

BYLAWS – VERSION DATED 04/10

(Approved by council May 31, 2001, w/amendments approved by council May 15, 2007 April 15, 2008, and April 13, 2010)

PREAMBLE

These bylaws have been developed to define procedures necessary for orderly functioning of the college council and other bodies described in the college constitution and should be read along with that document.

I COLLEGE-WIDE ELECTIONS OF INTERNAL ORGANIZATIONS

A. DELEGATE-AT-LARGE TO COLLEGE COUNCIL

1. Composition, eligibility, and terms of office are contained in part I article II of the college constitution.
2. Elections shall be held during the spring semester and will end before the penultimate meeting of college council for the academic year. The times and places of elections shall be designated on a notice of elections circulated to the instructional staff by the office of instructional staff relations.
3. Each candidate shall be required to submit a nominating petition containing the signatures of twenty-five eligible voters.
  - a. Nominating petitions shall be obtained from and hand delivered to the place designated on a notice of elections circulated to the instructional staff by the office of instructional staff relations. .
  - b. Nominating petitions must be submitted by the date specified on the notice of elections.
  - c. Nominating petitions may be withdrawn up to twenty-four hours prior to the opening of the election process. A list of candidates shall be on each ballot.
4. The legislative committee shall confirm the eligibility of all candidates.
5. A notice of election shall be prepared and circulated by the office of instructional staff relations at least ten working days prior to the due date for petitions.
  - a. The names of candidates for each office shall be placed on the ballot. The chair of the legislative committee or a member of that committee designated by the chair shall check the ballot for accuracy before the election begins. The ballot shall clearly state the number of positions being voted for.
  - b. The office of instructional staff relations shall distribute the list of candidates to all eligible voters at least five working days before the election at a time when classes are in session.
  - c. The election shall be conducted for five consecutive working days at the designated place with the polls open continuously from 9:30am to 4:30pm.
  - d. The elections shall be by secret ballot.
  - e. Voters shall initial the voter list before casting their ballots.
  - f. Tie votes for all college-wide elections shall be broken by the drawing of lots.
6. The office of instructional staff relations shall post a list of the election results at

the polling sites within five working days after the close of all elections. The results should include how many delegate positions were up for election, how many votes each candidate received, how many ballots were cast, which candidates were elected and the length of their term. Full three year terms shall be given to candidates by order of the number of votes received with ties decided by drawing of lots. Shorter terms (electing replacements for vacancies of longer than one year) shall go to candidates with fewer votes.

7. Those candidates who were not elected will form the list of alternates. In the event that any elected delegate-at-large is either on leave, or otherwise unable to fulfill all their duties, then during that academic year the vacancy shall be filled from the list of alternates in order of the number of votes received with ties decided by the drawing of lots. The vacancy shall either be for the balance of the semester or for the remainder of the academic year. Incumbents shall return to their positions for the remaining time of their original term. Delegates who become unavailable for more than one academic year shall be replaced initially by an alternate (if available) and then for the remainder of their term as per the procedures noted in paragraph 6 above.
8. In the event there are an insufficient number of alternates to fill vacancies, an early election can be called by a motion of college council. This election will be held for all vacancies not yet filled by alternates. Candidates for this election will not be required to file signatures with their petitions. Those elected will serve the full remaining term. Runners-up in this election will form a new list of alternates for the remainder of the academic year.

#### B. STUDENT DELEGATES TO COLLEGE COUNCIL

1. Composition, eligibility, and term of office are contained in part I article II section B(1) of the college constitution.
2. On or before six weeks prior to the election, the office of enrollment management and student affairs shall submit a written request to each academic dean asking for the names of at least six students from programs of departments in their school. These students shall have demonstrated an interest in serving as student delegates to the college council.
3. Two weeks after the written request is made the school deans shall direct the candidates to report to the office of enrollment management and student affairs for applications and election information packets. Their completed applications shall be returned to the office of enrollment management and student affairs by the posted deadline.
4. In compliance with regulations in the Student Election Handbook the names of these nominees shall be sent to the office of enrollment management and student affairs by the beginning of April to be placed on the SGA ballot.
5. At the time of the SGA elections, four delegates and two alternates from each school shall be elected from this group by plurality vote. Tie votes shall be broken by the drawing of lots.
6. Student delegates shall serve for one academic year.
7. The elected delegates to the college council and their alternates shall be notified in writing of their election within five working days after the completion of the election. Notification shall be sent by the office of enrollment

- management and student affairs to the students' college e-mail addresses.
8. Within five working days of the election the office of enrollment management and student affairs shall submit the names of the elected student delegates to the college council secretary and the school deans.
  9. Immediately following the the election of the committee on committees for the upcoming academic year (see article III section E below) the secretary of the college council shall forward the list of student members to the newly elected chair of the committee on committees. The committee on committees shall assign the students to specific committees .
  10. The names and college e-mail addresses of the student delegates shall be forwarded by the committee on committees to the appropriate college council standing committee chairperson and secretary within ten days of their election who will then communicate with the student delegate as they would the other members of the standing committee: they will be informed of meeting times and locations, and be sent minutes and agendas for all meetings of the standing committee.
  11. It is recommended that the committee chairperson assign one council member to each student delegate to provide an on-going mentor.
  12. Vacancies:  
If a vacancy occurs or insufficient candidates come forward before the election deadline student delegates to college council shall be appointed as follows.
    - a. The dean of the school in which the vacancy occurs, with appropriate faculty input, shall recommend one or more interested students to the vice president of enrollment management and student affairs.
    - b. The vice president of enrollment management and student affairs will select candidate(s) from among the students recommended by the dean.
    - c. The new student delegates' names will be submitted to the secretary of college council who will forward them to the chair of the committee on committees. They will then be assigned to a standing committee as in paragraph B.10 above.Students selected by this process shall serve until the end of the regular elected term.

#### C. FACULTY-STUDENT DISCIPLINARY COMMITTEE AND ACADEMIC INTEGRITY COMMITTEE

The CUNY Policy 1.3 on Academic Integrity adopted by the Board of Trustees on June 28, 2004 sets forth definitions and examples of academic dishonesty, methods for promoting academic integrity, and procedures for reporting suspected incidents of academic dishonesty and for imposing sanctions should a student be found in violation of the policy. The composition of the academic integrity committee and procedures the selection of its membership are to be found in part VII section B(1) of the college governance plan. Details of procedures not covered in CUNY Policy 1.3 are found in part VII sections B(2)-(5) of the college governance plan and in these bylaws.

The duties of the academic integrity officer are to be found in CUNY Policy 1.3 on Academic Integrity and in part VII section B(1) of the college governance plan.

The following procedures for implementing sanctions conform with the CUNY Bylaws, Article XV, Section 15.3, and due process rights as mandated by the Fourteenth Amendment to the U.S. Constitution. Consequently, any student has the right to be notified of any charges brought against him/her, and must be given the opportunity to be heard with respect to those charges regardless of whether or not the student accepts the academic sanction(s) put forth.

1. Forms of Academic Dishonesty

- a. **Cheating** is the unauthorized use or attempted use of material, information, notes, study aids, devices or communications during an academic exercise.
- b. **Plagiarism** is the act of presenting another person's ideas, research or writings as your own.
- c. **Internet plagiarism** includes submitting downloaded term papers or parts of term papers, paraphrasing or copying information from the internet without citing the source, and "cutting and pasting" from various sources without proper attribution.
- d. **Obtaining unfair advantage** is any activity that intentionally or unintentionally gives a student an unfair advantage in his/her academic work over another student.
- e. **Falsification of records and official documents** includes, but is not limited to, forging signatures of authorization and falsifying information on an official academic record.

For specific examples of these forms of academic dishonesty, see the CUNY Policy on Academic Integrity.

2. College Procedures

In determining if and what sanctions should be brought against a student, the instructor should consider the seriousness of the violation and any mitigating circumstances. The instructor should also consult the chairperson of their department.

An academic sanction generally means a reduced grade for the student, whether it is a reduced or failing grade for a single exam or assignment, or an automatic failing grade for the entire course. A disciplinary sanction constitutes a more severe sanction, such as suspension or expulsion of the student from the college. Only the academic integrity officer can ultimately make the decision to pursue disciplinary action against a student in addition to academic sanctions. The academic integrity officer's decision to pursue a disciplinary sanction would likely be made in the event of repeated or particularly egregious violations of academic integrity by a student.

Five possible scenarios could result from an instructor's claim that a student violated academic integrity policy. While the following gives details of the procedures for addressing these scenarios, the list should not be considered exhaustive.

- a. **Instructor seeks academic sanction and the student does not contest the academic sanction**
  - i. An instructor who suspects a student of committing a violation of the CUNY Policy on Academic Integrity first needs to assure that every effort has been made to review with the student the facts and circumstances of the case. The student must also be informed that the instructor will be seeking an academic sanction, whether the sanction is a reduced or failing grade for a single exam or assignment, or an automatic failing grade for the entire course. If the student refuses to meet with the instructor regarding this matter, then the instructor should make note of his or her attempts to contact the student.
  - ii. The instructor completes the Faculty Action Report Form (FAR form), and indicates that he/she is seeking only academic sanction. The original FAR form is then submitted to the academic integrity officer, and a copy of the FAR form is retained by the instructor.
  - iii. Within seven business days of receipt of the FAR form, the academic integrity officer must notify the student via certified mail of the academic integrity violation, and include along with a copy of the FAR form and the Notification of the Right to Appeal (NRA). If the student does not appeal the charges by giving written notice to the academic integrity officer within thirty business days of receipt of the FAR form and the NRA, then this shall indicate that the student does not contest the sanction. In the case that a student is appealing a final grade, then the thirty day period for filing an appeal for the spring semester and the summer semester begins on the first day of the fall semester following the one in which the grade was recorded. Students filing an appeal for the fall semester must do so within thirty days of the start of the spring semester following the one in which the grade was recorded. A student appealing a grade for an assignment must do so within thirty days of registered mail notification of the sanction. Should the student appeal be for an assignment that was given as a semester's end project, then the time period provided for appealing a final grade shall be used to calculate when the FAR form should be returned.
  - iv. The instructor's grade stands The faculty member shall inform the Academic Integrity Officer of the resolution via email and the Officer shall update the applicable Faculty Report Form to reflect that resolution.
- b. **Instructor seeks an academic sanction and student denies the academic dishonesty**
  - i. Steps a (i) through a (iii) are taken. Even if the instructor has issued no grade penalty against a student and has simply reported the violation to the academic integrity officer on the FAR form, a student could still appeal the record of the charge (FAR form) that has been placed in his/her confidential file.
  - ii. If the academic integrity officer receives the student's written statement appealing the charges, he/she shall then convene a hearing by the academic integrity committee to be scheduled within forty five days of receipt of the student's appeal. The academic integrity officer will also

notify the registrar to change the current grade of the student to “PEN.” The student is notified of the grade change within seven business days by the academic integrity officer, and the student, the instructor and the instructor's department chair are notified of any relevant dates with regard to the hearing of the appeal by the academic integrity committee.

- iii. In order to make its determination, the academic integrity committee has the authority to interview all persons involved in the academic integrity violation, and to review any documentation the committee deems necessary to make its final decision. The student has the right to argue his/her case before the academic integrity committee and bring relevant evidence and witnesses for his/her defense in accordance with the NYCCT and CUNY bylaws.
  - iv. If the academic integrity committee finds that the student is not in violation of the CUNY Policy on Academic Integrity, then the FAR form and all other material relating to the matter are destroyed. The academic integrity officer, in consultation with the instructor, and no later than seven business days after the academic integrity committee's ruling, submits a change of grade reflecting the elimination of the grade penalty to the registrar, whether the penalty was a reduced or failing grade for a single exam or assignment, or whether the sanction is an automatic failing grade for the entire course. Should the student believe that the adjusted grade is unfair, the student can follow the college's grade appeal process.
  - v. If the academic integrity committee finds that the student is in violation of the CUNY Policy on Academic Integrity, then the academic integrity officer informs the registrar's office, the student, the instructor, and the department chairperson of the change of grade from “PEN” to the grade originally submitted by the instructor. The academic integrity officer keeps a record of all information regarding the violation in a confidential file.
  - vi. The decision of the academic integrity committee is final.
- c. **Instructor seeks an academic sanction, and student admits the academic dishonesty but contests the sanction**
- i. Steps a (i) through a (iii) are taken.
  - ii. The student may appeal the academic sanction through the college's grades appeal process.
- d. **The academic integrity officer, in consultation with the instructor, seeks both academic and disciplinary action against the student**
- i. The academic integrity officer must decide within seven working days of receipt of the FAR form from the instructor to decide whether to pursue both the academic and disciplinary sanction against the student. The academic integrity officer must then submit any charges, accusations or allegations in writing and in complete detail to the office of the vice president of enrollment and student affairs who will conduct a preliminary investigation as per Article XV, Section 15.3 of the bylaws of the board of trustees of the City University of New York. Only the faculty-student disciplinary committee can determine whether or not formal disciplinary

- action will be taken against a student.
- ii. If the vice president for enrollment and student affairs does not prefer formal disciplinary charges or the faculty-student disciplinary committee decides not to hear a case against a student for disciplinary action submitted by the academic integrity officer, the vice president for enrollment and student affairs or the chair of the faculty-student disciplinary committee (as applicable) gives written notice to the student and the academic integrity officer of the decision not to seek disciplinary action but reminds them that the academic sanction and FAR form remain. The student may then appeal according to the procedures already set forth in sections b and c or accept them as in section a.
  - iii. If the faculty-student disciplinary committee decides to hear the case, the faculty-student disciplinary committee chair changes the student's grade to PEN, and the faculty-student disciplinary committee's long-established procedures go into effect, in accordance with the NYCCT Bylaws and Article XV, Section 15.3 of the CUNY Bylaws. The faculty-student disciplinary committee informs the student of the proceedings, the dates and times, and the student's rights and responsibilities. Since any decision to pursue disciplinary charges against a student results automatically in an faculty-student disciplinary committee hearing, the student has the opportunity to present his/her defense, including relevant evidence and witnesses, at this hearing according to the procedures set forth in college bylaws.
  - iv. The faculty-student disciplinary committee meets to determine the outcome of academic and disciplinary sanctions. If the faculty-student disciplinary committee determines that no academic or disciplinary sanction is warranted, then the academic integrity officer is advised, and all information pertaining to the matter in the student's confidential file is destroyed. If applicable, the academic integrity officer shall then confer with the instructor with regard to changing the PEN grade to a grade reflecting no penalty. The PEN grade change shall be submitted to the registrar no later than seven business days from the date the academic integrity officer is notified by the faculty-student disciplinary committee of its decision. Should the student find that the grade submitted is unfair, then he/she can appeal through the grade appeals process.
  - v. If the faculty-student disciplinary committee decides that only academic sanction is warranted, or only disciplinary sanction is warranted, or both academic and disciplinary action is warranted, then it is the responsibility of the faculty-student disciplinary committee chair to advise the student, the instructor, the department chair, and the academic integrity officer of the outcome. If the academic sanction is upheld, the faculty-student disciplinary committee chair must change the student's PEN grade back to the grade with penalty originally submitted by the instructor. In the unlikely event that the faculty-student disciplinary committee decides that only a disciplinary action is warranted but not an academic sanction, then it is the responsibility of the faculty-student disciplinary committee chair, in consultation with the academic integrity officer and the instructor, to change the PEN grade to a grade without penalty within seven days of

notice of this action by the faculty-student disciplinary committee chair. In either case, if the disciplinary sanction is upheld, the faculty-student disciplinary committee chair then imposes the disciplinary sanction. In accordance with the bylaws, the student may appeal the decision of the faculty-student disciplinary committee to the president of the college.

**e. The student withdraws from the class while or after academic and/or disciplinary charges are made**

- i. A student may not circumvent the academic integrity process by withdrawing from a class. In the instance where an instructor seeks an academic sanction, or the academic integrity officer seeks both academic and disciplinary sanctions, a student's withdrawal from that course does not serve as a shield against a violation of academic integrity. In this case the procedures outlined in a, b, and/or c are followed accordingly.

**D. APPEALS COMMITTEE FOR RESOLUTION OF STUDENT COMPLAINTS ABOUT FACULTY IN ACADEMIC SETTINGS**

1. Three faculty will be elected to serve a one year term on appeals committees for resolution of student complaints about faculty in academic settings. They shall be elected by members of college council. The election shall be held in the first meeting of college council in the fall semester.
2. Any full time, tenured faculty member of rank of associate professor or higher is eligible for nomination. In particular, being a member of college council is not a requirement to serve in this capacity.
3. Three candidates shall be elected by a plurality of votes with the proviso that no two members of the appeals committee will be from the same department. If more than one member of a single department runs only the candidate with the most votes will be elected.
4. For any case under appeal two of the three members will sit on the appeals committee.
5. If the appeals committee is considering a case involving a faculty member from the same department as one of the appeals committee members that member will recuse themselves from the appeals procedure.
6. If the three appeals committee members are all from different departments than the faculty member involved in the case two appeals committee members will be chosen by lot.
7. No faculty member shall serve more than three consecutive terms.

**E. PERSONNEL APPEALS COMMITTEE**

1. The function, composition, and eligibility for membership in this committee are contained in part IV of the college constitution.
2. Members of the personnel appeals committee shall serve for two years.
3. Elections shall be held during the fall semester at the times and places designated on a notice of elections circulated to the instructional staff by the office of instructional staff relations..



4. Each candidate shall be required to submit nominating petitions containing the signatures of ten eligible voters.
  - a. Nominating petitions shall be obtained from and hand delivered to the place designated on the notice of elections.
  - b. Nominating petitions must be submitted by the date specified on the notice of election.
  - c. Nominating petitions may be withdrawn up to twenty-four hours prior to the opening of the election process. A notice of names withdrawn shall be posted next to every ballot box.
5. The legislative committee shall confirm the eligibility of all candidates.
6. The notice of election shall be prepared and circulated by the office of instructional staff relations for at least ten working days prior to the date the nominating petitions are due.
  - a. The names, department/unit, and school/unit of nominees shall be placed on a paper ballot. A member of the legislative committee shall initial this ballot for accuracy. The office of instructional staff relations shall distribute the list of nominees to all eligible voters at least five working days (when classes are in session) before the election.
  - b. The elections shall be conducted for five consecutive working days at the designated place, with the polls open continuously during the hours specified on the notice of election.
  - c. The elections shall be by secret ballot.
  - d. Voters shall initial the voter list before casting the ballot.
  - e. Tie votes for all college-wide elections shall be broken by the drawing of lots.
  - f. If more than one candidate from one department or unit runs, only the one with the most votes will be elected with ties broken by the drawing of lots.
7. The office of instructional staff relations shall post a list of the election results at the polling sites within five working days after the close of all elections. The results will include total number of votes, the number of votes for each candidate and their department.
8. If a vacancy of less than an academic year occurs, the runner-up in the election shall fill the vacancy for the unexpired term. If there was no runner up or if the runner up is from the same department as a current member of the committee or if the vacancy is for an academic year or longer, a new election shall be held for the balance of the term.
9. Any person wishing to file an appeal must notify the chair of the committee in writing within five working days of receipt of notification of the recommendation or decision in question. The appellant, within five additional working days, must then forward to the chair of the committee a statement indicating the basis for the appeal together with all supporting evidence. Individuals appealing a recommendation of non-reappointment may be permitted additional time at the discretion of the chair of the personnel appeals committee.
10. When the statement of appeal, together with all supporting documentation, is filed with the chair of the personnel appeals committee all members are so notified and directed to make arrangements to examine the materials in question as well as the personnel file of the appellant. After this examination is completed, a meeting of the committee is scheduled to discuss and assess the merits (or the absence of merit) of the appeal. Six members of the committee constitute a quorum. Should

a vacancy exist on the committee, a quorum shall be five members until such time as a new member is seated. Under no circumstances shall the committee deliberate with fewer than five members.

11. If, after examination of the documentation, no member of the committee indicates a need for further review, the matter is closed. The appellant and the college president are informed in writing that, after a full examination of the appeal together with the evidence presented, it is the judgment of the personnel appeals committee that the appeal has no merit. If, however, at least one member of the committee (other than a member from the department of the appellant) indicates that the content of the written documentation presents some questions or merits further consideration, the appeal is then reviewed by the full committee. Appearances by the appellant or any other witnesses are at the discretion of the committee. The written appeal should be shared with any individual who is asked to appear before the committee. All actions by the committee (apart from the decision to review the case) shall be decided by a simple majority. Committee members who wish to recuse themselves shall not be included in the computation of the simple majority.
12. All discussions by and written reports of the committee must remain confidential. Minutes and recommendations to the college president shall be given to the provost's office for typing and filing in a confidential folder and not in the appellant's personnel file. Final recommendations by the committee shall be advisory to the president and will indicate whether or not the appeal has merit and will state the basis for this recommendation. In no instance will the committee recommend that a specific personnel action be taken. Notice of action taken by the committee shall be transmitted in writing by the chair of the personnel appeals committee to the college president and to the appellant. Minority opinions are to be transmitted to the college president through the chair of the committee. The personnel appeals committee members should be informed of the college president's decision via its chairperson.

## II COLLEGE - WIDE ELECTIONS - EXTERNAL ORGANIZATIONS

All conditions stated in Section I (Elections) of these bylaws shall prevail for elections for CUNY faculty senate and faculty student association board of directors except where the constitution or bylaws of the external body differ. In that case, the rules of the external body shall prevail.

## III COUNCIL ELECTIONS

The first meeting of the newly constituted college council shall be the organizational meeting. The first order of business shall be the election of the following officers of the council (in this sequence): chair, vice-chair, secretary, and parliamentarian. The next order of business shall be the election of standing committee chairs and secretaries. These elections will be run by the members of the committee on committees. All council elections of officers shall be by a majority vote of the council members present as specified in part I article III of the college constitution. All elections of chairs and secretaries of standing committees shall be by a majority vote of those present but require

a quorum of a majority of the membership of the standing committee in question in order to be held. The organizational meeting of the new council shall be held after the final meeting of the existing council and prior to commencement. The term of office of council members (except for students) shall be from commencement to commencement.

#### A. CHAIR OF THE COUNCIL

1. The first council officer to be elected shall be the chair. Only council members are eligible to run and serve.
2. The election of the chair shall be by secret ballot unless there is only one nominee, then election may be by acclamation.
3. The term of office for the council chair will be one academic year. No one may serve more than three consecutive terms.
4. Should the elected chair be unable to perform the duties of office, the vice-chair shall act as chair pro-tem.
5. Should a vacancy occur for the office of chair of the council, the vice-chair will become chair. At the next regularly scheduled council meeting an election for vice-chair shall be held following procedures in III B, below.

#### B. VICE-CHAIR OF THE COUNCIL

1. The second council officer to be elected shall be the vice-chair. Only council members are eligible to run and serve.
2. This election shall also be by secret ballot unless there is only one nominee; then election may be by acclamation.
3. The term of office for the council vice-chair will be one year. No one may serve more than three consecutive terms.
4. Should a vacancy occur for the office of vice-chair of the council, an election for vice-chair shall be held at the next regularly scheduled council meeting.

#### C. SECRETARY OF THE COUNCIL

1. The third council officer to be elected shall be the secretary of the council. Only council members are eligible to run and serve.
2. This election shall be by secret ballot unless there is only one nominee; then the election may be by acclamation.
3. The term of office for the secretary will be one year. No one may serve more than three consecutive terms.
4. Should a vacancy occur for the office of secretary to the college council, the council chair shall appoint a member of the council to serve until the next regularly scheduled council meeting. At this meeting the vacancy shall be filled for the unexpired term by a council election following the procedures already established for election to this office.

#### D. PARLIAMENTARIAN

1. The fourth council officer to be elected shall be the parliamentarian.
2. This election shall be by secret ballot unless there is only one nominee; then the

election may be by acclamation.

3. The parliamentarian may or may not be a member of the council. Eligibility to run and serve is the same as eligibility to run and serve for the position of delegate at large to the college council.
4. The term of office shall be one year. No one may serve more than three consecutive terms.
5. Should a vacancy occur for the office of parliamentarian of the college council, the chair of the council shall appoint a parliamentarian to serve until the next regularly scheduled council meeting. At this meeting the vacancy will be filled for the unexpired term by a council election following the procedures already established for election to this office.

#### E. COMMITTEE ON COMMITTEES

1. The election of the committee on committees shall take place no later than the penultimate meeting of the college council, but after the election of delegates-at-large and departmental delegates has taken place. This election shall be by secret ballot unless there are only five nominees in which case the election may be by acclamation.
2. The term of office for members of the committee shall be one year. Members may not serve more than three consecutive terms.
3. The committee shall consist of five delegates to the council for the upcoming academic year and shall perform the duties indicated in the college council constitution, Part I Article V Section C.

#### F. STANDING COMMITTEES

1. The first meeting of each of the six newly constituted standing committees shall be during the college council's organizational meeting. Each such meeting shall be called and conducted by a designee of the committee on committees immediately following the election of officers of college council.
2. The first order of business shall be the election of a chairperson.
3. The second order of business shall be the election of a secretary.
4. The term of office for the chairperson and the secretary shall be one year in accordance with Part I Article V,D 1. No one may serve for more than three consecutive terms in each office.
5. Each standing committee of college council shall set up a timetable for investigating, evaluating and resolving, in a timely manner, all issues/proposals/items brought before the committee. Included in the timetable should be a specific mechanism for dealing with priority and/or emergency items.

### IV DEPARTMENTAL ELECTIONS

#### A. ELECTION OF CHAIRPERSON

Except in the case of a resignation or other unusual circumstances the nominations for this election shall be held in April and the election itself in the first week of May with the exact dates to be determined by the legislative committee.

1. The department chairperson shall be a professor, associate professor or assistant professor and must be tenured or approved for tenure at the time of the election.
2. Nominations will take place in a duly designated location with the approval of the legislative committee and will be accepted during two working days from 9:30 a.m. to 4:30 p.m.
3. All voting members of a department as defined in part II, section A of the college constitution, shall have the opportunity to nominate a candidate by a closed ballot.
4. Elections will take place at least five working days after nominations have been closed.
5. Voting will take place in a duly designated location with the approval of the legislative committee for two working days from 9:30 a.m. to 4:30 p.m.
6. Members of the department who are eligible to vote and are on leave from the college shall vote only at the polling places designated on the election notice. Proxy or mail ballots are not permitted.
7. The election shall be held by closed ballot. Write in ballots shall be permitted.
8. Election shall be determined by a majority vote of all instructional staff members in the department who are eligible to vote.
9. Members of the department, including candidates, may be present to observe the counting of the ballots. Only members of the legislative committee who are not members of the department and appropriate administrative personnel may examine and count the ballots.
10. Where no member of a department receives a majority of the votes of the entire eligible membership of that department, a runoff election shall be held between the two individuals receiving the highest number of votes.
11. In the event of a tie for first place, these candidates shall have a runoff election.
12. In the event of a tie for second place, the candidates shall have a separate runoff election for second place with the winner of that election then eligible to run against the candidate in first place.
13. The election will be administered by the office of instructional staff relations and will be monitored by the legislative committee of the college council.
14. Any vacancy of an unexpired term for chairperson of a department shall be filled by the holding of an election for the unexpired portion of the current term. The same procedures used for the initial or regular election shall be followed.
15. Where the president of the college does not approve the outcome of a departmental election, he/she will conform to section 9.1.c of the bylaws of the board of trustees of the City University of New York.

## B. COMMITTEES ON APPOINTMENTS

Members of the committee on appointments must be elected by a majority vote of all instructional staff members in the department who are eligible to vote.

1. The department appointments committee must consist of the department chair and four members of the department. At most one untenured member (department chair included) may be elected to this committee.
2. Eligibility to serve shall be determined on the basis of the instructional staff as defined in part II section B of the college constitution.
3. Nomination and election of the appointments committee shall be held at a departmental meeting. The agenda for such meeting shall be announced at least

- five working days in advance.
4. A list of each member of the department stating if they are or are not eligible to vote, and if they are or are not eligible to serve shall be circulated at least five days before the meeting at which nomination and election of the appointments committee is to take place. This list shall designate those members of the department who are on leave.
  5. Election of any nominee requires the votes of a majority of the eligible members of the department.
  6. The election will be conducted by one or more members of the legislative committee if requested by any member of the department who is eligible to vote.
    - a. A roll call of members of the department eligible to vote shall be made before nominations begin. Inaccuracies in the circulated list should be addressed and settled at this time.
    - b. All voting members of a department present at the meeting at the time when nominations are held shall have the opportunity to nominate candidates for the appointments committee by a closed nomination slip.
    - c. Eligible members of a department who are on leave are eligible to nominate if they are present at the meeting when nominations are held.
    - d. All nominees shall be polled for their acceptance before the ballots are prepared. Persons who are not present at the meeting may not be nominated.
    - e. Elections will occur at the same meeting after nominations are complete.
    - f. Elections will be by closed ballot.
    - g. Balloting will continue until four candidates are elected by a majority vote of all instructional staff members in the department who are eligible to vote, or until one hour has passed, whichever occurs first. Members of the department on leave are not counted as eligible to vote for this purpose unless they are present at the meeting. In the event that four candidates are not elected, any nominee who has not received a majority of the votes cast by the eligible voters shall have the option to participate in a runoff election or to withdraw his/her name except that for each succeeding ballot, the candidate with the least number of votes on the preceding polling shall be dropped from the ballot. In the event of a tie for lowest position, there shall be a drawing of lots between/among these candidates to determine whose name shall be deleted.
    - h. In the event that there is only one nominee after a candidate is dropped, then all candidates are dropped and a new round of nominations shall take place before further voting occurs. If the number of candidates is less than the number of positions to be elected another round of nominations will be held without dropping those who have already been nominated.
  7. In the case of a vacancy those elected shall hold the position for the remainder of the term, unless the vacancy was for one year or less, in which case the person originally elected will return to the position after the leave has ended.

#### C. DEPARTMENT / UNIT DELEGATES

This includes the counseling department, library, and continuing education, college laboratory technicians (CLT) unit, and higher education officer (HEO) unit as well as academic departments.

1. A department or unit delegate must be eligible to serve on the college council as

- defined in part I article II section B of the college constitution.
2. A department delegate shall be elected by a plurality of all instructional staff members in the department who are eligible to vote.
  3. Members of the faculty who are on leave from the college are eligible to vote only if they do so at the designated polling places. Proxy or mail voting is not permitted.
  4. All members of a department / unit eligible to vote may nominate any eligible member of that department / unit for delegate by means of a closed nomination ballot.
  5. All nominations for department / unit delegate to the council will be held from 9:30 a.m. to 4:30 p.m. in the office of instructional staff relations. All elections for department / unit delegate to the council will be held for two consecutive working days from 9:30 a.m. To 4:30 p.m. in the office of instructional staff relations.
  6. Elections will be held by closed ballot. If a tie vote occurs, there will be a runoff election between the two individuals.
  7. If the number eligible to serve is equal to the number of delegates, the election will not be held. Those eligible will become the delegate(s).
  8. If a department / unit does not have an eligible person, an ineligible person may not serve even though the department / unit may be entitled to a delegate.
  9. Vacancies shall be filled by the department for the unexpired portion of the term by election within the department if a delegate resigns or is unable to act as delegate for more than one semester. If the vacancy is for one-semester or less it shall be filled by a runner-up on a ranked list from the last election until the incumbent returns. If the runner-up is unable to fill the position then the department shall elect a temporary replacement.
  10. If the size of a department / unit declines, the additional delegate serving in the council will finish his/her term. Every three years the legislative committee shall evaluate each department / unit for size eligibility in accordance with part I article II, section A paragraph 2. The re-evaluation will occur before the department / unit elections occur.
  11. If a nominee for departmental delegate is also elected as a delegate-at-large they shall resign as departmental delegate and the department will hold a new election to replace them.

## V CRITERIA FOR DETERMINING COLLEGE COUNCIL COMMITTEE ASSIGNMENTS

- A. The committee on committees will make every effort to give council members their first choice, subject to consideration of the following criteria.
  1. All members of the following academic years' college council will receive a standing committee preference sheet at least five (5) working days prior to the penultimate meeting. The completed forms are to be returned to the Secretary of the council prior to or at the penultimate meeting of the council.
    - a. The preference form shall include a statement for ex-officio members to sign if they do not wish to serve on a standing committee of the council.
    - b. Any ex-officio member who does not complete and sign such a statement will be assigned to a standing committee.

- c. The secretary of college council shall forward to the chair of the committee on committees a list of the ex-officio members who do not wish to serve on a standing committee.
- d. A list of all ex-officio members who have chosen not to serve on a standing committee will be promulgated by the secretary of the college council for inclusion in the records of the council.
2. Whenever possible, membership of each standing committee will be balanced with respect to:
  - a. School/unit representation
  - b. Departmental representation
  - c. Ratio of department chairpersons to faculty/instructional staff
  - d. Ratio of administrative personnel to faculty
  - e. Service beyond six consecutive years on any one standing committee may be a basis for rotation.
  - f. Personal expertise
3. Membership of each standing committee will be sufficiently maintained to insure an effective working base and a smooth transition between each academic year.
4. Professional expertise of each council member will be matched with the responsibilities of the standing committee.

#### VI PROCEDURES FOR PLACING REPORTS TO COLLEGE COUNCIL ON THE AGENDA

- A. The PSC-CUNY welfare trustees and the CUNY faculty senators representing NYCCT will have access to the council floor during any regularly scheduled meeting by contacting the secretary to ensure placement on the agenda.
- B. Any group or individual having information that would affect the welfare of the college community shall also have access to the floor of the council under the good and welfare section of the agenda by contacting the secretary to ensure placement on the agenda.

#### VII EMERGENCY POWERS OF LEGISLATIVE COMMITTEE IN MATTERS PERTAINING TO ELECTIONS

- A. The legislative committee is empowered to make emergency decisions for any given election provided it is impossible to have a council meeting prior to the election. Any such decision will be forwarded to the executive committee for final approval.
- B. As soon as it is feasible the council will act on issues decided by the legislative committee in said emergency.

#### VIII AMENDMENT OF BYLAWS

- A. Proposals for bylaw amendments shall be submitted to the legislative committee before presentation to the college council.
- B. Proposed bylaw amendments must be announced at the college council meeting before the one where they are on the agenda.
- C. The legislative committee shall circulate written notice of the proposed amendments before the college council meeting where they are on the agenda.



*Revised college bylaws approved by college council April 13, 2010*

- D. Amendments to the bylaws require a 2/3 vote of the quorum present at a regularly scheduled college council meeting.