by decreasing it (on an appeal by the respondent) or increasing it (on an appeal by the complainant). If the president is a party to the dispute, her/his functions with respect to an appeal shall be discharged by an official of the university to be appointed by the chancellor or her or his designee. If the penalty after appeal to the president is one of dismissal or suspension for one term or more, a respondent or a complainant may appeal to the board committee on student affairs and special programs. The board may dispose of the appeal in the same manner as the president.

17. An appeal under this section shall be made in writing within fifteen (15) calendar 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 the board committee as the case may be. Within three (3) calendar days of the receipt of any appeal, either to the president or the board committee on student affairs and special programs, the non-appealing party shall be sent a written notice of the other party's appeal. In addition, the respondent and/or the complainant shall have the opportunity to submit a written opposition to the other party's appeal within fifteen (15) calendar days of the delivery of the notice of receipt of such appeal.

18. The president shall decide and issue a decision within fifteen (15) calendar days of receiving the appeal or within fifteen (15) calendar days of receiving papers in opposition to the appeal, whichever is longer. The board committee shall decide and issue a decision within five (5) calendar days of the meeting at which it hears the appeal.

Notations on Transcripts:

19. In cases in which a respondent has been found responsible for a Clery Act reportable crime of violence, the college must place a notation on her/his transcript stating that she/he was suspended or expelled after a finding of responsibility for a code of conduct violation. In all other cases, the college must place a notation of the findings and penalty on a respondent's transcript unless a mediation agreement under subparagraph e(2) herein, the determination of the chief student affairs officer or designee under subparagraph i herein, the committee's decision under subparagraph q(13) herein, or the decision on any appeal under subparagraphs q(16) - (18) herein expressly indicate otherwise.

20. A notation of expulsion after a respondent has been found responsible for a Clery Act reportable crime of violence shall not be removed. In all other cases, a notation of expulsion, suspension or any lesser disciplinary penalty shall be removed, as a matter of right, upon the request of the respondent to the Chief Student Affairs Officer made, four years after the conclusion of the disciplinary proceeding or one year after the conclusion of any suspension, whichever is longer. If a finding of responsibility for any violation is vacated for any reason, any such notation shall be removed.

SECTION 15.5. ACTION BY THE BOARD OF TRUSTEES.

Notwithstanding the foregoing provisions of this article, the board of trustees reserves full power to suspend or take other appropriate action against a student or a student organization for conduct which impedes, obstructs, or interferes with the orderly and continuous administration and operation of any college, school, or units of the university in the use of its facilities or in the achievement of its purposes as an educational institution in accordance with procedures established by the board of trustees.

SECTION 15.6. 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) regular, voting members and up to six (6) alternates, its governing documents are approved by the college president and the below requirements are met. Notwithstanding the foregoing, a college association that is not separately-incorporated may have a governing board of thirteen (13) members consisting of the individuals listed in 1(i) through 1(iv) below, plus one additional administrative member and one additional faculty member, and is not required to have the audit committee referenced in 3 below:
 1. The governing board of the college association is composed of:
 - (i) The college president or his/her designee as chair.
 - (ii) Two administrative members and one administrative alternate, appointed by the college president.
 - (iii) Two faculty members and up to two faculty alternates appointed by the college president from a panel whose size is twice the number of seats (including the alternates) to be filled and the panel is elected by the appropriate college faculty governance body.
 - (iv) Six student members and up to three student alternates 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.
 - (v) Two independent directors appointed by the college president. An independent director shall be a former employee of the college or the association, a college alum, a community member, or any other individual, who, pursuant to Section 102 of the Not-for-Profit Corporations Law: (A) has not been within three years of his or her appointment to the governing board of the association, an employee of the association, CUNY or the Research Foundation of CUNY; and (B) does not have a relative who is, or has been within three years of the individual's appointment to the governing board, a key employee of the association, CUNY or the Research Foundation of CUNY; and (C) has not received, and does not have a relative who has received, in any of the three fiscal years prior to the individual's appointment to the governing board, more than \$10,000 in direct compensation from the association, CUNY or the Research Foundation of CUNY (other than reimbursement for expenses reasonably incurred as a director or reasonable compensation for service as a director as permitted by the Not-for-Profit Corporations Law); and (D) is not a current employee of or does not have a substantial financial interest in, and does not have relative who is a current officer of or has a substantial financial interest in, any entity that has made payments to, or received payments from, the association, CUNY or the Research Foundation of CUNY for property or services in an amount which, in any of the three fiscal years prior to the individual's appointment to the governing board,

exceeds the lesser of \$25,000 or 2% of such entity's consolidated gross revenues. For purposes of this definition, "payment" does not include charitable contributions.

(vi) The alternates may attend meetings of the governing board, and each shall be entitled to vote on such matters that come before the governing board to the extent that the alternate is substituting for an absent member of the same constituency.

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. Every separately-incorporated college association shall have an audit committee consisting of the two independent directors and one student member elected by the governing board who meets the criteria for independence set forth in 16.5.(b)(1)(v)(A) through (D). The audit committee shall oversee the accounting and financial reporting processes of the association and the audit of the association's financial statements and shall have such other duties as set forth in Section 712-a of the Not-for-Profit Corporations Law.
4. 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 CORPORATION.

- a. The auxiliary enterprise corporation 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 reviewed by the auxiliary enterprise corporation prior to expenditure or execution.
- b. The auxiliary enterprise corporation 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, and two independent directors.
 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 independent directors are appointed by the college president. An independent director shall be a former employee of the college or the auxiliary enterprises corporation, a college alum, a community member, or any other individual, who, pursuant to Section 102 of the Not-for-Profit Corporations Law: (A) has not been within three years of his or her appointment to the governing board of the auxiliary enterprises corporation, an employee of the auxiliary enterprises corporation, CUNY or the Research Foundation of CUNY; and (B) does not have a relative who is, or has been within three years of the individual's appointment to the governing board, a key employee of the

auxiliary enterprises corporation, CUNY or the Research Foundation of CUNY; and (C) has not received, and does not have a relative who has received, in any of the three fiscal years prior to the individual's appointment to the governing board, more than \$10,000 in direct compensation from the auxiliary enterprises corporation, CUNY or the Research Foundation of CUNY (other than reimbursement for expenses reasonably incurred as a director or reasonable compensation for service as a director as permitted by the Not-for-Profit Corporations Law); and (D) is not a current employee of or does not have a substantial financial interest in, and does not have relative who is a current officer of or has a substantial financial interest in, any entity that has made payments to, or received payments from, the auxiliary enterprises corporation, CUNY or the Research Foundation of CUNY for property or services in an amount which, in any of the three fiscal years prior to the individual's appointment to the governing board, exceeds the lesser of \$25,000 or 2% of such entity's consolidated gross revenues. For purposes of this definition, "payment" does not include charitable contributions.

6. The auxiliary enterprises corporation shall have an audit committee consisting of the two independent directors and one student member elected by the governing board who meets the criteria for independence set forth in 16.10.(b)(5)(A) through (D) . The audit committee shall oversee the accounting and financial reporting processes of the auxiliary enterprises corporation and the audit of the auxiliary enterprises corporation's financial statements and shall have such other duties as set forth in Section 712-a of the Not-for-Profit Corporations Law.

7. The governing documents of the auxiliary enterprise corporation 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 CORPORATIONS.

- 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 corporation 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:

- a. "**Board**" means the board of trustees of the city university of New York.
- 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.