

Proposal: emergency revision to Bylaws, Departmental Elections, 03-10-2023

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Whereas OFSR no longer has the personnel or physical office configuration to conduct paper ballot elections

Whereas As of the 22-10-18 Legislative Committee (LC) meeting with the college lawyer she indicated that departmental meetings can be held remotely as they are not public meetings.

Whereas the majority departments requesting election support for from the legislative council have indicated the need for online voting to;

1. facilitate participation.
2. ensure quorum.
3. facilitate a broad pool of candidates.

To facilitate the election of departmental offices the Legislative Committee (LC) of College Council (CC) in collaboration with Office of Faculty and Staff Relations (OFSR) proposes the implementation of emergency procedures. These procedures will apply during the 2022-2023 academic year.

All practices and procedures will follow guidelines as described in the *Plan of Governance for New York City College of Technology*, also referred to as the *Constitution of the College Council of the New York City College of Technology*, and the *College Bylaws*. These documents can be found on the college's website in the Office of Faculty & Staff Relations/Policies and Procedures.

<http://www.citytech.cuny.edu/ofsr/policies.aspx>

As per the bylaws,

“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.”

The following 3 sections of the 4/27/2021 bylaws have been revised to facilitate the use of online voting technologies to address the conditions described above.

Sections:

- A. ELECTION OF CHAIRPERSON
- B. COMMITTEES ON APPOINTMENTS
- C. DEPARTMENT / UNIT DELEGATES

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 or using anonymous verifiable online nomination technologies.
 - a. The designated location and online technologies process require the approval of the legislative committee.
 - b. Nominations will be accepted during two working days from 9:30 a.m. to 4:30 p.m.
 - c. Departments nominating using online technologies will use a template created by the college council legislative committee and the office of faculty and staff relations.
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 or using anonymous verifiable online voting technologies.
 - a. The designated location and online technologies process require the approval of the legislative committee
 - b. Voting will be continue for two working days from 9:30 a.m. to 4:30 p.m.
 - c. Departments voting using the verifiable ballot technologies will use a template created by the college council legislative committee and the office of faculty and staff relations.
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 faculty and 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. Anonymous verifiable nomination online technologies may be used.
 - 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. Anonymous verifiable nomination online technologies may be used.
 - 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 or using anonymous verifiable online technologies.. 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 faculty and staff relations or using anonymous verifiable online technologies.. 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 faculty and staff relations or using anonymous verifiable online technologies..
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

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shall resign as departmental delegate and the department will hold a new election to replace them.

12. All online ballots will use a template created by the college council legislative committee and the office of faculty and staff relations.