

## **INSTRUCTIONAL STAFF HANDBOOK**

The Instructional Staff Handbook, prepared by the Office of Instructional Staff Relations in cooperation with the staffs of the provost, vice president for administration and finance, the vice president for enrollment management and student affairs, and the Personnel Committee of the College Council, is designed to serve as one of a number of vehicles utilized for effective communication with the professional staff of the college. It is not all-inclusive nor could any such manual ever fulfill that function. Selective policies and procedures of the Board of Trustees, discrete sections and/or sub sections of the collective bargaining agreement, policies and procedures of the college, and other information of importance to the professional staff have been included. Where appropriate, specific references to other documents are given.

The efforts of all involved in the production of this handbook are sincerely appreciated.

Michelle Harris  
Director of Instructional Staff Relations/Labor Designee  
October 2007

### **PLEASE NOTE**

The information contained herein in no way abrogates the Board of Trustees Bylaws or contractual agreements between the City University of New York and the Professional Staff Congress, nor any subsequent policy changes implemented by such aforementioned parties.

Moreover, college policies and procedures described herein are not conditions of employment. The college reserves the right to modify, revoke, suspend, terminate, or change any or all of its policies or procedures, in whole or in part at anytime, with or without notice.

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# **Section 1**

- **General Introduction**

# A General Introduction

## The City University of New York

The City University of New York dates from 1847, when by referendum of the people of the city of New York, the first of the municipal colleges was established and named the Free Academy, eventually to be known as The City College. For more than one hundred years, the city of New York was the sole support of The City College and of the three other municipal colleges opened during those years.

By 1961, a total of seven municipal colleges were given status as The City University of New York. This action was authorized by the Board of Higher Education of the City of New York, the State Legislature, and the governor of the state of New York. The establishment of The City University was undertaken to meet the educational needs of the various communities which it serves.

Today, The City University is comprised of 21 units: nine senior colleges, seven community colleges, a college of technology, a graduate center, a law school, a medical school, a graduate school of journalism, an affiliated school of medicine, and an honors college.

The governing body of The City University of New York is known as The Board of Trustees, established by legislation enacted in 1979. The Board consists of seventeen trustees, ten appointed by the governor and five appointed by the mayor. The chair of the University Student Senate and the chair of the University Faculty Senate serve as members *ex officio*.

The board has the general duties and powers of trustees of colleges and universities and overall jurisdiction over The City University and its colleges and divisions. Such jurisdiction is spelled out in detail in the State Education Law (6201 through 6215; 6301 through 6308) and in the Bylaws of the Board of Trustees.

The specific regulations which govern the operation of the colleges are contained in the Bylaws of the Board of Trustees. Much of the information important to the instructional staff, such as the general plan of operation of the college and the regulations relating to appointment, promotion, and tenure are found there. A copy of the bylaws is located in each departmental office as well as in the library.

## History of the College

New York City College of Technology was established in 1946, by the New York State Legislature, as the New York State Institute of Applied Arts and Sciences, one of five experimental technical institutes throughout the state. These institutes were entirely state financed and did not charge tuition. Their primary purpose was to provide high school graduates, especially GIs returning from World War II, with two-year programs of education that would lead to employment at the technical level.

An independent board of trustees, first appointed by the governor in 1946, selected the institute's first president and determined the basic policies under which the school was to develop in its formative years. The first students were admitted for the spring 1947 semester. On September 1, 1953, the institute ceased being a fully state-supported program and became New York City Community College with sponsorship transferred to the city of New York under the pertinent provisions of the State Education Law governing community colleges.

On April 9, 1964, the Board of Estimate of the City of New York adopted a resolution designating the Board of Higher Education of the City of New York as the sponsor and board of trustees of New York City Community College. This resolution, which took effect on April 15, 1964, protected certain rights of all existing staff members and made New York City Community College an integral part of The City University of New York.

In July 1971, the college assumed the responsibility for administering the privately endowed 90-year-old Voorhees Technical Institute in Manhattan. Founded in 1880 as the Technical School of the Metropolitan Museum of Art, it was chartered by the state in 1892 as a separate technical school. In 1961, it became Voorhees Technical Institute, renamed in honor of Enders M. Voorhees, an industrialist who had served as a trustee. On May 13, 1987, the north campus at 186 Jay Street was renamed Voorhees Hall and the four remaining degree programs were moved from Manhattan to the main campus beginning with the fall 1987 semester.

On July 2, 1980, the governor of New York signed legislation renaming New York City Community College as New York City Technical College. By this action, the state of New York assumed fiscal responsibility for the college,

authorized the college to offer baccalaureate degrees in select technical programs, and recognized it as the technical institution of higher education within The City University of New York. In June, 2002 the college was renamed New York City College of Technology, to recognize its unique role in preparing a technologically sophisticated workforce.

### **Degrees and Accreditation**

The College has been authorized by the New York State Board of Regents to award the degrees of Associate in Applied Science (AAS), Associate in Arts (AA), Associate in Science (AS), Bachelor of Technology (BTech) and Bachelor of Science (BS) in certain select programs. As a degree granting institution of higher learning, the college has its courses of instruction registered by the New York State Education Department and is an accredited member of the Middle States Association of Colleges and Secondary Schools.

### **Mission and Goals Statement**

New York City College of Technology is the designated college of technology of The City University of New York, currently offering both baccalaureate and associate degrees, as well as specialized certificates. New York City College of Technology serves the city and the state by providing technologically proficient graduates in the technologies of the arts, business, communications, health, and engineering; human services and law-related professions; technical and occupational education; and liberal arts and sciences. The college provides access to higher education for New York City's diverse population and assures high quality in its programs by a commitment to outcomes assessment. The college also serves the region by developing partnerships with government agencies, business, industry and the professions, and by providing technical and other services.

Education at New York City College of Technology provides students not only with a command of skills necessary in their respective career areas, but also the educational foundation for lifelong learning. All degree programs are built upon a liberal arts and science core curriculum designed to foster intellectual curiosity, an appreciation for the aesthetic dimension of life and work, and a respect for cultural diversity. Students obtain practical experience in their chosen fields in a variety of settings. The college further encourages student growth and development through academic and student support services and a wide array of student activities.

### **EDUCATION GOALS**

**Career Goals:** A City Tech graduate will

- possess the ability to transfer knowledge and skills
- function well in a variety of work environments
- communicate clearly in written and oral presentation
- apply problem-solving techniques to the workplace
- work effectively as a member of a project team

**Life Goals:** A City Tech graduate will

- understand the scientific and technical framework within which modern society functions
- achieve a high degree of information literacy, using information technology to seek, obtain and utilize information resources for self-learning, problem-solving and personal growth
- understand the aesthetic dimension of life
- understand the economic, societal and cultural aspects of the environment
- understand the ethical responsibilities and implications of one's work and personal actions

### **Academic Divisions and Programs**

In the course of its development from a technical institute to a comprehensive community college and now to an urban college of technology, City Tech's primary emphasis on career education has been maintained. Career programs have grown from four in 1947 to fifty-one at the present time, including the bachelor of technology degrees offered through programs in Architectural Technology, Communications Design, Computer Systems, Computer Engineering Technology, Facilities Management, Graphic Arts Production Management, Hospitality Management, Entertainment Technology, Telecommunications Technology, the Bachelor of Science in Applied Mathematics, Health Services Administration, Human Services, Law and Paralegal Studies, and Nursing, the Bachelor of Science in Education in Occupational Teacher Education and Technology Career Teacher Education.

An integral component of the college's offerings are its degree program in the liberal arts and sciences which awards both the AA and AS degrees, fully transferable to other units of the university.

The academic offerings of the College are grouped under the following three schools:

### **SCHOOL OF ARTS AND SCIENCES**

Applied Mathematics (BS)  
Chemical Technology (AAS)  
Computer Science (AS)  
Liberal Arts and Sciences (AA and AS)

### **SCHOOL OF PROFESSIONAL STUDIES**

Accounting (AAS)  
Alcohol and Substance Abuse (Certificate)  
Career and Technical Teacher Education (BS in Ed)  
Dental Hygiene (AAS)  
Dental Laboratory Technology (AAS)  
Fashion Marketing (AAS)  
Health Services Administration (BTech)  
Hospitality Management (AAS and BTech)  
Hospitality Management/Travel and Tourism (BTech)  
Human Services (AAS and BS)  
Legal Assistant Studies (AAS and BS)  
Marketing Management and Sales (AAS)  
Nursing (AAS and BS)  
Ophthalmic Dispensing (AAS)  
Radiologic Technology and Medical Imaging (AAS)  
Technology Teacher Education (BS in Ed)  
Youth Studies (Certificate)

### **SCHOOL OF TECHNOLOGY AND DESIGN**

Art and Advertising Design (AAS)  
Air Conditioning Equipment Technician (Certificate)  
Architectural Technology (AAS and BTech)  
Building/Housing Superintendent Technology (Certificate)  
Civil Engineering Technology (AAS)  
Communication Design (BTech)  
Computer Aided Advertising and Publishing (Certificate)  
Computer Engineering Technology (BTech)  
Computer Systems (BTech)  
Computer Information Systems (AAS)  
Construction Management (Certificate)  
Construction Management Technology (AAS)  
Desktop Publishing (Certificate)  
Electrical Engineering Technology (AAS)  
Electromechanical Engineering Technology (AAS)  
Entertainment Technology (BTech)  
Environmental Control Technology (AAS)  
Facilities Management (Certificate and BTech)  
Graphic Arts Production Management (BTech)  
Graphic Arts Advertising Production Management (AAS)  
Industrial Design Technology (AAS)  
Lighting Systems Technology (Certificate)  
Mechanical Engineering Technology (AAS)  
Microcomputer Business Systems (AAS)  
Scenic Construction (Certificate)  
Show Control (Certificate)  
Sound Systems Technology (Certificate)  
Telecommunications Engineering Technology (AAS and BTech)

### **Professional Staff Congress**

The Board of Trustees recognizes the PSC as the exclusive collective bargaining representative for the professional staff. Pertinent sections of their agreement are offered in various sections of this book. Under an act passed by the New York State Legislature and by agreement between the city and municipal employee unions, employees in titles which are represented in collective bargaining but who choose not to be union members are subject to a deduction (agency shop fee) from their salaries in an amount equal to the dues payable by a union member.

# **Section 2**

## **Organization of the College**

- **Administrative**
- **Academic**

# Organization of the College – Administrative

## **The President**

The president is the executive agent of the college and of the University's Board of Trustees as well as the principal academic officer. As such the president plays a pivotal role in all matters at the college. Among some of the president's more significant duties are:

The affirmative responsibility of conserving and enhancing the educational standards and general academic excellence of the college; recommending all appointments, promotions, tenure actions, and all other personnel actions to the Board of Trustees; consulting with the appropriate faculty committees on the above personnel matters; acting as chair of the College Personnel and Budget Committee, and of the Auxiliary Enterprise Board; Discharging with full discretionary power the bylaws, resolutions, and policies of the Board of Trustees, its lawful resolutions, and the policies, resolutions, and programs of the faculty and students where appropriate; assuring that the necessary departmental and administrative annual budgets are initiated, prepared, and submitted in a timely manner.

## **The Provost/Vice President for Academic Affairs**

The provost shares the responsibilities with the president for the academic administration of the college. In her/his capacity as provost, s/he is responsible for all matters relating to the instructional program, including staffing, curriculum, and the instructional budgets for the day, evening, weekend and summer sessions. S/he serves as chair ex officio of the College Equivalency and Waiver Committee, and member of the Board of Directors of the Auxiliary Enterprise Board. In addition, the provost oversees the library, the administration of grants, the learning center, and institutional and inter-institutional affiliations. The provost is supported in these responsibilities by a dean for curriculum and instruction, three academic deans and a dean of continuing education.

## **Vice President for Administration and Finance**

The vice president for administration and finance reports to the president and is responsible for directing and coordinating the services and staffs within the areas of buildings and grounds, facilities and construction, budget, business operations, environmental health and safety, administrative

computer services, instructional staff relations, reprographics and reproduction, mailroom, telecommunications, human resources and public safety. S/he is responsible for the fiscal operation of the college and the development of plans and procedures that are congruent with sound business practices and academic objectives.

## **Vice President for Enrollment Management and Student Affairs**

The vice president for enrollment management and student affairs reports directly to the president on aspects of student life that lie outside of the formal instructional experience. S/he is responsible for the areas of advisement and testing, admissions, recruitment, the registrar, financial aid, and career and transfer services, scholarships and the SEEK program. In addition, the vice president oversees the college's retention efforts, and oversees a comprehensive program of support services including counseling, health care and general information services, athletics and recreation, student activities, a day care center, student health services center, student support services, the student newspaper and the student government association. In addition, all issues of student discipline are administered through his/her area with the exception of academic integrity.

## **Assistant Administrator For Student Affairs**

The assistant administrator for student affairs reports to the vice president for enrollment management and student affairs and represents the college on matters pertaining to student affairs as assigned by the vice president. The position is responsible for overseeing the implementation and evaluation of disciplinary procedures that insure the protection of students' rights and the imposition of sanctions, when appropriate. The position provides supervision for student life and development, student support services, athletics and recreation, the childcare center, student health services, and the COPE Program.

## **The Special Counsel**

Reporting to the president, the special counsel provides guidance to college administrators and faculty on a wide range of legal and administrative matters

and serves as counsel to the president. Duties include interpretation of college and university documents, procedures and practices, Board of Trustees bylaws and policies, and rules and regulations affecting employees and students of the college. The special counsel serves as the college's legal designee, affirmative action officer, records access officer, ethics officer and Gramm-Leach-Bliley Act Program Coordinator.

### **Special Assistant to the President/ Institutional Advancement**

The special assistant provides leadership and management to College programs in communications and external relations, including development, alumni relations, communications, publications and other visual communication, the College website and other College external initiatives.

### **Dean for Curriculum and Instruction**

The dean for curriculum and instruction, under the supervision of the provost, provides leadership in the areas of academic policy, academic program review and outcomes assessment, curriculum planning, facilitation and implementation, faculty development, the accreditation processes and the freshman year experience.

### **Academic Deans**

For administrative purposes and academic efficiency, the academic departments are divided into three schools, each administered by an academic dean. The academic deans, under the supervision of the provost, provide leadership to their respective academic departments in designing curriculum and program development, working with internal and external constituencies in building and expanding the college's resource base, planning and coordinating staffing and recruitment, coordinating and reviewing departmental budgets, and serving as the academic catalysts in maintaining and enhancing the quality of their departments.

### **Dean for Continuing Education**

The dean of continuing education is responsible to the provost for credit and non-credit programs meeting the learning needs of the general public and special constituencies. Continuing Education at New York City College of Technology serves two broad publics: working people who can pay tuition or receive tuition reimbursement from their employers for courses and

programs in order to acquire remedial, academic and technical skills, certification, licensure, upgrading, preparation for career change and advancement; and special constituencies who seek many of the same goals but cannot afford tuition and require grant supported access to previously denied or limited educational and vocational opportunities. These target constituencies include the unemployed and unskilled, the elderly, the handicapped, the offender and ex offender; women seeking training for nontraditional employment, adults in need of basic educational skills, and adults with limited English language competency.

### **Executive Director for Business and Finance**

The executive director reports to the vice president for finance and administration and is responsible for the overall management of accounting, accounts payable, auxiliary enterprises, budget management and control, bursar, financial management, payroll, procurement operations, and property management.

### **Director For Instructional Staff Relations/ Labor Designee**

The director for instructional staff relations/labor designee is the president's designee for all matters relating to labor relations. S/he reports to the vice president for administration and finance. S/he serves as staff to the president and to the executive officers of the college in all personnel actions relative to the interpretation of college and university documents, procedures and practices, Board of Trustee bylaws and policies, and the PSC collective bargaining agreement for the teaching and non-teaching instructional staff of the college.

### **Director Of Human Resources**

The director of Human Resources reports to the vice president of administration and finance and is responsible for all aspects of the college's human resources functions. Human Resources functions include benefits plans, time and leave, FLSA, FMLA, COBRA, workman's compensation, unemployment, new employee benefits orientation, training and staff development along with employee recognition programs. The director serves as the college's appointing officer for all classified staff.

# Organization of the College – Academic

## Academic Department

The basic administrative and educational unit of the college is the academic department. Each department, subject to the approval of the faculty or College Council and subject to the appropriate provisions of the Bylaws of the Board of Trustees, develops the educational policies of the department through the vote of its eligible members (i.e., all professors, associate professors, assistant professors and tenured instructors, and lecturers and instructors who have received a third annual appointment). If a department so desires, it may enfranchise other members who have been appointed on an annual salary basis for a first or second year of full-time service, except substitutes, to vote on departmental matters. Each department shall cooperate with related departments and with administrative offices in general in the development of college-wide interests.

## Department Chair

The executive officer of a department is the chair who must be a tenured professor, associate professor, or assistant professor. The chair is elected for a term of three years by a majority of those eligible to vote. Proxy or mail voting is not permitted. As per the College Governance Plan, those eligible to vote for chair are all tenured professoriate and all untenured assistant professors, instructors, or lecturers who have received a third annual appointment.

The department chair as the executive officer of his/her department shall carry out the department's policies, as well as those of the faculty and the Board of Trustees which are related to it. S/he shall:

Be responsible for departmental records; assign courses and arrange programs of instructional staff members of the department; initiate policy and action concerning the recruitment of faculty and other departmental affairs subject to the powers

delegated by the Bylaws of the Board of Trustees to the staff of the department in regard to educational policy, and to the appropriate departmental committees in the matters of promotions and appointments; represent the department before the College Council, the faculty and the board; preside at meetings of the department; be responsible for the work of the department's Committee on Appointments which s/he chairs; prepare the tentative departmental budget, subject to approval by the department's Committee on Appointments; transmit the tentative departmental budget to the president with his/her own recommendations; arrange for careful observation and guidance of the department's instructional staff members; make a full report to the president and to the College Personnel and Budget Committee of the action taken by the departmental Committee on Appointments when recommending an appointee for tenure on teaching qualifications and classroom work, relationship of the appointee with his/her students and colleagues, and the appointees professional and creative work; hold an annual evaluation conference with every member of the department after observation and prepare a memorandum thereof; generally supervise and administer the department.

## Departmental Committee on Appointments

In each department there is a Committee on Appointments consisting of the department chair who also serves as chair of the committee and, where possible, four other faculty members of whom at least three must be tenured. The four faculty members must be elected by a majority vote of all those persons in the department who are eligible to vote. Any individual who is tenured or who is serving in a tenure-bearing line (excluding college laboratory technicians) is eligible to serve on the committee. Voting eligibility criteria are the same as those for department chair.

This committee is responsible for making recommendations to the College Personnel and Budget Committee on all appointments, reappointments, reappointments with tenure, promotions, leaves of absences, etc.

Minutes of all meetings, conforming insofar as practicable to Robert's Rules of Order: Newly Revised, shall be kept in the chair's office. All actions concerning instructional staff appointments, reappointments, reappointments with tenure, and promotion shall be by secret ballot, and the result of the balloting shall be recorded in the minutes. It is the responsibility of the department chair to communicate to the candidate the action of the committee, but no reason may be given for a negative recommendation.

#### **The College Personnel and Budget Committee**

The Bylaws of the Board of Trustees specify that there be a College Personnel and Budget Committee to receive from the departments recommendations for appointments, reappointments, reappointments with tenure, promotions, and leaves of absence for all those in tenure and certificate bearing titles, and to recommend action to the president. The president considers the committee's recommendations in making his/her recommendations to the Board of Trustees. The committee is composed of the president, as chair, the provost, the department chairs, and the executive director for instructional staff relations and labor relations as secretary.

It is considered professional misconduct for a member of this committee to disclose the substance or even the nature of its discussions. Actions of the College P and B Committee are communicated to personnel by the president or his/her designee (the department chair).

#### **The College Council**

The duties of the faculty as outlined in the Board of Trustees Bylaws state that "...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 thereof, student attendance including leaves of absence, curriculum, awarding of College credits, 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."

In order to carry out these duties, the Bylaws call for the creation of a council which "...shall have all the responsibilities of the faculty..."

The Plan of Governance for New York City College of Technology, accepted by the instructional staff of the College and adopted by the Board of Trustees, created the College Council. The form of the council is specified so as to include representation of departments, administrative personnel, the instructional staff at large and students. The Constitution of the College Council states, however, that the council is the agent of the instructional staff subject to the right of the instructional staff to reverse any specific vote of the council by a majority vote of the instructional staff, provided thirty percent vote.

Standing Committees of the College Council are Budget, Building and Grounds, Curriculum, Legislative, Personnel, and Students. See Appendix

# **Section 3**

- **Instructional Staff Personnel Policies and Procedures**

# Instructional Staff Personnel Policies and Procedures

## DEFINITIONS AND QUALIFICATIONS

The Bylaws of The Board of Trustees identify various titles of the professional staff as follows:

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

### **Instructor**

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

### **Assistant Professor**

For appointment as assistant professor, the candidate must have demonstrated satisfactory qualities of personality and character, evidence of significant success as a teacher, interest in productive scholarship or creative achievement and willingness to cooperate with others for the good of the institution. He/she must also have obtained the PhD degree, or an

equivalent degree, in an accredited university except that persons holding positions on or before December 31, 1975 as assistant professors or instructors in the community colleges shall have a master's degree and four years of appropriate teaching, technological or industrial experience or the PhD degree.

In the libraries, for appointment as assistant professor, the candidate must, in addition to the requirements of instructor, have completed a doctorate or an additional master's degree and, in exceptional cases, some other logical combination of two years of graduate study or more beyond the bachelor's degree.

### **Associate Professor**

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

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

### **Professor**

For promotion or appointment to the rank of professor, the candidate must possess the qualifications for an associate professor, and in addition a record of exceptional intellectual, educational, or artistic achievement and an established reputation for excellence in teaching

and scholarship in his/her discipline. There shall be evidence of his/her continued growth and the judgment on promotion shall consider primarily evidence of achievement in teaching and scholarship following the most recent promotion. Longevity and seniority alone shall not be sufficient for promotion.

### **Professor Emeritus**

The title "professor emeritus" is automatically conferred upon all full professors who have honorably retired after more than ten years of service. At its meeting of December 12, 1974, the College Personnel and Budget Committee adopted the following policy in line with the University's general guidelines:

- Any full professor with less than ten years of service or any associate or assistant professor who retires in good standing and seeks emeritus status should have this request evaluated by the departmental appointments committee. The resultant recommendation should be forwarded by the department chair via the provost to the College P and B Committee who should then take action and forward its recommendation to the president.

## **NON-TEACHING TITLES**

### **COLLEGE LABORATORY TECHNICIAN SERIES**

#### **College Laboratory Technician**

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

For appointment as a college laboratory technician, a person, in addition to possessing knowledge and skills related to the discipline, shall be a high school graduate possessing one of the following sets of minimum additional qualifications:

- Four (4) years of work or experience appropriate to the requirements of the department at a level of competence comparable to that indicated by apprenticeship in the skilled trades;
- Or an associate degree and a minimum of two (2) years of experience of the type described above;
- Or a bachelor's degree in an area appropriate to the duties to be performed;
- Or (d) an appropriate combination of at least four (4) years of education and work experience beyond high school.

The candidate shall have the personal characteristics needed to work effectively with students and staff.

#### **Senior College Laboratory Technician**

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

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

### **Chief College Laboratory Technician**

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

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

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

## **HIGHER EDUCATION OFFICER SERIES**

### **Assistant to Higher Education Officer**

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

For appointment as assistant to higher education officer, a candidate must have demonstrated satisfactory qualities of personality and character and ability to work with others for the good of the institution. He/she must have had at least two years of experience in higher education or appropriate graduate work generally or in the area of specialization to which he/she will be assigned. He/she must show potential for significant achievement and growth. He/she must possess a baccalaureate degree.

### **Higher Education Assistant**

The duties of a higher education assistant are to serve as an assistant to one of the major educational officers of a college or the University with responsibility for a limited area of planning or research.

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

### **Higher Education Associate**

The duties of a higher education associate are to serve as deputy for a higher education officer. To assume administrative responsibility under the general supervision of a university or college dean for some major area of university or college activity, such as institutional research, campus planning and development, coordination of relations with community and civic groups, supervision and coordination of all educational data processing, coordination of applications to federal, state and private foundations for educational grants, direction of specific specialized campus activities. A higher education associate may function as executive assistant to the chancellor or a president or to develop some major aspect of new programs.

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

### **HIGHER EDUCATION OFFICER**

The duties of a higher education officer are:

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

To function as executive assistant to the chancellor or president.

To develop some major aspect of new programs.

For appointment as higher education officer, the candidate must have demonstrated satisfactory qualities of personality and character and ability to work with others for the good of the institution. He/she must have had at least eight years of experience in the area of higher education in which his/her responsibility will lie. He/she must be sufficiently well versed in the overall functions of a university to be able to assume full responsibility,

answerable to his/her college president (or to the chancellor, deputy chancellor or vice chancellor if he/she is assigned to a university position) for some major area of university or college activity. He/she must possess at least a baccalaureate degree and show evidence of exceptional achievement in his/her chosen field as well as potential for future growth. An advanced degree above the baccalaureate degree may be required as appropriate to perform the duties of a particular position. An appropriate combination of education above the baccalaureate degree and demonstrable skills and/or years of experience may be substituted for the eight years of experience in determining qualifications for the position of higher education officer.

### **REGISTRAR SERIES**

Effective January 1, 1988, no new appointments will be made to the registrar series and no promotions will be made to titles in the series after January 1, 1988. Individuals performing these duties will be appointed in the HEO series.

### **Teaching and Non-Teaching Instructional Staff Appointments**

Where reasonably practicable, initial full-time appointments to the instructional staff are made, in writing, by the president or designee, and approved by the Board of Trustees prior to the effective date of appointment. Where this is not possible, an appointment will be made by the president or designee, subject to final action by the board and will so state in the letter of appointment.

All initial full-time appointments to the instructional staff (except for substitutes) are for one year or to the end of the academic year in which the appointment takes effect.

Substitutes are employees appointed to fill vacancies caused by leaves of absence and/or emergencies. These individuals are appointed for a specified period of time with no presumption of reappointment. The time served as a substitute is not creditable towards a Certificate of Continuous Employment or tenure. The duration of a substitute appointment is limited to one semester. An individual may not serve as a substitute for more than four (4) semesters.

## **Reappointments**

Full-time faculty and laboratory technicians in their first year of service will receive notice of reappointment or non reappointment on or before April 1. Persons in their second or later years of continuous service will receive such notice on or before December 1, except for lecturers who will receive notice in their second year on or before April 1.

Individuals appointed after October 5 will receive notice of reappointment on or before June 1. Subsequent notifications will follow the procedure outlined above. An instructional staff member who has had prior service in another unit of the University is deemed to be serving his/her initial year of appointment in the first full year of service at this College.

HEO series personnel appointed between July 1 and September 30 will receive notice of reappointment on or before April 1 for their first and second reappointments. Individuals appointed after October 1 will receive such notice by May 1 and thereafter follow the above dates. Effective with the third reappointment HEO series personnel receive notice on or before March 1.

## **Multiple Year Appointments for the Higher Education Officer Series**

The normal appointment year for employees in the HEO series is July 1 to June 30.

For employees hired effective September 1, 1987 or later who continue to serve in the same HEO Series title, the schedule of appointments and multiple year reappointments for employees who continue to serve in the same title in the higher education series shall be as follows:

The first appointment, first reappointment, second reappointment and third reappointment each shall be for a one-year period. The fourth reappointment shall be for a two-year period and the fifth reappointment shall be for a two-year period. Upon the recommendation of the president and approval of the Board of Trustees, an employee granted a subsequent reappointment shall receive a Certificate of Continual Administrative Service and not be subject to future annual or multiple year reappointments.\*

\* See the P.S.C. Contract, Article 13 for more specific information.

## **Professional Evaluations**

The evaluation of the professional activities of all employees in a public institution of higher education is essential to the maintenance of academic and professional standards of excellence. The purpose of professional evaluations shall be to encourage the improvement of individual professional performance and to provide a basis for decisions on reappointment, tenure and promotions. Evaluations are based on total professional performance and maintained in the personnel file.

At least once each year, each professional other than tenured full professors will have an evaluation conference with the department chair/supervisor or a member of the departmental appointments committee assigned by the chair. Tenured full professors may be evaluated. At the conference, the total performance and professional progress for that year and cumulative to date shall be reviewed. Following the conference, the chair/supervisor shall prepare a record of the discussion in memorandum form, duly signed by both, for inclusion in the personal file. A copy of the signed evaluation and conference memo will be given to the employee within ten working days following the conference. Where the overall evaluation is unsatisfactory, the memorandum shall so state. Members of the faculty shall have the right to endorse on the memorandum a request to appear in person before the departmental appointments committee.

Evaluation of a member of the teaching faculty shall be based on total academic performance, with special attention to teaching effectiveness as well as administrative assignments, research, scholarly writing\*, departmental, college and university assignments, student guidance, course and curricula development, creative works in an individual's discipline, public and professional activities in the field of specialty.

In the event that a date for a yearly evaluation is not scheduled by March 1, the employee must, within ten working days, file the "Observation/Conference Request Form" with his/her chair or supervisor. A copy of the form should be sent to the labor designee and the president. Failure of the employee to file the request form will bar him/her from subsequent complaint.

*\*It is understood that lecturers shall not be required to have research commitment.*

### **Professional Development Plan**

In the first year of employment the department chair and the dean of the school will meet with new faculty members to put together a professional development plan. The plan will provide the faculty member with benchmarks to measure his/her progress towards tenure in the areas of teaching and teaching-related activity, service to the department, service to the College/University/Community and professional development, and will be used by the department as a basis for evaluating the accomplishments of untenured faculty.

### **Teaching Portfolio**

Every professional development plan will include the development of a teaching portfolio that will represent a faculty member's teaching accomplishments, philosophies and goals. Throughout the year the Office of the Provost will sponsor workshops and seminars to provide faculty members with guidance on the development of the portfolio.

### **Classroom/Laboratory Observations**

Teaching observations are but one factor in the total evaluation of the academic performance of the teaching staff.

At least once during each academic semester, non-tenured and non-certificated members of the teaching staff shall be observed for a full classroom period. One observation shall take place during the first ten weeks of a semester. The faculty member shall be given no less than 24 hours of prior notice of observation. Tenured and certificated members of the teaching staff may be observed once each semester.

Each departmental appointments committee shall designate a panel of department observers (the size to be specified by the chair), which shall include members of the appointments committee. The department chair shall schedule the members of this panel to conduct observations as necessary. Each observer shall submit, through the department chair, a written observation report to the departmental appointments committee within one week of the observation. These observation reports

shall be considered by the chair in his/her total evaluation of the faculty member.

The department chair shall schedule a post observation conference within two weeks after receipt of the written observation report. The post observation conference shall include the faculty member and the observer. At the request of the faculty member or the observer, either a member of the appointments committee or a member of the department with the rank of tenured associate professor or tenured professor may be assigned by the chair to be present at this conference.

Following the post observation conference, either the third party or the observer shall prepare a record of the discussion in memorandum form for submission to the chair. The original observation report and conference memorandum, duly signed by both parties, shall be placed in the faculty member's personal file. A copy of both documents shall be given to the faculty member. A third person can sit in on the conference only if there has been a settlement agreement with the Professional Staff Congress.

In the event that the observation or post observation conference is not held within the time stipulated herein, the faculty member shall, within ten working days thereafter, file an "Observation/Conference Request Form" with the chair. A copy of the form shall be sent to the appropriate dean and to the Office of the President. Failure of the faculty member to file this form within the stipulated time, shall bar him/her from subsequent complaint regarding such failure. Upon the receipt of the request form, the College shall cause appropriate remedial action to be taken including, if necessary, scheduling of an observation and/or observation conference by the dean or president or their designee.

### **Personnel Files**

The College maintains two personnel files for each employee; a personal file and an administrative file. The personal file includes but is not limited to personal information, information relating to the employee's academic and professional accomplishments submitted by the employee or placed in the file at his/her request, records generated by the College, memoranda of discussion

with employee relating to evaluations of professional performance, classroom observation reports, annual evaluations, student opinion report results, etc.

An individual who wishes to have material placed in his/her personal file should initial the documents and send them to the director for instructional staff relations and labor relations. Materials will not be placed in the personal file until the employee has been given the opportunity to read the contents and attach any comments he/she may so desire. The employee must initial each document before being placed in the file as evidence of his/her having read the document. This initialing does not constitute approval by the employee of the contents of such document. If the employee refuses to initial any document after having been given an opportunity to read the same, a statement to that effect will be noted on the document.

Employees are encouraged to periodically review the contents of their personal file. Any individual wishing to do so should call the Office of Instructional Staff Relations for an appointment.

The administrative file contains only materials requested by the College or supplied by the employee in connection with his/her employment, promotion, or tenure. Documents such as references fall into this category. The administrative file is not available to the employee but only to committees and individuals responsible for the review and recommendation of the employee with respect to his/her appointment, reappointment, promotion, or tenure.

### **Tenure**

Members of the faculty in the titles assistant, associate, or full professors who are appointed to college on or after September 1, 2006 who serve seven (7) full years continuously and have been appointed for an eighth full year shall gain tenure on September 1 of that year.

Any CLTs who serve five (5) full years continuously and have been appointed to a sixth full year shall gain tenure on September 1 of that year.

Instructors with four or five years of continuous full-time service in those titles immediately preceding

appointment to the rank of assistant professor may receive two years of credit toward the achievement of tenure in the title, assistant professor.

The instructor rank and the higher education officer series are non tenurable titles.

### **Certificate of Continuous Employment**

Lecturers shall be eligible for a Certificate of Continuous Employment upon a sixth full-time appointment in the title of lecturer preceded by five academic years of continuous full-time service. In computing eligible service time, an academic year begins with a September appointment.

The Certificate of Continuous Employment shall be valid only in the College which confers the certificate or sixth appointment and shall carry with it the guarantee of full-time reappointment subject to continued satisfactory performance, stability in academic program, sufficiency of registration and financial ability.

An instructor may be appointed in the title lecturer after five years of full-time service as an instructor in the same department, in which case he/she shall receive a Certificate of Continuous Employment as a lecturer.

### **Certificate of Continual Administrative Service**

Upon recommendation of the president and approval of the Board of Trustees, an employee in the HEO series who is granted subsequent reemployment after the initial 8-year period of uninterrupted service will receive a Certificate of Continual Administrative Service. Such employee will no longer be subject to annual or multiple-year reappointments. This appointment is commonly known as a "13.3b."

### **Negative Presidential Recommendations**

When the president determines not to make a recommendation to the Board of Trustees for reappointment or promotion of a person recommended to him by the College P and B Committee or appropriate vice president or dean, the individual affected by that decision is notified of both the favorable recommendation and of the president's decision. The notice will not state the reasons for the president's action.

Within ten (10) school days after receipt of this notice, the affected individual may submit to the president a signed request for a statement of the reasons for the president's action. Within (10) school days after receipt of the request, the president will furnish a written statement of his reasons to the employee.

In cases where the Appointments Committee or the College Personnel and Budget Committee makes a negative recommendation, the affected individual must first go through the college Appeals Committee before requesting Presidential reasons.

## **DOCTORAL EQUIVALENCIES**

The Bylaws of the Board of Trustees require that instructional staff members must hold the doctorate in order to be appointed at, or promoted to, the rank of assistant professor or above. However, the bylaws also provide for equivalencies to the doctorate in certain specialized areas. In order to carry out the provision of the bylaws as they pertain to equivalencies, the following have been approved by the College Personnel and Budget Committee and are acceptable to the University in lieu of the degree requirements as set forth in Bylaw Section 11.7, B 1, 2, 3, and 4.

Instructional staff members wishing to be considered for a doctoral equivalency should obtain the appropriate form from the Office of Instructional Staff Relations. The candidate should complete the form and submit it to his/her department chair for evaluation by the departmental committee on appointments. The committee then forwards the form via the dean to the labor designee. The College Equivalency and Waiver Committee will determine whether the candidate meets the established criteria and will certify or reject the candidate's application. If certified, the candidate's credentials are then forwarded to the University Office of Academic Affairs for final approval.

A doctoral equivalency once granted provides the minimum eligibility requirement necessary to apply for promotion to all ranks. Candidates, however, must comply with all other prescribed promotional procedures.

## **SCHOOL OF PROFESSIONAL STUDIES**

### **Accountancy**

An appropriate master's degree and certification as a Public Accountant (CPA).

### **Dental Hygiene**

Licensure as a Dental Hygienist in the State of New York; and

An appropriate master's degree in such fields as dental hygiene; community/public health, education, administration, etc.; and evidence of consistent continuing education either through documented credit courses, non credit work, or clinical research within five years of the equivalency application; and

- A total of seven years of appropriate experience in the area of specialization:
- A minimum of full-time, non-teaching clinical experience of 1400 hours per year an average of 28 hours per week for 50 weeks;
- A minimum of five years of full-time or equivalent College teaching; and/or administrative experience in a Dental Hygiene teaching program. Two years of teaching on a high school level may be equated to one year of College teaching up to a maximum of two years.

### **Restorative Dentistry**

- A master's degree and ten years of experience as a dental technician;
- One year of College teaching (or two years of high school teaching) in the area of specialization may be equated with one year of industrial experience up to a maximum of four years.

College teaching may be fulfilled at New York City College of Technology.

Certified Dental Technician status in two areas of expertise;

Evidence of consistent continuing education either through documented credit courses, non-credit work, or research within five years of the equivalency application;

Recognized contributions to the field such as the holding of office in professional societies, lecturing, publishing, recognition by peer groups, consultation or advisory service in related areas, innovations.

### **Hospitality Management Technology**

An appropriate master's degree\*; and

The accumulation of 90 points given the following definitions:

- six points for each year of work experience directly related to the field with no limitation;
- six points for each year of full-time teaching on the post secondary level with a maximum accumulation of not more than 30 points;
- one point for each academic credit earned beyond the master's degree with no limitation.

\* *There may be clear and convincing (albeit exceptional) cases when work experience could establish a person's Hospitality Management credentials rather than the graduate degree.*

### **Nursing**

Licensure as a registered nurse in the State of New York; and

A master's degree in Nursing; and

Six years of appropriate experience in the area of specialization. One year of College teaching or two years of high school teaching may be equated to one year of experience up to a maximum of two years. College teaching experience may be fulfilled at New York City College of Technology.

### **Radiologic Technology and Medical Imaging**

Licensure as a radiologic technologist in the State of New York and national certification by the American Registry of Radiologic Technologists; and

- An appropriate master's degree; and
- Documented evidence of continuing education; and
- Six years of experience in the area of specialization; and
- One year of College teaching or two years of high school teaching in the area of specialization may be equated to one year of experience up to a maximum of two years. College teaching experience may be fulfilled at New York City College of Technology.
- Evidence of achievement and/or contributions in the area of specialization.

### **Vision Care Technology**

- Licensure as an Ophthalmic Dispenser in New York State;
- A master's degree and ten years of experience directly related to the field; and
- Recognized contributions to the field.
- Illustrative of recognized contributions are: the holding of office in professional societies, lecturing, publishing, recognition by peer groups, consultation or advisory service in related areas, innovations, etc.
- At least five years of the experience requirement must be as a practicing ophthalmic dispenser.
- Additional industrial experience or College teaching experience that may be fulfilled at New York City College of Technology may satisfy the balance.

## **SCHOOL OF TECHNOLOGY AND DESIGN**

### **Architectural Technology**

An appropriate master's degree and a license as a Registered Architect in the state of New York.

### **Advertising Design and Graphic Arts**

#### **For Commercial Art**

An appropriate baccalaureate degree, twelve years of experience directly related to the field, and recognized contributions to the field; or

- An appropriate master's degree (other than the M.F.A.), ten years of experience directly related to the field, and recognized contributions to the field; or
- An appropriate master's degree (other than the M.F.A.), 30 appropriate graduate credits beyond the master's degree, six years of experience directly related to the field, and recognized contributions to the field; or
- A master of fine arts degree, six years of experience directly related to the field, and recognized contributions to the field.
- Experience directly related to the field is to be defined as experience in the area of professional art, full-time creative productivity in the area of fine art, or the teaching of art on a College level.

### **For Graphic Arts**

An appropriate baccalaureate degree, ten years of relevant experience, and recognized contributions to the field; or

- An appropriate master's degree, eight years of relevant experience and recognized contributions to the field; or
- An appropriate master's degree, 30 appropriate graduate credits beyond the master's degree, six years of relevant experience and recognized contributions to the field.
- One year of College teaching or two years of high school teaching may be equated to one year of relevant experience up to a maximum of four years. Teaching experience may be fulfilled at New York City College of Technology.

### **Computer Systems Technology**

An appropriate master's degree, 30 graduate credits in an organized program related to the field, six years of experience directly related to the field, and recognized contributions to the field as evidenced by:

- Published recognized textbook(s) in the discipline
- Refereed and non-refereed research articles
- Paid consulting activities
- Presentation(s) to trade groups, other Colleges, etc
- Paid testimony as an expert witness
- Program evaluator for Middle States, State Education Dept., other Colleges
- Author of recognized software used outside of the department
- Earned recognized licenses such as CNE, CNI, etc.
- Leadership role in an information technology professional organization
- One year of college teaching or two years of high school teaching in the
- Field of specialization may be equated to one year of experience, up to a maximum of two years. College teaching may be fulfilled at New York City College of Technology.
- Credits need not be on the graduate level if the

credits obtained are closely relevant to the individual's expertise and are not widely offered at the graduate level.

### **Computer Engineering Technology, Construction Technology, Electrical Engineering Technology, Environmental Control Technology, Mechanical Engineering Technology**

An appropriate master's degree and a license as a professional engineer in the state of New York.

## **DEFINITIONS**

### **One Year Of Experience**

- One year of academic experience should be granted for a full-time engagement for an academic year (two semesters or three quarters).
- A maximum of one year of industrial experience should be granted for one calendar year of full-time employment.
- Part-time industrial work should be ignored when done simultaneously with full-time academic work that is being counted toward meeting the equivalency requirements.
- Part-time industrial experience should be prorated and counted when the simultaneous full-time academic experience is not being counted toward meeting the equivalency requirements.
- Part-time industrial experience is to be ignored when simultaneous full-time industrial experience is being counted toward meeting the equivalency requirements.
- Individual academic or industrial experiences of less than one month should not be counted toward meeting the equivalency requirements.
- Part-time teaching simultaneous with a full-time industrial position should be pro rated and counted toward meeting the equivalency requirements.
- Part-time engagements, self employment, and consulting engagements should be individually investigated and may be pro rated according to the judgment of the Equivalency Committee.

### **Pre Baccalaureate Experience**

Professional-level industrial experience gained prior to completing a bachelor's degree should be considered toward meeting the equivalency requirements. Professional teaching experience gained prior to completing a bachelor's degree should be considered toward meeting the equivalency requirements.

### **Areas of Judgment**

The Equivalency Committee should develop criteria for pro rating academic and industrial experiences where required. The Equivalency Committee should give particular consideration to the quality of individual experiences, both academic and industrial, submitted for consideration in meeting equivalency requirements.

### **Equivalency Criteria for the Rank of Assistant Professor**

Because our College's criteria for doctoral equivalencies are much more specific and generally more stringent than the criteria in the University's bylaws, some years ago our College, with the authorization of the University's Office of Academic Affairs, established criteria for several of its technical departments which would allow their faculties to be appointed or advanced to the rank of assistant professor. These criteria are:

For the Departments of Dental Hygiene, Nursing and Radiologic Technology and Medical Imaging, an appropriate master's degree, the recognized license, and five years of clinical experience. For the Departments of Advertising Design and Graphic Arts, Dental Laboratory Technology, Environmental Control, Hospitality Management and Vision Care Technology, an appropriate baccalaureate degree, five years of field experience, and recognized contributions to the field as evidenced by such activities as involvement in professional societies, consulting, publications, continuing education, etc.

Anyone appointed or advanced under this rubric would need to receive the appropriate PhD degree or doctoral equivalency to be considered for further advancement.

## **PROMOTIONS**

### **Professorial Titles**

The labor designee annually distributes to each department chair applications for advancement to all

ranks with instructions that they are to be hand delivered to each eligible candidate by a specified date. Anyone who does not receive an application and yet considers himself/herself to be eligible should contact the Office of Instructional Staff Relations.

### **Eligibility for Promotion to Professor or Associate Professor**

Any associate professor or assistant professor who holds an appropriate doctorate or doctoral equivalency and who has served three years in rank by the application deadline is eligible to apply for promotion.

### **Appointment to Assistant Professor**

Any individual who meets the bylaw qualifications for assistant professor, is currently serving as a lecturer or instructor, and is rated as "Excellent" in position and position-related activities and service to the department by the departmental committee on appointments may be presented to the College Personnel and Budget Committee for reclassification to the rank of assistant professor.

### **Non-Teaching Performance Criteria for Promotion**

The College Committee on Personnel and Budget has approved performance criteria that serve as guidelines for the Presidential Ad Hoc Committees and the College Committee on Personnel and Budget. These guidelines move in a progressive continuum through the three professorial ranks, culminating in a demand for overall excellence at the level of full professor.

In an effort to aid applicants for promotion, these guidelines reflect a much greater specificity than the general criteria afforded by the Bylaws of the Board of Trustees. There are, therefore, illustrative examples included with each of the categories. Some of these illustrations are Bylaw requirements and, as such, must be satisfied. On the other hand, the omission of certain examples is not intended to exclude such activities and/or achievements from consideration by the various evaluative bodies.

Participation at each level in a responsible promotional process is one way in which the faculty and the administration can meet their respective obligations in assuring the College community and the University that faculty who contribute to the vitality of the institution

as evidenced by their activities, achievements, and recognition both within and outside of the University are appropriately acknowledged through appointment/promotion to the senior ranks.

### **Preamble for Non Teaching Faculty**

In the Library and the Counseling units, job descriptions do exist which detail the various functional positions within those areas; therefore, excellence in job performance is substituted for excellence in teaching effectiveness.

These units are essentially service areas and, as such, a much greater emphasis is attached to personal and professional relationships; attention is specifically given to the establishment of rapport and effective communication with the various elements of the College, University and/or Community constituencies served by the two areas.

The thirty-five hour workweek for library faculty and the 30 hour workweek for counselors are generally somewhat restrictive on faculty in these two areas to render extensive service to the College and/or University.

The thirty-five hour week plus limited annual leave time for the non-teaching faculty may be quite restrictive in terms of significant and sustained professional development.

Job descriptions tend to grow with faculty member's assumption of additional responsibilities; therefore in instances where functional service beyond the well structured and reasonably detailed job description is meaningful, such service can be considered as service to the department or the College. Care must also be taken so that job descriptions do not become skeletal.

## **ASSOCIATE PROFESSOR – NON-TEACHING FACULTY**

### **Position\* and Position-Related Activities (Excellence Required)**

- Sustained excellence in position effectiveness;
- Sustained involvement in position related activities;
- Demonstrated initiative and/or creativity in functional areas;

- Knowledge and use of established departmental policies and procedures.

*\* Position as described in a current and detailed job description submitted with each evaluation.*

### **Service to the Department (Excellence Required)**

- Sustained excellence as a contributing member of the department;
- Responsibilities and accomplishments in such areas as departmental committees, operational functions, and assignments;
- Substantive departmental administrative and/or supervisory support assistance;
- Evidence of creative achievement as demonstrated by continued involvement in departmental projects and operational, procedural and service revision developments and innovative proposals.

The sum of activities in the area of departmental service should be a demonstrated ability for the maintenance of the functional/academic vitality of the department.

### **Personal and Professional Relationships (Excellence Required)**

- Sustained demonstration of good rapport and effective communications with various elements of the College/community relevant to the functions of the department;
- Exercise appropriate personal professional judgments in relationships with others;
- Knowledge and use of established College policies and procedures.

### **Significant Professional Development and Scholarly Growth as Evidenced by:**

- Academic achievements (advanced degrees, licensure, continuing education);
- Publications;
- Continuing education (seminars, workshops, courses);
- Research (academic, educational, institutional, psychological, technical, etc.);
- Recognition outside of the immediate academic community (including consultation, curriculum development, research, and other achievements);

- Professional association (active involvement in societies, at conferences as a speaker, panelist, or other active participant).

Not only should professional development represent growth for the individual, but it also should contribute to the functional/academic vitality of the department and/or College, University and/or Community.

**Service to the College/University/Community as Evidenced by:\***

- Acceptance of responsibilities and fulfillment of assignments beyond the position description;
- Participation in interdepartmental, divisional and/or College activities; assignments, and services beyond the position description;
- Service to the College and/or University (including academic, technical, administrative, operational and other such assistance) and/or professionally related academic community service.

*\* The sum of the activities in the College, University, and Community service areas should be contributions to the maintenance of the academic and educational vitality of the College, University or Community.*

*NOTE: Excellence is required in either category: Service to the College/University/Community or personal and professional development and scholarly growth, with a demonstration of productive efforts in the remaining area.*

*In order to establish a functional consistency and to maintain the integrity of the promotional process, it is necessary to require that appropriate evidence or documentation be provided in each of the categories of evaluation by the candidate, the departmental committee(s) and/or the chairperson.*

**FULL PROFESSOR – NON-TEACHING FACULTY**

**Position\* and Position-Related Activities (Excellence Required)**

- Sustained excellence in position effectiveness;
- Sustained involvement in position-related activities;
- Demonstrated initiative and/or creativity in functional areas;
- Knowledge and use of established departmental policies and procedures.

*\* Position as described in a current and detailed job description submitted with each evaluation.*

**Personal and Professional Relationships (Excellence Required)**

- Sustained demonstration of a good rapport and effective communications with various elements of the College/community relevant to the functions of the department;
- Exercise of appropriate personal and professional judgments in relationships with others;
- Knowledge and use of established College policies and procedures;
- Demonstration of leadership qualities.

**Sustained Professional Development and Scholarly Growth (Excellence Required) as Evidenced by;**

- Academic achievements (advanced degrees, licensure, continuing education);
- Publications;
- Continuing education (seminars, workshops, courses);
- Research (academic, educational, institutional, psychological, technical, etc);
- Recognition outside of the immediate academic community (including consultation, curriculum development, research, and other achievements);
- Professional associations (active involvement in societies, at conferences as a speaker, panelist or other active participant).

**Service to the Department and College/University/Community (Excellence Required)\***

Sustained excellence as a contributing member of the department:

- Leadership/significant role in department committees, operational functions and assignments of responsibility (achievement, qualitative, creative);
- Leadership/significant role in administrative and supervisory support and assistance (productivity in service areas assisting adjuncts, orientation of new and junior faculty; observations and evaluations of faculty);
- Demonstrated availability to the department for consultation with and assistance to junior faculty in problems related to the functions of the department and scholarship;

- The sum of the activities in the departmental service area should be a demonstrated responsibility for the maintenance of the functional/academic vitality of the department;
- Excellence in significant or leadership roles in divisional and College committees and assignments; sustained contributions in interdepartmental activities, committees, and services beyond the position description;
- Sustained contributions in the area of significant service to the College and/or University (including academic, administrative, technical and other such service) and/or sustained contributions in professionally related community service.

*\* In order to establish a functional consistency and to maintain the integrity of the promotional process, it is necessary to require that appropriate evidence or documentation be provided in each of the categories of evaluation by the candidate, the departmental committee(s) and/or the chairperson.*

## **PERFORMANCE CRITERIA FOR PROMOTION IN TEACHING TITLES**

### **ASSOCIATE PROFESSOR**

#### **Teaching and Teaching Related Activities (Excellence Required)**

- Sustained excellence in teaching effectiveness;
- Majority of satisfactory to excellent student evaluations;
- Sustained involvement in teaching-related activities;
- Demonstrated initiative and/or creativity in instructional areas;
- Effectiveness as a student advisor.

#### **Service to the Department (Excellence Required)**

- Sustained excellence as a contributing member of the department;
- Responsibility and accomplishments in such areas as departmental committees, operational functions and assignments;
- Substantive administrative support and assistance;
- Supervisory support and assistance (demonstration of initiative in service areas, assisting adjuncts and new faculty);

- Evidence of creative achievement as demonstrated by continued involvement in departmental projects, curriculum revision/development and innovative proposals.

The sum of the activities in the area of departmental service should be a demonstrated ability for maintenance of the academic vitality of the department.

#### **Sustained Service to the College/University/Community as Evidenced by:\***

- Significant role in interdepartmental school and/or College activities, assignments and services;
- Service to the College and/or University (including academic, technical, administrative, operational and other such assistance) and/or professionally related academic community service.

The sum of the activities in the College/University/Community service area should be contributions to the maintenance of the academic and educational vitality of the College, University or Community.

#### **Sustained Professional Development and Scholarly Growth as Evidenced by:**

- Academic achievements (advanced degrees, licensure, continuing education);
- Publications or the equivalent (art shows, etc.);
- Continuing education (seminars, workshops, industrial courses);
- Research (academic, technical, educational, institutional, etc.);
- Recognition outside of the immediate academic community (including consultation, curriculum development, research and other achievements);
- Professional association (active involvement in societies, at conferences as speaker, panelist, or other active participant).

Not only should professional development represent growth for the individual, but also should contribute to the academic vitality of the department and/or College, University and/or Community.

*\* Excellence is required in either Service to the College/University/Community or Professional Development and*

Scholarly Growth, with a demonstration of productive efforts in the remaining area.

### **Relationship with Colleagues**

- Willingness to cooperate with others for the good of the department and College;
- Exercise of appropriate personal and professional judgments in relationships with colleagues;
- Knowledge and use of established College procedures.

*NOTE: In order to establish a functional consistency and to maintain the integrity of the promotional process, it is necessary to require that appropriate evidence or documentation be provided in each of the categories of evaluation by the candidate, the departmental committee(s) and/or the chair.*

## **FULL PROFESSOR**

### **Teaching and Teaching Related Activities (Excellence Required)**

- Sustained excellence in teaching effectiveness;
- Student evaluations (majority of satisfactory to excellent ratings);
- Sustained involvement in teaching related areas;
- Sustained initiative and/or creativity in instructional areas;
- Continued effectiveness as a student advisor.

### **Service To The Department (Excellence Required)**

Sustained excellence as a contributing member of the department:

- Leadership/significant role in departmental committees, operational functions and assignments of responsibility (achievement, qualitative, creative);
- Leadership/significant role in administrative and supervisory support and assistance (productivity in service area as assisting adjuncts, orientation of new and junior faculty, observations and evaluations of faculty);
- Demonstrated availability to the department for consultation with and assistance of junior faculty in problems of scholarship and teaching.

The sum of the activities in the departmental

service area should be a demonstrated responsibility for the maintenance of the academic vitality of the department.

### **Sustained Service to the College/University/Community as Evidenced by:**

- Excellence in significant or leadership roles in school and College committees and assignments; sustained contributions in interdepartmental activities, committees, services;
- Sustained contribution in the area of significant service to the College and/or University (including academic, technical, administrative, operational and other such service) and/or sustained contributions in professionally related academic community service.

The sum of the activities in the College/University/Community service area should be a responsibility for the maintenance of the academic vitality of the College, University or Community.

### **Sustained Professional Development and Significant Scholarly Growth as Evidenced by (Excellence Required):**

- Academic achievements (advanced degrees, licensure, continuing education);
- Publications or the equivalent (art shows, etc.);
- Continuing education (seminars, workshops, industrial courses);
- Research (academic, technical, educational, institutional, etc.);
- Recognition outside of the immediate academic community (including consultation, curriculum development, research and other achievements);
- Professional association (active involvement in societies, at conferences as a speaker, panelist, or other active participant).

Not only should professional development represent growth for the individual, but also should contribute to the academic vitality of the department and/or College, University and/or Community.

### **Relationships with Colleagues (Excellence Required)**

- Willingness to cooperate with others for the good

of the department and the College;

- Exercise of appropriate personal and professional judgments in relationships with colleagues;
- Knowledge and use of established College procedures;
- Demonstration of leadership qualities.

*NOTE: In order to establish a functional consistency and to maintain the integrity of the promotional process, it is necessary to require that appropriate evidence or documentation be provided in each of the categories of evaluation by the candidate, the departmental committee(s) and/or the chair.*

## **SENIOR COLLEGE LABORATORY TECHNICIANS**

Promotions within the college laboratory technician series are governed by percentage limitations outlined in the collective bargaining agreement. Promotions will be entertained on a year-to-year basis as these limitations allow. When promotions to the rank of senior college laboratory technician are in order, the following criteria will apply:

### **Performance of Duties and Responsibilities (Sustained Excellence Required)**

- Position as described in a detailed job description submitted with the most recent annual evaluation.

Sustained excellence will be evaluated on the basis of the annual evaluation and the appointments committee report.

Ability to Assume Supervisory/Administrative Functions and/or Perform Highly Technical Functions (Evidence of organizational ability, initiative, and creativity is required).

### **Professional and Personal Relationships (Sustained Excellence Required)**

- Sustained demonstration of a good rapport and effective communications in working with others including chairpersons, supervisors, faculty, colleagues, student aides, students, and others in the College community;
- Knowledge and use of established College policies and procedures.

## **HIGHER EDUCATION OFFICER SERIES**

The collective bargaining agreement does not contain provision for promotions in the higher education series. Under circumstances in which an individual's job and level of responsibility change significantly, the College may recommend a reclassification to a higher title. Individuals serving in the HEO series may be granted merit increases in recognition of excellence in performance or increased responsibilities.

### **Salary Schedules**

See the Collective Bargaining Agreement or go to the Professional Staff Congress website at [www.psc-cuny.org](http://www.psc-cuny.org)

### **Workload**

The normal teaching assignment for faculty in the titles assistant, associate and full professor is twenty-four (24) hours per academic year. The workload for faculty in the titles lecturer and instructor is twenty-seven (27) hours. In addition, student advisement, committee assignments, and other such duties as assigned by the department chair are an integral part of the faculty's workload. See section 18.2a of the Collective Bargaining Agreement for specifics.

All other professional instructional staff work a thirty-five hour week, with the exception of counselors in faculty titles hired prior to September 1, 1998, who work a 30 hour week.

Workload for substitute teaching faculty in the titles assistant, associate and full professor is twenty-seven (27) hours. Workload for substitute teaching faculty in the titles lecturer and instructor is thirty (30) hours.

### **Multiple Position Regulations**

Full-time instructional staff members in the titles of professor, associate professor, assistant professor, instructor or lecturer must comply with the Board of Trustees' rules and regulations pertaining to multiple positions. Employees in the HEO and CLT series are limited in the work they may perform on a multiple position within the University in accordance with university practice and board resolutions.

Please read the entire text of the Multiple Position Regulation in the policy section of this handbook.

Faculty members and college laboratory technicians must receive prior approval from the Departmental Committee on Appointments for any additional employment either within or outside of the University. HEO series employees must receive prior approval from their dean or vice president. Prior approval of the president or his designee is required for any individual planning to teach at any other branch of the University.

The following principles apply:

- Employment outside of CUNY is limited to an average of eight hours per week.
- Employment on a multiple position for extra compensation will be limited to a maximum of one course (up to four classroom contact hours) per semester and not to exceed a total of six classroom contact hours per academic year in most instances, and in no event to exceed eight classroom contact hours per academic year. Employment in exempt HEO titles is governed by the Board Resolution of June 19, 1967 that reads, in part, "Persons in positions in the HEO series shall be deemed to have salaries and salary schedules appropriate for the duties required and they are not to have special time or overtime compensation." HEOs may, however, be employed as adjunct teaching staff or as counselors at an assigned overtime rate under Article 24 of the Agreement, but no multiple position work may be assigned during the employee's normal working hours.

In accordance with the Fair Labor Standards Act (FLSA), non-exempt HEOs, typically at the rank of aHEO, are required to be paid overtime at the rate of time and one-half their regular rate of pay for all hours worked beyond forty hours in a work week. The Office of Institutional Staff Relations will notify you and your supervisor of your exempt or non-exempt status.

- No employee shall receive a multiple position rate greater than 60% of an adjunct rate, except for teaching assignments and psychological counseling.

## LEAVES

### Temporary Disability (Sick Leave)

Temporary disability is defined as any temporary physical or mental incapacity of health including pregnancy, complications of pregnancy and childbirth.

Instructional staff members accrue twenty days of temporary disability leave per year, cumulative to a maximum of one hundred and sixty days.

An employee who is absent from duty because of a temporary disability must promptly inform his/her chair/supervisor, who in turn will inform the labor designee or director of human resources of the nature of the disability and of the probable duration of the absence.

Any individual absent in excess of five (5) working calendar days exclusive of holidays is required to submit Family Medical Leave Act (FMLA) papers that include a request for medical documentation of the disability and a projection of its duration.

Before returning to the College, the absentee must also present a statement from his/her physician certifying that he/she is fully capable of returning to work.

FMLA forms can be obtained through the Office of Instructional Staff Relations or Human Resources and can be downloaded from their respective websites. For more detailed information on temporary disability, see Article 16 of the Collective Bargaining Agreement.

### Parental Leave

Special Leaves for the purpose of caring for a newborn infant shall be granted to a member of the instructional staff provided the applicant has legal responsibility for the care and/or support of the child. A childcare leave normally begins on September 1 or February 1 unless the birth of the child is such as to render these times inappropriate.

The forms for requesting a childcare leave may be obtained from the Office of Instructional Staff Relations or downloaded from their website. For more detailed information see Article 16 of the Collective Bargaining Agreement.

### **Annual Leave**

The period of annual leave for full-time teaching members of the faculty shall be from the day subsequent to the June commencement until the third day, excluding Saturday and Sunday, preceding the thirtieth of August.

- Individuals in the titles of college laboratory technician and the HEO series who have served in full-time positions prior to January 1, 1988 accrue 25 workdays per year of annual leave.
- Individuals in the titles of college laboratory technician and the HEO series appointed after January 1, 1988 shall accrue annual leave at the following rates:

During the 1st year of service – 15 days

During the 2nd through 11th year – 15 days plus one additional day for each year of service up to a maximum of 30 days.

- Instructional staff members serving as librarians or in the registrar series who are employed in full-time positions prior to January 1, 1988 accrue 30 days per year of annual leave.
- Instructional staff members appointed as librarians or in full-time positions on or after January 1, 1988, except those in the HEO series, accrue annual leave as follows:

During the 1st year of service – 20 days

During the 2nd through 11th year – 20 days plus one additional day for each year of service up to a maximum of 30 days.

- Instructional staff members in faculty titles who are hired as counselors prior to September 1, 1998 will have a period of annual leave from the day subsequent to the spring commencement until the third day, excluding Saturday and Sunday, preceding the thirtieth of August, or an equivalent consecutive period.
- Instructional staff members in faculty titles who are hired as counselors after September 1, 1998, will have the same number of annual leave days as instructional staff members hired prior to September 1, 1998. At the discretion of the college

this leave can be scheduled in no less than four-week periods, except for the last period consisting of the remaining number of days. The number of days will be the equivalent of the number of days between the spring commencement until the third day, excluding Saturday and Sunday and legal holidays, preceding the thirtieth of August.

- The maximum accrual of annual leave for the non-teaching instructional staff shall not exceed a maximum of forty-five (45) days.

### **Leaves for Special Purposes**

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

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

The board may allow special leaves to be credited as service for retirement purposes. Where the leave 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.

### **Professional Reassignments**

In accordance with percentages established in the collective bargaining agreement and subject to the approval of the College P and B Committee, counselors in faculty titles who were appointed or assigned on or after September 1, 1998 are entitled to paid leave not to exceed four (4) weeks during any year for research, scholarly writing, and other recognized professional activity.

In accordance with the percentage established in the collective bargaining agreement and subject to the approval of the College P and B Committee, all librarians, other than those in HEO titles, are

entitled to paid leave not to exceed five (5) weeks during any year for research, scholarly writing and other recognized professional activity.

### **Reassigned Time for Scholarly Activities**

Untenured faculty in the titles assistant, associate, and full professor who have received an initial appointment on or after September 1, 2006 will receive a total of 24 contact hours of reassigned time in their first five (5) annual appointments in order to engage in scholarly and/or creative activities related to their academic disciplines.

Effective September 1, 2006 untenured faculty in the titles assistant, associate, and full professor assigned to the library or as counselors will receive the equivalent of 12 contact hours of reassigned time during their first three (3) annual appointments in order to engage in scholarly and/or creative activities related to their academic disciplines.

For the purpose of calculating the reassigned time, 12 contact hours will be equivalent to the number of clock hours that would be necessary to provide full reassigned time to a faculty counselor or librarian for 15 weeks.

### **Leave Guidelines**

The College Personnel and Budget Committee and university guidelines for special leaves of absence are as follows:

- Leaves of absence without pay will generally be considered only for tenured/certificated members of the instructional staff. If in the judgment of the appropriate College bodies, a leave for the purposes of study, writing, research, a creative project or public service of a reasonable duration is requested or for other unusual circumstances that may be of benefit to the College, the president may recommend such to the Board of Trustees. Under certain circumstances, the College may also recommend partial leaves at partial pay.
- Requests for leaves of absence for City University or government service, as well as requests to serve in another unit of the University will generally be honored. There is a three-year maximum for leaves of this nature, with the third year granted only with the chancellor's approval.

- The above are to be viewed only as guidelines. It remains the right of the College P and B Committee and/or the president to deviate from these guidelines relative to any particular request.

### **Family Medical Leave Act**

Full-time instructional staff who have worked at the College for at least twelve (12) months are eligible for FMLA leave up to a maximum of 12 weeks. Both paid and unpaid FMLA leave will be counted collectively in determining the entitlement. FMLA leave will be granted for the following purposes:

- For the birth of a child, and to care for the newborn child;
- For placement with the employee of a child for adoption or foster care;
- To care for the employee's spouse, domestic partner, son, daughter or parent with a serious health condition, and;
- Because of a serious health condition that makes the employee unable to perform the essential functions of his/her job.

All requests for FMLA leave are made in writing through the College's director of human resources. Forms can be obtained in the Offices of Human Resources or Instructional Staff Relations, or downloaded from their respective websites. For more detailed information please contact the Office of Human Resources.

### **Fellowship Leaves**

As per Section 25.3 of the collective bargaining agreement, application for fellowship leave may be made by any full-time member of the permanent instructional staff or lecturer after six years of continuous full-time service exclusive of leaves for other purposes. Application may be made for a full year leave at 80% of the bi-weekly salary rate; a one-half year leave at 80% of the bi-weekly salary rate ; or a one-half year leave at full pay. Fellowship leaves received by members of the instructional staff who serve in the libraries will be of the same duration as those of other instructional staff. Members of the instructional staff who serve in libraries will not accrue annual leave during the period of the fellowship leave.

At its meeting of April 13, 1982, the College Council adopted the following priorities for which fellowships will be granted:

Within each of the following categories, those applicants who have not had a fellowship leave in fourteen or more years shall be given special consideration. These categories are listed in order of priority.

- Restoration of health for faculty appointed prior to July 1, 1965.
- Curriculum development, research in discipline, creative work in the arts, or coursework and/or writing leading toward an advanced degree.
- Educational travel for faculty appointed prior to July 1, 1965.

All applications will be reviewed by a sub committee of the College P and B Committee and will make its recommendations to the College P and B that, in turn, will make its recommendations to the president.

Fellowship leaves will be granted only upon agreement by the applicant that he/she will continue to serve for at least one year after expiration of the term of his/her leave unless this provision is expressly waived by the Board of Trustees.

Individuals who are granted full year fellowships leaves at 80% of the bi-weekly salary rate may terminate the fellowship leave after one semester at their option upon written notice to the president no later than October 30 or March 30, whichever is applicable.

In addition, all individuals upon their return from a fellowship leave must submit a written report to the president, with a copy to the provost, detailing the work accomplished during the leave.

### **Scholar Incentive Award**

The purpose of the Scholar Incentive Award is to facilitate bona fide and documented scholarly research. Other projects or proposals (e.g. meeting of degree requirements, study, service outside of the University) or reasons (e.g. professional, career,

personal) shall not be considered for these awards. The application must evidence a direct relationship between the proposed research or creative work and the applicant's preparation and achievements.

All professors, associate professors, assistant professors, instructors and lecturers who have completed at least one full year of full-time service with the University are eligible to apply.

A Scholar Incentive Award may not be held concurrently with a Fellowship Award. Please consult Article 25 of the Collective Bargaining Agreement for a more detailed explanation.

### **Jury Duty**

A faculty member who receives a subpoena for jury duty during a semester should seek a postponement. A personal appearance at the court can insure that your postponement will be granted, and that you are called during a period that does not interfere with the College's or your personal schedule.

Unless the employee uses annual leave or compensatory time balances to cover the period of jury service, the employee is only entitled to state reimbursement for travel expenses. Instructional staff who have served during their normally programmed administrative or teaching duties must submit proof of their service along with their pink card on the monthly attendance statement.

### **Waiver of Tuition Fees**

Full-time members of the instructional staff are granted a waiver of tuition fees for undergraduate credit bearing courses offered by the University in accordance with the procedures for the waiver of undergraduate tuition fees for other groups of employees.

Six credits per semester during the fall and spring semesters are provided at the graduate level to full-time members of the instructional staff on a space available, no cost basis. There is no provision for summer course work for the professional staff. See Article 29 of the collective bargaining agreement for further information.

## WELFARE BENEFITS

The College offers the following plans to meet retirement and health needs of full-time members of the instructional staff:

### Choice of Health Plans

The University offers a choice of different health plans. At the current time you may choose from amongst:

- ChoiceCare
- CIGNA HealthCare
- Empire Blue Cross and Blue Shield BlueChoice
- Group Health Incorporated--Comprehensive Benefits Plan/Empire Blue Cross and Blue Shield (GHI-CBP/EBCBS)
- Health Insurance Plan of Greater New York/ Health Maintenance Organization (HIP/HMO)
- HIP CHOICE PLUS
- Physicians Health Services
- Sanus Plus
- U.S. HEALTHCARE Choice of Excellence
- U.S. HEALTHCARE HMO
- WellCare

### Choice of Two Pension Systems

- N.Y.C. Teachers Retirement System (TRS).  
If a member of a N.Y. public retirement system, membership may be transferred.
- Teachers Insurance and Annuity System (TIAA)

### Faculty Welfare Trustee Benefits

- Dental Insurance
- Life Insurance on a graduated age rated scale
- Total Disability insurance for five years after one year of employment
- Blue Cross coverage for 19 to 23 year old dependents of full-time faculty members who are full-time, unmarried students.
- Optical Plan
- A prescription drug plan

Additional information concerning benefits and

copies of the appropriate forms may be secured from the Human Resources Office.

## RETIREMENT PROCEDURES

Anyone wishing information regarding retirement benefits may make an appointment with the benefits officer, located in the Human Resources Office, 25 Chapel Street, 11th floor, 718.473.8701.

It cannot be emphasized too strongly that it is the responsibility of each employee anticipating retirement to insure that his/her retirement application is on file with the appropriate retirement system and with the College Human Resources Office within the proper filing period.

In order to assist their department in planning for future semesters, individuals should notify their department chair as soon as they have made a firm decision to retire.

In addition, to avoid delaying the processing of retirement benefits, it is essential that two basic steps be taken as an individual approaches his/her retirement date.

### 1. Determination of Terminal Leave

Regardless of the retirement system to which an individual belongs, he/she may be entitled to terminal leave based upon accrued temporary disability leave. Employees contemplating retirement should make an appointment with the College benefits coordinator for verification of retirement leave. At that meeting, an employee will be given an application for retirement leave of absence (Travia). This form must be completed and filed by the employee with his/her department chair who will forward it to the appropriate division dean, the Office of Instructional Staff Relations and the provost for signatures. This form is then returned to the Human Resources Office.

### 2. Filing Retirement Papers

**Teachers Retirement System:** Application for retirement must be filed with TRS at least one day prior to the retirement date. Employees wishing to retire must contact the Teachers' Retirement System, 200 Church Street, New York, NY 10013, a few months prior to their actual retirement date to request a basic set of retirement data and retirement application forms.

**TIAA:** Employees must file directly with TIAA at 730 Third Avenue, New York, N.Y., 10017, at least one day prior to their retirement date.

**New York City Employees Retirement System:**

Members of ERS may retire not less than 30 or more than 90 days subsequent to filing an application for retirement. Application forms may be obtained from the College Human Resources Office and must be filed at the New York City Employees' Retirement System, 220 Church Street, New York, NY, 10013.

**COMPLAINT, GRIEVANCE AND ARBITRATION PROCEDURES**

Article 20 of the Collective Bargaining Agreement outlines in detail the steps that a member of the instructional staff must take should he/she wish to file a complaint or grievance. The labor designee is the president's designee for labor relations and is the College hearing officer for all such complaints and grievances. In addition, the College affirmative action officer may investigate any complaints relative to alleged discriminatory practices.

**THE PERSONNEL APPEALS COMMITTEE**

The Governance Plan for New York City College of Technology includes a Personnel Appeals Committee which is advisory to the president in matters relating to instructional staff appointments, reappointments, certificates of continuous employment, tenure, leaves, promotions and the related policies, recommendations and procedures that pertain, whose functions shall be to review appeals transmitted to it by those who wish to appeal and to advise the president on their disposition. Such appeals may be made either before or after the president's decision in these matters.

**Composition**

The Personnel Appeals Committee is composed of two tenured associate or full professors elected from each academic school and two from the combined unit composed of the Department of Continuing Education, the Library, registrar series and the Department of Student Affairs. Each school elects its own representatives and each elected member serves for a two year term. The chair is elected from the membership of the committee.

In addition, one member from the CLT series and one from the HEO series are elected every other year to serve with vote when issues involving personnel in these titles are brought before the committee. All persons in the HEO series who are eligible to vote in the elections for College Council shall be eligible to vote for the HEO representative. All persons in the CLT series who are eligible to vote in the elections for College Council shall be eligible to vote for the CLT representative. These representatives from the HEO and CLT series shall only participate in those actions that involve members of their respective series.

**Method of Operation**

Any member of the instructional staff may appeal a recommendation relating to an appointment, or reappointment, a certificate of continuous employment, tenure, a leave of absence, or a promotion to the Personnel Appeals Committee. Appeals must be based on either one or both of the following factors:

- An allegation that there were violations of procedure that may have had a negative effect on the recommendation;
- An allegation that the appellant was subject to arbitrary, discriminatory, or capricious treatment by any individual or group involved in the recommendatory process;
- The committee will not entertain any appeal that deals with a challenge to a substantive academic decision. Appeals relating to non reappointment need not confine their allegations to the above two factors but must nevertheless be fully substantiated.

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 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 committee.

When the statement of appeal, together with all supporting documentation, is filed with the chair of the committee, all committee members are so notified and directed to make arrangements to examine the materials in question. 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 (6) members of the committee constitute a quorum. Should a vacancy exist on the committee, a quorum shall be five (5) until such time as a new member is seated. Under no circumstances shall the committee deliberate with fewer than five (5) members.

The name of the appellant is presented to the committee by the chair. If, after examination of the documentation, no member of the committee indicates a need for further review, the matter is closed. The appellant is informed in writing that, after a full examination of the appeal together with the evidence presented, it is the judgment of the 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 and/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 further actions by the committee shall be governed by a simple majority. A committee member who is present but wishes to disqualify himself/herself shall not be included in the computation of the simple majority.

All discussions by and written reports of the committee must remain confidential. Minutes and recommendations to the president shall be given to the provost's secretary for typing and filing in a confidential folder.

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 to the president

and to the appellant. Minority opinions are to be transmitted to the president through the chair of the committee.

The committee members should be informed of the president's decision via its chairperson.

### **Denial of an Appeal**

In the event that an individual appeals through academic channels a negative decision regarding reappointment, tenure, a certificate of continuous employment, or promotion, including an appeal to the president, and the appeal is not successful, the individual shall be so notified by the president or his/her designee in writing.

In keeping with article 9.10 of the collective bargaining agreement, the appellant, within ten school days after receipt of said notice, may submit to the president a signed request for a statement of reasons for the denial of the appeal. Within ten school days after receipt of the request, the president shall furnish a written statement of the reason(s) for denial to the affected employee.

Consistent with Section 20.5 of the Collective Bargaining Agreement, the president's academic judgment shall not be reviewable by an arbitrator.

### **HEO SCREENING COMMITTEE**

The HEO Screening Committee, whose members are named by the president, reviews and recommends salary step increases, reclassifications, reorganizations, and other personnel actions as may be appropriate for the HEO series. The College affirmative action officer, human resources director, and labor designee are appointed to the committee in an ex officio capacity without vote.

### **HEO LABOR MANAGEMENT COMMITTEE**

The HEO Labor Management Committee is charged with hearing specific concerns regarding workload and/or requests for reclassification from individual employees in the HEO series titles. The committee is composed of two members designated by the Professional Staff Congress (PSC) and two members designated by the president.

# **Section 4**

- **College Services and Sources of Information/Administration Support Services**

# College Services and Sources of Information

## SERVICES FOR STUDENTS

### Admission of Students into Class

Instructors will receive a roster of registered students in your section during the first week of the semester. Students who have been added to the section during the program change period will not appear on the original roster. The instructor may consider these students registered upon the presentation of the student's copy of their bill.

### College Learning Center

The College Learning Center is located at two sites, Atrium G-18 and Voorhees Hall 217.

The center provides free academic support in the form of workshops, tutoring, and computer facilities, to all City Tech students. Faculty are encouraged to refer students for assistance. In addition to support offered to students, instructors can reserve a room of networked-computers for a class period either to demonstrate some Learning Center software or to acquaint the students with skills needed for course-related Internet research.

For a complete listing of tutoring services, computer software, multimedia programs and self-instructional support materials that are available, you can stop by the center or call 718.260.5874.

### Committee on Course and Standards

This committee, composed of faculty appointed by the provost, serves as a final review of student appeals relative to academic standing. For information contact the Office of the Provost, Namm 320, 718.260.5560.

### Counseling Services

The Counseling Services Center offers a range of services designed to support students and increase the rate of retention. Services include personal and professional development workshops, the freshman year course, AA101, individual and group counseling, crisis intervention and dismissal workshops.

### Faculty/Student Disciplinary Committee

This committee, consisting of faculty members and students, formally hears and passes judgment on any charges, accusations or allegations made against a member of the student body. For information contact the Office of the Executive Director for Student Affairs, 718.260.5430.

### Financial Aid

The college administers one of the largest financial aid programs in The City University of New York. The Financial Aid Office provides a variety of services including workshops, application assistance, videotapes, counseling and job placement through the college work-study program. The Financial Aid Office is located on the ground level of Namm Hall, NG-13, 718.260.5700.

### Grace Gallery

The Grace Gallery operates under the direction of the Advertising Design and Graphic Arts department. It features continuing exhibitions of fine art and design by professional artists and designers, as well as periodic shows of outstanding faculty and student work. The gallery is located on the 11th floor of Namm Hall. For further information call 718.260.5175.

### Health Education Services

This program provides confidential health counseling, referrals to various healthcare providers and applications and information on insurance plans for students. It also offers seminars and workshops, classroom presentations, blood pressure screening and an extensive video and print library on many health-related topics. The office is located in Namm 104, 718.260.5914.

### Immigration Clinic

The immigration center is staffed by attorneys, paralegals, students and volunteers, and provides assistance to students, faculty and the community on immigration issues. Services are free and are provided by appointment only; no advice will be given over the telephone or by email. The center is located in Namm 622, 718.260.5597.

**Immunization Office**

The Office of Immunization is responsible for implementing and monitoring compliance with New York State immunization requirements and other recommended immunizations. For further information visit the Admissions Office in the Namm building, Room NG-17 or call 718.260.5500.

**Information Services**

The Information Services Center, located in the Namm lobby adjacent to the cafeteria, serves as a central clearinghouse for information about College events, activities, services, policies and procedures. The center provides information and referrals to students, faculty, staff and visitors to the campus. Among the services it provides are Connect@CityTech, the college's email service, the information display televisions, a college calendar of important dates and deadlines, and a college information telephone that provides access to campus offices. It is also responsible for publication of the Student Handbook and Student Newsletter. To have information published about a particular program, service, or activity, please contact the center directly in Namm 124, 718.260.5520.

**International Students**

The U. S. Department of Justice and Immigration and Naturalization Service approve City Tech for attendance by non-immigrant foreign students. Students who expect to be classified F-1 (student visa), must be full-time, matriculated students. Application materials and information may be obtained from the Office of Admissions, Namm G-17 or call 718.260.5250.

**The New Student Center**

The center offers academic advisement and career and transfer counseling for new students. New students obtain expert assistance in selecting courses for their first semester in the Office of Academic Advising. Students can explore their life and career goals and translate that into a plan for academic success through the office of Career and Transfer Services. The center is located in Namm 104, 718.260.5013.

**Our Children's Center**

Our Children's Center provides a rich educational experience for children ages 6 months - 5.11 years. The program is available to the children of New

York City College of Technology students for a reasonable fee. Operating hours are from 7:45 5:45 Monday through Friday, consistent with the college calendar. The center is located in NG-14 and G-309, 718.260.5192 or 718.530.1000.

**Placement Office**

The Placement Office offers students broad services including computer-assisted resumé and cover letter writing, special on-campus recruitment events, access to hundreds of regularly updated full-time job listings and job fairs. Alumni of the college are also able to take advantage of these services. The office is located in Namm N-G08 or call 718.260.5050.

**Registrar**

The Office of the Registrar is responsible for the registration of students, the determination of eligibility for graduation, preparation of class schedules, the maintenance of records, and all transactions relative to a student's academic status at the college. They are located in Namm G-15, 718.260.5800.

**Schedule of Classes**

Classes should meet as scheduled. No break is provided for ninety minute and two-hour class sessions. Three and four-hour class sessions may take a break, but only during the period when classes are changing. Unofficial breaks or those taken at any other time create a disturbance and interfere with classes in session. Similarly, lateness on the part of a faculty member or early dismissal of classes is to be avoided. These practices violate the college's policy of giving the student the maximum opportunity to learn.

**Scholarships**

The Office of Scholarship Services offers a variety of funding opportunities for City Tech students. For specific information visit the Office of Scholarship Services at NG-09 or call 718.260.5054.

**SEEK**

The SEEK Program is designed for high school graduates or those with equivalency diplomas who are residents of New York State and come from low income families. SEEK students receive tutoring, counseling and financial aid, and are assigned a

counselor to monitor their progress and ensure that their program of study is sound. Applications to this program must be made through UAPC at the same time the student is applying to the City University. SEEK is located in Namm 227, 718.260.5680.

### **Student Attendance Policy**

It is the responsibility of the instructor to keep accurate records of each student's attendance and inform each class orally and in writing of the College's or department's attendance policy during the first two week of class meetings each semester.

**Excessive Absence:** If a student's class absences exceed the limit established for a given course or component, the instructor will alert the student that a grade of WU may be assigned. Absence from more than ten percent of the number of scheduled class meetings violates college policy. It is extremely important that you include the absence policy in your syllabus. Complete details can be found in the college catalog.

**Student Lateness:** Each department has an established policy regarding student lateness in its courses. Lateness policies are to be announced and distributed to the faculty by the department chairperson. It is the responsibility of the instructor to keep a record of lateness and to inform each class orally and in writing of the lateness policy during the first two weeks of class meetings each semester.

**Appeals:** A student wishing to appeal the excessive absence status and the impending grade should request a meeting with the chairperson of the department in which the course is offered. The chairperson will consult with the instructor to render a decision.

Students may appeal a WU grade through the Committee on Course and Standards.

### **Student Life and Development**

The Office of Student Life and Development, which encompasses Student Activities and the Student Center, is charged with encouraging students to participate in intellectual, cultural, social and recreational activities to expand their learning experience beyond the walls of the classroom. An activity period is set aside from 1:00 p.m. to 2:30 p.m. on Thursdays to accommodate clubs and activities. The office is located in G-516, 718.260.5391.

### **Students with Disabilities Program**

The Students with Disabilities Program addresses the academic/vocational needs of self-identified students with disabilities and to those with temporary disabilities due to accidents or interim conditions. The program offers counseling/career counseling, note takers, testing accommodations, use of the program's computer lab with adaptive equipment and sign language interpreters. The office is located in A-237, 718.260.5143.

### **Testing**

The Academic Testing Office, Voorhees 203, 718.260.5171, administers the CUNY/ACT Basic Skills Test and the CUNY Proficiency Examination (CPE).

### **Theatreworks**

Theatreworks is the resident theater company at New York City College of Technology. It is composed of student, alumni, faculty/staff, and community members. Student technicians receive training by participating in the lighting, sound, costume, publicity and scenery crews for performances each year. For further information call 718.260.5588.

### **The Ursula C. Schwerin Library**

The College library department's mission is to enable City Tech students to identify, access, evaluate and use appropriate information and other academic research resources in traditional, electronic, or other media to support and advance their City Tech education and preparations for lifelong learning. The department works with classroom faculty to support related professional development and the integration of research into the curriculum.

Traditional library services include holdings of more than 170,000 circulating books; a comprehensive reference collection of general and specialized encyclopedias, dictionaries, handbooks, indexes, and other research materials; over 550 current periodical subscriptions, with extensive back files; nearly 5,500 audio visual items, including videocassettes, laserdiscs, phonodiscs, CDs and 16mm films; and sizable files of pictures, menus and corporate annual reports.

Online resources are available in electronic and web-based formats. These licensed resources include indexing and abstracting services, full text and

image databases, and table of contents services. Licensed resources may be accessed from Internet stations in the library and throughout the campus via the library's website. Many are also available to the instructional staff at home by proxy service.

Students and instructional staff can access the library holdings of The City University of New York and the college through CUNY+. The online catalog may be searched by author, title, subject or keyword from workstations in the library, the campus, and by modem access, and through a web-based product from the library's homepage (<http://library.citytech.cuny.edu/>).

To expand the collections available to the City Tech community, the Schwerin Library participates in a number of resource-sharing networks. These include CUNY Open Access, Academic Libraries of Brooklyn (ALB), Metropolitan New York Library Council (METRO) and interlibrary loan and document delivery service.

The library's Internet Lab is located just inside the main entrance of the library and seats up to 20 users who may use the lab for up to an hour at a time. This lab supports student research by providing access to the Internet and proprietary online resources such as Lexis-Nexis, EBSCO, and many other databases and electronic journals. A virtual tour can be accessed by going to <http://library.citytech.cuny.edu/internetlab/slideshow.html>.

Faculty librarians provide comprehensive, one-to-one reference instruction, including strategies for accessing and evaluating web resources to the college community. In addition, the library's information resource instruction program, emphasizing information literacy as well as basic library skills and offering training in the use of traditional and electronic resources, is provided to students in all Academic Access (AA101) and English Composition (EG101) classes and sections of courses in various other disciplines. Internet and term paper research workshops are offered periodically throughout the academic year as part of the library's instruction program.

The library is located on the fourth and fifth floors of the Atrium with entry from the fourth floor. For library hours and additional information about

library services, telephone the circulation desk at 718.260.5470 or access the library web site at <http://library.citytech.cuny.edu>.

## **ADMINISTRATIVE AND SUPPORT SERVICES**

Listed below is a wide range of information that is important to all instructional staff members. Please consult the College Telephone Directory for building and room locations.

### **Absence of an Instructor**

Instructors are responsible for reporting their absences to their department chair. Instructors should know their department chair's home telephone number so that notice of absence can be made as soon as possible. The message can also be left with the secretary in your departmental office. Immediately upon returning to the college, instructors should complete an NY 15 form or "Pink Card" for absence, noting the reason for the absence, and give it to the department chair, who will forward it to the Human Resource Department. The "Pink Cards" can be obtained in the department office.

Authority to cancel a class rests with the department. Under no circumstance may an individual instructor cancel a class without the permission of the department chairperson/coordinator or his/her designee.

### **Additional Degrees**

When a faculty member earns an additional degree or professional license, the Office of Instructional Staff Relations should be notified. In addition, official transcripts and copies of licenses should follow such notification for inclusion in the personnel file.

### **Bookstore**

The college bookstore, located in the Atrium, is operated by Follett. Along with supplying standard texts for all City Tech courses, the store carries paperbacks, soft goods, school supplies, drafting supplies, etc. Faculty and staff are given a 10% discount on all merchandise if a validated college ID card is presented at the time of purchase. You can reach them at 718.260.5355.

### **Building Evacuation Procedures**

In a drill or emergency situation, the fire/evacuation alarm will sound and designated floor fire wardens will move immediately to their posts. Once in place, the floor warden assesses the situation determining if the emergency situation is in the warden's area. The warden then determines whether there is a need to arrange for help for people with injuries or disabilities and then begins the evacuation.

During an emergency evacuation, no one should use an elevator except under the direction of a firefighter. It is the responsibility of the floor fire wardens to direct floor occupants to a safe exit.

### **Building/Facility Emergencies**

To report any EMERGENCY on campus, or any occurrence of which our Public Safety officers should be aware, use any campus phone to call 5555, or use your cell phone to call 1.718.260.5555. The Public Safety Office (1.718.260.5550) is open 24 hours a day.

### **General Information on Emergency Closings**

If it should become necessary to cancel classes or to close City Tech buildings because of severe weather conditions or other emergency conditions, the following radio stations will broadcast and/or post web site announcements with current CUNY messages after 6:00 a.m. on the day involved. Announcements will indicate whether day classes, evening classes, and/or Continuing Education classes are canceled.

WCBS 880 AM [www.wcbs880.com](http://www.wcbs880.com)

WINS 1010 AM

WADO 1280 AM

WBLS 107.5 FM

WFAS 103.9 and 106.3 FM [www.wfasfm.com](http://www.wfasfm.com)

WFAS 1230 AM [www.wfasam.com](http://www.wfasam.com)

WLIB 1190 AM

WOR 710 AM [www.wor710.com](http://www.wor710.com)

The announcements will also be posted on the CUNY web site at [www.cuny.edu](http://www.cuny.edu) and on the College website at [www.citytech.cuny.edu](http://www.citytech.cuny.edu). The College will also have an outgoing recorded message on 1.718.260.5000.

If classes are canceled, all staff, except those designated as essential to provide emergency coverage, are released without charge to leave balances.

When conditions require early closing during the workday, Human Resources will notify each office directly by telephone or e-mail, and the radio stations will alert students and faculty members about canceled evening classes.

### **Evacuation of Buildings**

Much of what any student or faculty/staff member would need to know is in the current edition of the College's Fire Safety Instructions, which follow here. Please read this material carefully, and review its instructions each semester.

We each play a role in the safety of a community. So, it is important that we are all informed. Accordingly, City Tech Public Safety is available for questions about the instructions outlined below or for any information about safety or security. Simply contact the Public Safety Office at 1.718.260.5555 or visit us on the first floor of the Namm Building, in Namm 109.

The City Tech home page ([www.citytech.cuny.edu](http://www.citytech.cuny.edu)) is your source for updated material about any emergency conditions that can affect daily operations and instruction at the College.

### **Fire/Smoke Or Immediate Emergency Conditions**

All faculty, staff, and students are to follow three primary safety principles during any emergency:

- FOLLOW THE INSTRUCTIONS of Public Safety and Fire or Police Department personnel;
- DO NOT PANIC;
- DO NOT USE ELEVATORS.

If an emergency condition arises and no Public Safety or Fire/Police Department personnel are on hand, here is what to do:

### **Sounding the Alert**

- Pull the nearest fire alarm. Pull boxes usually are located adjacent to fire exit stairs or elevator banks. Pull boxes are bright red.

- Call for emergency assistance, 9-911 from a phone capable of external calls or simply 911 from your cell phone, and give the following information: conditions (fire, smoke, etc.); location (building address, floor, and area on floor); your name and location in relation to the site of the emergency.
- Call the City Tech Public Safety Emergency Number 5555 and provide the same information as above, informing the Public Safety Officer that you have already called 911.
- Unless your safety is in jeopardy, please remain at the location to direct Public Safety Personnel, Floor Coordinator(s), Searchers or Fire/Police Department, whichever arrives first.
- Close all doors on the floor -- use the fire extinguisher to extinguish a fire only if it is small.
- Do not put yourself in danger! Never permit flames or heavy smoke to come between you and the exit.

### **Evacuating**

- Start evacuating the affected area, using the Fire Exit stairwells only.
- Every floor has a map showing the nearest Fire Exit, near the elevator bank.
- In buildings such as the Namm Building, with a large staircase in the center, it is important to use the fire protected emergency stairwells, at the ends of the corridor, only, to which the appointed Fire Exits lead. **DO NOT USE THE CENTRAL STAIRWELLS**, which should be left clear for use by emergency responders.
- **NEVER USE THE ELEVATORS UNLESS DIRECTED BY FIRE DEPARTMENT or Public Safety.**
- Remain calm and proceed with orderly evacuation.
- Do not return to the building until instructed to do so.

### **Special Instructions for Faculty/Staff**

Faculty members in class should make themselves aware, each semester, of the nearest Fire Exit for each classroom in which they hold a class.

If a fire or smoke or other imminent emergency condition exists while a faculty member is conducting class, the faculty member should direct

the students to the nearest Fire Exit, assuring that all students have evacuated before following.

In fire/smoke conditions, it is the responsibility of all faculty and staff members to assist Fire Wardens in the evacuation of students by directing them to the nearest Fire Exit.

### **Non-Emergency Situations**

Some situations which do not fit into the category of "emergency" require prompt attention to avoid danger to health, damage to property or severe inconvenience. Heating or cooling problems, serious roof leaks, power failures and similar situations should be considered priority repairs. Such situations should be reported to Buildings and Grounds, extension 5337, during normal working hours, 8 AM to 4:30 PM Monday through Friday, or to Public Safety, extension 5550 at all other times, including weekends and evenings.

### **Bursar**

For instructional staff who have not opted to use direct deposit for their paychecks, the bursar distributes checks on the specified Thursday pay date. Checks that are not retrieved from the Bursar within a reasonable period after the pay date will be sent back to the state. The Bursar is located in Namm G-06, 718.260.5510.

### **Change of Address**

Instructional staff members should immediately notify their department chairs and the Instructional Staff Relations Department when a change occurs in address or telephone number. Instructional Staff Relations can be reached at 718.260.5353. Or the form can be downloaded from the Instructional Staff Relations website and submitted to the appropriate office.

### **College Facilities – Requests for Use**

The PN60 is a college form used to request the use of college facilities. It is available in college offices or can be ordered from Central Stores. Depending on the type of space and the intended use, the request should be routed as follows:

Requests for classroom space go to Juan Castro, Office of the Registrar, NG 15. Requests for Klitgord

Auditorium, the Atrium Amphitheater (AG-30), the Faculty and Staff Lounge (A-632), Voorhees Auditorium, and all open spaces, as well as space for any event open to the general public should be sent to David Turkiew, Technical Services, N-322C. Requests on behalf of groups outside the college should also go to David Turkiew.

All completed PN60s by or on behalf of clubs go to Daniel Fictum, Office of Student Life (G-516), who must approve any such requests prior to further processing.

Before submitting the PN60 you should check for the availability of the space by contacting Juan Castro at 718.260.5817 or David Turkiew at 718.260.5523, or, preferably for both, via email.

Conference room space is administered through the departments. Please discuss your need with your chair, who should be able to direct you to the proper person.

### **Commencement and Honors Convocation**

Faculty have a professional responsibility to attend the Commencement and Honors Convocation, it is understood that special circumstances may preclude such attendance.

### **College Mail Center**

The center provides the college with mail and messenger service for official college business. It is located in Namm NC25, 718.260.5147.

### **Computing Information Services**

The Computing Information Services department consists of five different areas of computing: Mainframe, Application Development, Network and Telecommunications and PC Support.

**Systems Development:** Develop databases and applications for campus departmental needs.

**Mainframe Computing:** SIMS, CUPS and other software operating at the University Computer Center

**Networks:** Responsibility for the operation and maintenance of most of the file servers on campus in both the academic and administrative areas including email and the Internet. Maintain campus network infrastructure.

**PC Support:** Service the full-time faculty and staff with their PC hardware and software problems, installation of new hardware and software, anti-virus support and Help Desk.

**Telecommunications:** Installation of new telephones, telephone repair, voice mail and data cable (Internet) wiring.

Requests for assistance with any of the five areas above may be obtained in several ways. You can obtain a CIS Job Request Form, which may be used for all services, by calling extension 5610 or stopping in to Namm 901. Electronic requests can be submitted via the college's Intranet at [intranet.citytech.cuny.edu](http://intranet.citytech.cuny.edu). You can also call the Helpdesk at extension 5626 to obtain immediate assistance for computer problems. Information regarding CIS can be obtained at our site on the Intranet: <http://cis.citytech.cuny.edu>

You will find the college's policy on computer usage in the Policy section of this handbook.

### **Email Addresses**

Every instructional staff member has been provided with a college GroupWise email account. The format for addresses is as follows: first letter of first name, followed by last name @citytech.cuny.edu. For example, Jane Smith would be [jsmith@citytech.cuny.edu](mailto:jsmith@citytech.cuny.edu). If you experience problems with accessing your account, contact the help desk at 718.260.5626.

### **Faculty Resource Center**

Located in AG-23, 718.260.5368, the Faculty Resource Center is a fully staffed state of the art center reserved for the exclusive use the instructional staff. The center is equipped with both PC and MAC platform computers with Internet access, a copier, fax machine, scanner and laser printer. While classes are in session, posted hours will accommodate day, evening and weekend staff.

You may access the center using the #17 or #18 college key. For security purposes, you will have to scan your City Tech ID when you enter.

### **Faculty Space Assignment**

Office and desk space are assigned to faculty members by their respective chairpersons.

### **Field Trips**

Plans for field trips should first be discussed with the department chair. The chair must submit a request for approval of field trip form (PN50) at least 3 weeks in advance of the planned trip.

As per the City University regulations governing field trips involving students who are minors, a consent form for each student under 18 years of age must be completed and returned by a parent/guardian or person in parental relationship. Consent forms must be secured prior to the field trip. This form must grant the college permission to obtain emergency medical treatment for the student and indicate that the parent/guardian will be responsible for the costs of that treatment. Two copies of the consent form (SEE FORM SECTION) should be distributed to the parent/guardian: one to be completed and returned to the faculty member and the other is retained by the parent/guardian for their records.

If possible, field trips should be planned during the hours the course meets, or during hours that all the students are able to attend. It is expected that the faculty member will remain with his/her class during the duration of the trip and that the faculty member will return to the college with their students or officially dismiss them at the site of the trip.

### **Grants**

The Grants Office provides support to faculty and staff in the preparation and submission of proposals to governmental and other agencies for the funding of institutional, research and training projects. For specific information on grant opportunities, proposal preparation or program design, contact the grants officer, in Namm 305, or by telephone at 718.260.5173.

### **Honors and Awards**

Faculty members who have received any honors or awards should submit notification of such to the Office of Instructional Staff Relations, Namm 321, 718.260.5353.

### **Instructional Technology and Media Services (ITMS)**

ITMS offers seminars, workshops and hybrid courses (partially online) for faculty throughout the year covering everything from promoting critical thinking in Web-enhanced courses to preparing digitalized video lectures for the Web. The department also empowers faculty to teach online and hybrid courses. Faculty can attend seminars covering the pedagogy and technology behind online courses, and learn to use BlackBoard, a course management tool. In addition, online tutorials are available through the City Tech Online Web site at <http://websupport1.citytech.cuny.edu/websupport1/it/faculty/edtech.htm>. This office will also provide instruction and support to faculty wishing to create customized Web sites.

ITMS also oversees several academic labs, as well as the Open Labs located in G-600. Equipped with powerful PC and Macintosh computers, as well as software ranging from Visual Studio to Adobe Photoshop, the labs are open to all City Tech students. Technical support for students is available in the labs. They can be reached at 718.254.8565.

Media Services provides audio-visual equipment including projectors, video and sound equipment, as well as data projectors, monitors, and multi-media wagons for use by college staff. Equipment requests should be submitted at least 48 hours in advance. Media production specialists are also available to assist faculty in the design and production of instructional aids for use in the classroom and support facilities. Some of the services available include videotaping, audio recording, still photography, and production of digital videos. ITMS can be reached at 718.260.5140.

### **Insurance**

All members of the faculty and staff are eligible for accident and medical expense insurance coverage through the Auxiliary Enterprise Board upon payment of a premium of \$1.85 each semester to the bursar. A reminder is circulated to the college community each semester.

### **Keys and "Housekeeping"**

The department chair must approve all requests for keys. All housekeeping or repair requests should be made through your department chair on the on-line Buildings and Grounds request system.

### **Payroll**

The payroll office is located at 25 Chapel Street, 11th floor (Howard Building). It can be reached at 718.473.8950.

### **Professional Travel**

The College and the Professional Staff Congress provide limited allocations of money for travel related to professional meetings and conferences. In order to be reimbursed, you will have to seek pre-approval and fill out the requisite forms. Your department chair will provide the requisite paperwork.

### **Public Safety**

The Public Safety Department is responsible for round-the-clock protection of individuals and property on the campus. Our officers are law enforcement professionals and have been trained in matters of safety and security. If you have an emergency or become ill or injured on campus, contact the Public Safety Department at 718.260.5550 or ext. 5555. Be prepared to give your exact location and the telephone number nearest that location. Do not call 911 directly.

All college personnel should wear a current I.D. card while in college buildings and must produce a valid current I.D. to enter any of the College buildings. They are available through the Public Safety Office located in Namm 109. Cooperation with the College's public safety personnel is strongly encouraged.

### **Reproduction Center**

The Reproduction Center provides high quality duplicating and printing services for final examinations, class materials and other related college work. In addition, the center will provide saddle stitching, side wire binding, and GBC plastic cone binding, collation of printed material, multiple folding, hole punching, cutting and delivery of printed material. The center maintains regular business hours and is located in room Namm C-17, 718.260.5331.

### **Room Assignments**

All room and time change requests must be approved by the department chair/program coordinator or his/her designee and processed through the Registrar's Office. Do not change your room until you receive and official notice that the change has been processed.

### **Selection of Textbooks**

The respective departments must approve all required and supplementary texts for courses. The department chair or designee is responsible for the acquisition of textbooks under college guidelines that reflect contractual obligations.

### **Supplies**

Basic office and classroom supplies such as chalk, dry board markers, erasers and test books are available through our Staples on-line system or Central Stores. Your department chair or secretary will have a listing of what is available and will place orders for you.

All goods shipped to the college will come through the Receiving Department where packages are logged for accountability and tracking purposes. You must make sure that the shipper has your full name, department name and room number, if you do not wish to delay delivery. Only items to be used for the classroom should be sent through the college.

# Section 5

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#### ARTICLE I – FUNCTION OF COLLEGE COUNCIL

The College Council shall be the body, which establishes college policy on all matters except for those specifically reserved by the laws of the state of New York, by the Bylaws of the Board of Trustees of the City University of New York and the collective negotiation agreements in force.

#### ARTICLE II – COMPOSITION OF COLLEGE COUNCIL

##### A. The Council shall be composed of:

1. Ex officio members (with vote): President of the College, provost, all vice presidents, all full deans, dean of continuing education, chief librarian, registrar, director of admissions, divisional deans and departmental chairpersons.
2. One member to be elected from each instructional department and voting unit (including Department of Student Affairs, Library, Continuing Education, College Laboratory Technicians series<sup>1</sup>, Higher Education Officer series<sup>1</sup> and Registrar series<sup>1</sup> with up to twenty-five full-time instructional staff members; two members to be elected from each department, or voting unit with more than twenty-five full-time instructional staff members.
3. Delegates-at-large to be elected from the instructional staff as defined in Article II Section B, 2, with the number of delegates-at-large to be equal to the number of departments and voting units.
4. Students: Student representatives designated as follows:
  - a) Two students elected by the student government.
  - b) Four students from each academic division, each of whom is registered in a department within that academic division, elected by the students within that division. Current election procedures for divisional students representatives are to remain in force.
  - c) Elections for delegates should be held at the same time as election of Student Government officers.
  - d) Election of all student representatives to the College Council shall be by plurality vote of those eligible and voting.
  - e) All student representatives on the College Council will serve for a one- year period.

<sup>1</sup> These groups shall be construed as separate voting units ONLY for the purpose of electing College Council

delegates. However, CLT's may not vote in elections for departmental delegates.

## **B. Eligibility to serve and to vote on the College Council:**

### **1) Students**

In order for students to serve on the College Council they must meet all of the following criteria:

- a) They must be currently enrolled in the college and in good academic standing. Any student member of the council placed on academic probation during his/her term of office automatically loses his/her seat and may stand for re-election only on being returned to good standing.
- b) They must have successfully completed twelve hours.
- c) They must be able to serve a minimum of one year.
- d) They must be enrolled for a minimum of 3 hours.
- e) If a student vacancy occurs, the student voting unit from whence the student comes shall provide a replacement. The name of the replacement is to be reported to the council secretary.

### **2) Instructional Staff**

The following members of the instructional staff shall be eligible to serve on and vote for the College Council:

- a) All professors and associate professors,
- b) All tenured assistant professors and instructors,
- c) All assistant professors and instructors who have received a third full-time annual appointment,
- d) All full-time assistant professors (untenured) who have been appointed to the rank after serving for a minimum of three years as full-time lecturers/instructors,
- e) All lecturers full-time who have received a third continuous annual appointment,
- f) All college laboratory technicians who have received a third full-time continuous annual appointment,
- g) All higher education officers who have received a third continuous full-time annual appointment,
- h) All registrars who have received a third full-time continuous annual appointment.

## **C. Elections to College Council**

### **1) Department Delegates**

- a) Department delegates shall be elected by those eligible to vote as defined above and in Part II, immediately following the election of department chairpersons. They shall serve a three-year term. Those persons serving as department delegates at the time of the adoption of this constitution shall remain on the council until the expiration of their term.
- b) Vacancies shall be filled by the department for the unexpired portion of the term by election within the department if a delegate resigns, retires or is on an extended leave. If the vacancy is caused by a one-semester leave the vacancy shall be filled by a runner-up on a ranked list from the last election until the incumbent returns.

### **2) Delegates-at-Large**

- a) Delegates-at-large shall be chosen from the instructional staff as defined above. Such delegates shall be elected for a three-year term with 1/3 elected each year on a rotating basis. Those persons serving as delegates-at-large at the time of the adoption of this constitution shall remain on the council until the expiration of their terms.
- b) Those elected shall be selected on the basis of a plurality vote with ties broken by the candidates drawing lots.
- c) Elections shall be held in the Spring semester no later than the last day of classes each year, but shall not take place until after the elections of departmental chairpersons and delegates.
- d) Vacancies for delegates-at-large shall be filled from the list of runner-up candidates of the last election, on a ranked list from the last election for that position with the person having the most votes among the runners-up filling the vacancy. The vacancy shall be for the balance of the semester or academic year, depending upon the type of leave taken by the incumbent. Persons who become unavailable for an indefinite period shall be replaced as per the procedures noted above. Incumbents shall return to their positions upon returning from leave within the time of their original term.

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- 3) All elections shall be supervised by the Legislative Committee and administered by the Office of Instructional Staff Relations and Labor Relations. Student elections shall be supervised by the Office of the Vice-President for Student Affairs.
- 4) Rules for election shall be established by the College Council.

## ARTICLE III – ORGANIZATION OF COLLEGE COUNCIL

A) The chair of the council shall be elected by a majority vote of the council members present at the organizational meeting. Instructional staff members, as defined in IIB2, of the College Council and department chairpersons are eligible to serve. Reassigned time shall be provided.

The Council Chair shall:

- 1) Preside over all meetings of the College Council.
- 2) Preside over all meetings of the Executive Committee.
- 3) Oversee the workings of each of the standing committees.
- 4) Serve as an ex-officio member of all council committees.
- 5) Meet at least once per semester with the president of the college to discuss council business.
- 6) Represent the college in all governance matters.

B) The vice-chair shall be elected by a majority vote of the council members present at the organizational meeting. Instructional staff members, as defined in IIB2, of the College Council and department chairpersons are eligible to serve. The council vice-chair shall:

- 1) Preside over council meetings in the absence of the council chair.
- 2) Preside over meetings of the Executive Committee in the absence of the council chair
- 3) Serve as an ex-officio member of all council committees.
- 4) Meet, along with the council chair, at least once per semester with the president of the college to discuss council business.

5) Represent the college in governance matters in the absence of the council chair.

C) A parliamentarian shall be elected at the organizational meeting of the council by a majority vote of the council members present. The parliamentarian may or may not be a member of the College Council but may vote only if he/she is a voting member of the council. The parliamentarian shall use the current edition of Robert's Rules of Order, Newly Revised and shall advise the council on questions of procedure.

D) A council secretary shall be elected at the organizational meeting of the council by a majority vote of the council members present at the meeting. All council members are eligible to serve. The council secretary, shall:

- 1) Notify council members of the time, place and agenda of all council meetings.
- 2) Prepare and distribute the minutes of all council meetings indicating all present, absent or excused.
- 3) Provide the college archivist with all minutes of council meetings and those of its committees as well as all other council documents.
- 4) Prepare and distribute to the college community an annual report summarizing all actions taken by the council.
- 5) Serve as a member of the Executive Committee of the College Council and also as a member of a standing committee.
- 6) Serve, without vote, as a resource person to the Committee-on-Committees.
- 7) Publish a summary of attendance of members annually.
- 8) Update the database of council actions annually.

E) Adequate secretarial services to perform council functions shall be provided for by the college administration to the chair, secretary and chairs of standing committees. Up to 20 hours/week of College Office Assistant time is to be allocated for council activities. Additionally, an office shall be provided and equipped with appropriate office technology: e.g. up-to-date services are to include

a telephone with voice mail, e-mail, fax machine access and a networked computer with printer.

## ARTICLE IV – MEETINGS OF COLLEGE COUNCIL

- A) The College Council shall meet a minimum of five times each academic year (at least once during the first two months) as determined by the Executive Committee of the council.
- B) Meetings of the College Council shall follow the current edition of *Robert's Rules of Order Newly Revised*.
- C) No business shall be conducted at College Council meetings unless there is a quorum present. A quorum is defined as a majority of the total College Council membership.
- D) The time of adjournment shall be mandatory and no binding resolutions or actions shall be permitted to be taken beyond that time.
- E) The Chair[person] may call special meetings of the College Council to deal with specific agenda items upon three working days notice to the membership of the council.
- F) All council meetings shall be open to members of the college. Non-members of the council, with the approval of the council, may speak but may not vote.
- G) Upon delivery of a petition of a minimum of 1/6 of the membership of the council to the College Council secretary, a meeting must be called in order to deal with the issue of the petition. This meeting must be held within ten (10) working days from the receipt of the petition.
- H) The college archivist shall maintain the official records of the council and such records shall be accessible to all members of the college.

## ARTICLE V – POWERS AND DUTIES OF COMMITTEES OF COLLEGE COUNCIL

### A) The College Council may establish standing and special committees at its discretion.

- 1) All members, except ex-officio must serve on a council committee. Ex-officio members may elect to serve.
- 2) Committee members shall have access to all college records and sources of information necessary for carrying out their assigned responsibilities.

### B) The Executive Committee

- 1) The Executive Committee shall be composed of the council chair[person], vice-chair[person], secretary of the council and the chair[person]s of all standing committees.
- 2) The Council Chair [person] or, in his/her absence, the vice-chairperson shall preside at meetings of the Executive Committee.
- 3) In the absence of a chair [person] of a standing committee he/she may be represented by a designee from the same committee, who shall enjoy the same privileges as the [chairperson] committee chair.
- 4) The Executive Committee shall meet at least once a month during the academic year [and shall first meet by call of the chairperson early in the fall semester].
- 5) The Executive Committee shall [prepare] set the agenda for all meetings of the College Council. The business of the standing committees shall be the first items on the Council agenda, followed by the report of the President. The Executive Committee will assign time limits to items on the agenda. A copy of the agenda shall be delivered to each council member at least five working days prior to a meeting and shall be posted on bulletin boards to be designated by the council at least five working days prior to a meeting. Once an agenda has been distributed, it may be modified only by action of the College Council.
- 6) The Executive Committee of the council shall refer matters brought to its attention to the appropriate committee or to the council. All proposals submitted to standing and special committees must be written, complete and contain intended committee designations and time frame or they will be returned to their originators for revision. [It] The committee shall receive recommendations and resolutions from all standing and special committees prior to submission to the council.
- 7) The Executive Committee of the council shall submit such recommendations and resolutions to the council or shall return them to the appropriate committee with comments. If a recommendation or resolution is returned to a committee and the committee passes it for a second time and

# Appendix A

forwards it to the Executive Committee, it must be placed on the agenda of the next council meeting.

- 8) The Executive Committee of the council shall place on the agenda for the last meeting of the Council a report from the Registrar on the list of students for graduation. At the last meeting of the Council the Registrar shall present a certified list of the October and January graduates and a list of proposed candidates for June graduation. Faculty members of the council will affirm and validate the list of candidates.

## **C) Committee on Committees**

- 1) The Committee on Committees, composed of five council members of the instructional staff as defined in Article II, B 2 shall be elected by members of the council at the first meeting of the council.
- 2) The Committee on Committees will elect its own chairperson.
- 3) Each member of this committee must serve on another standing committee of the council.
- 4) This committee shall be charged with assigning council members to serve on standing committees within ten days of the first meeting of the council each year.
- 5) This committee shall determine the number of members to be assigned to each standing committee with the proviso that no committee shall have fewer than seven members.
- 6) In making its assignments the committee will consider appropriate continuity and individual preferences.
- 7) At least one student shall be assigned to each standing committee.

## **D) Standing Committees**

- 1) Each standing committee shall elect its own chairperson and secretary. Each chairperson and secretary shall serve for one year.
- 2) Each committee shall investigate, study and report to the College Council on all matters brought to its attention by any member of the council's constituency.
- 3) By a simple majority vote of the College Council a matter resting in the hands of a committee shall be brought before the council at its next scheduled meeting.

- 4) Each committee shall transmit its minutes with a record of attendance to the Executive Committee of the College Council and to all members of the council.
- 5) No committee has the authority to act for the council.
- 6) Each committee shall work within a reasonable time frame with full knowledge and awareness of such deadlines as may exist.

## **Curriculum Committee**

This committee shall be responsible for the evaluation of curriculum, the review of proposals for the development and modification of curriculum and formulation of curriculum policy.

## **Committee on Students**

This committee shall be responsible for the evaluation and formulation of policy pertaining to: student recruitment, admission, discharge, student orientation, registration, discipline, counseling, academic standards, granting of degrees, ceremonies, health and other services, extra-curricula activities including athletics, student grievances, as well as other activities relating to students. All actions of this committee shall be undertaken within the boundaries of the students' right to privacy as defined by the Students Records Access Policy of the Board of Trustees of the City University of New York.

## **Budget Committee**

This committee shall be responsible for recommendation and evaluation of policy relating to the financial and budgetary affairs of the college.

## **Legislative Committee**

This committee shall be responsible for the formulation of any required amendments to this constitution, the election procedures and bylaws of this body. In addition, this committee shall review and recommend action to the council on legislation of concern to the college community.

## **Buildings and Grounds Committee**

This committee shall be responsible for recommendations to the council concerning the condition, improvements and safety of the college

proper and its environs. This committee shall be expected to provide liaison between the faculty and the Office of the Vice President of Fiscal and Operational Affairs. To further this goal, the Buildings and Grounds Committee shall be represented on all college-wide committees dealing with the planning and use of the physical plant.

#### **Personnel Committee**

This committee shall be responsible for the development of policies and practices (not subsumed by the Board of Trustees' Bylaws or existing contractual agreements) relating to the instructional staff.

It shall be responsible for reviewing existing policies and practices and proposing recommendations for change.

It shall also be responsible for the development and continuing review of criteria and procedures for the evaluation of administrators appointed by the president of the college and shall be responsible for seeing that there shall be periodic evaluation of all such administrators.

#### **Non-members on Committees**

Members of the instructional staff and students, who have not been elected to the council and who wish to serve on a standing committee of the College Council may apply in writing to the chairperson of the Committee on Committees. The chairperson of the Committee on Committees, in consultation with the members of the Committee on Committees and the chairperson of the committee being requested, must either grant or deny the request in writing. A denial must be accompanied by a reason. Those persons who are accepted will serve on the committee but will not have a vote and will not serve as delegates to the council. Representation of non-voting members on a committee shall not exceed 25% of the voting members, nor shall such non-voting members be counted as part of the committee's quorum. Their term shall not exceed the academic year in which they are invited to serve.

#### **ARTICLE VI – PAST PRACTICES OF COLLEGE COUNCIL**

Nothing in this document shall in any way be construed as to void the legality of any legislation of any previous duly constituted council, except as it may be specifically provided for in this constitution.

## **PART II Departmental Elections**

All full-time members of the instructional staff as defined below shall be eligible to vote in all departmental elections:

Professors and associate professors

Tenured assistant professors and instructors

Assistant professors and instructors who have received a third full-time continuous annual appointment.

Full-time assistant professors (untenured) who have been appointed to this rank after serving for three years as full-time lecturers/instructors

Full-time lecturers who have received a third continuous annual appointment.

Eligibility to serve as department chairperson and to serve on appointments committees:

The provisions of Article IX, section 9.1, of the Bylaws of the Board of Trustees shall be used to determine those faculty members eligible to serve as department chairpersons and to serve on committees on appointments.

In departmental elections for chairperson, committee on appointments and departmental delegate to the College Council, and in the peer evaluation process for promotion, the following shall be deemed ineligible to vote and serve:

Appointees (either regular or acting but not including people serving in the below titles as the chief administrator of the Library, the Department of Student Affairs and the Department of Continuing Education) as:

- President
- Provost
- Vice President
- Dean
- Associate Dean
- Assistant Dean
- Administrator
- Associate Administrator
- Assistant Administrator

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Those serving in a full-time administrative capacity with the City University of New York, or the city, state or federal government.

Those placed on disability leave without pay including TIAA Disability.

Persons shall be deemed ineligible to vote in their departments if they are serving in a full-time administrative capacity for two years continuously outside of their own departments. For purposes of implementation, calculation of the two-year period shall begin with the September following the adoption of this constitution by the Board of Trustees of the City University of New York.

All of the above shall regain their rights immediately upon returning to full-time teaching or other service in their own departments.

### PART III Promotion Procedures

At the beginning of each academic year, the director for Instructional Staff Relations issues a personnel calendar which includes deadline dates for the promotion process.

The director also sends to each department chair a listing of those faculty eligible to apply for promotion together with promotion applications, which are to be delivered personally to each eligible candidate. Any individual who does not receive an application and questions the eligibility listing should contact the director for Instructional Staff Relations.

During the fall semester, the president appoints two ad hoc promotion committees each consisting of five or six members of the faculty to examine in depth the candidacies of the applicants for promotion to the rank of associate professor and professor.

The ad hoc committee on promotion to associate professor will be composed of either five or six members of the faculty holding the rank of associate professor or professor. At least two of its members must be from the College P&B Committee with the ad hoc committee chaired by a member of the College P&B Committee.

The ad hoc committee on promotion to professor will be composed of either five or six members of the faculty holding the rank of professor. At least two of its members must be from the College P&B Committee with the ad hoc committee chaired by a member of the College P&B Committee.

Applications of candidates as well as the required evaluations must be filed with the director for instructional staff relations by the announced deadline dates.

The promotion process to the senior ranks originates with an evaluation by the departmental peers committee. For promotion to the rank of professor, the peer committee is composed of all full professors in the department; for promotion to the rank of associate professor, the committee consists of all associate and full professors in the department. The following procedures are to be followed at the departmental level:

#### **Department Chairs:**

Have all eligible candidates observed during the fall semester, review the observations with the candidates within a three week period, and prepare the appropriate memoranda; determine from the candidates whether they wish to appear before the peer committee; convene the peer committee to discuss each candidate and to elect a representative to be interviewed by the ad hoc committee. It is the peer committee's responsibility to evaluate each candidate using the college's performance criteria for promotion. These evaluations should result in a written report prepared by and voted on by the peer committee. The report should be signed by each of the members of the peer committee. These signatures indicate that the peers have read the report and are aware that they may append comments. Minority reports may be filed.

Hold a conference with each applicant to discuss the peer committee evaluation report and minority report (if any). This discussion should be reflected in a memorandum signed by the chair and the applicant, a copy of which should be given to the applicant. The candidate should also receive an unsigned copy of the report including any appended comments. Submit the

reports, observations and memoranda together with the name(s) of the elected peer(s) to the director of instructional staff relations via the academic dean by the deadline date.

In those instances where a candidate makes application for promotion and does not fit the above model, the following procedures will apply: Where the department chair is the only peer in the department, the academic dean shall act as a second peer with the department chair writing the report; Where the department chair makes application and there are no other peers, the evaluation is performed by the academic dean;

Where the department chair makes application and there is only one peer, the academic dean and the peer constitute the evaluating body with the peer writing the report; Where the department chair makes application and there are two or more peers, the academic dean convenes the peers, an election is held for a peers' chair, the academic dean leaves, and committee of peers evaluates all candidates with the chair of the committee writing the report; Where the department chair does not make application and is not a peer, the department chair convenes the peers, participates in the evaluation discussions, but does not vote.

During the spring semester, the ad hoc committees review all applications, personnel files and relevant materials and interview candidates, elected peers, academic deans, the provost and department chairs. The affirmative action officer may also request to be interviewed. In addition, the committees, at their discretion, may call upon anyone either within or outside of the college to assist in their evaluations. The committees will forward their reports to the president prior to their being presented to the College P&B Committee late in the spring semester.

A candidate will be considered recommended with a vote of 5-1 or 4-1.

In cases where a committee member is a member of the same department as the candidate, the committee member will recuse him/herself from the interviewing and voting processes. A candidate will then be considered recommended with a vote of 4-1 or 3-1.

After action is taken by the College P&B Committee, the president, in consultation with the provost and academic deans, will review the applications of all candidates and will make his/her final recommendations known to the College P&B Committee at its first meeting in September.

Appeals may be made to the Personnel Appeals Committee.

Candidates not recommended for promotion will meet with their department chair and academic dean early in the fall semester and prior to the beginning of the next promotion process so that the substance of the ad hoc committee's report relative to their candidacy may be shared with them. A record of this meeting will be summarized in a memorandum and placed in the candidate's personnel file.

## **PART IV Personnel Appeals Committee**

There shall be a Personnel Appeals Committee whose function shall be to review appeals transmitted to it by those who wish to appeal matters relating to instructional staff appointments, reappointments, certificates of continuous employment, tenure, leaves, promotions and the policies, recommendations and procedures thereto pertaining, and to advise the president on their disposition. Such appeals may be made either before or after the president's decision.

This committee shall be composed of two tenured associate or full professors from each academic division and two from the combined unit composed of the Department of Continuing Education, the Library, Registrar series and the Department of Student Affairs. One member from each division shall be elected each fall, by members of the instructional staff in the faculty titles of lecturer, instructor, assistant professor, associate professor and full professor who are eligible to participate in elections for the College Council.

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In addition, one member from the HEO series and one member from the CLT series shall be elected every other fall, who will serve, with vote, only when an appeal has been presented to the Personnel Appeals Committee by a person in the HEO series or in the CLT series respectively. All persons in the HEO series who are eligible to vote in the elections for College Council shall be eligible to vote for the HEO representative. All persons in the CLT series who are eligible to vote in the elections for College Council shall be eligible to vote for the CLT representative. These representatives from the HEO and CLT series shall only participate in those actions which involve members of their respective series.

The chairperson of this committee shall be elected from among the membership of the committee by the committee members each fall, following the election held to fill the vacant seats. Each division/area shall conduct a separate election for its representatives. Each elected member shall serve for a two-year term.

## **PART V – ADMINISTRATIVE ACCOUNTABILITY**

The president shall report no less than once during each academic year to the assembled instructional staff of the college on accomplishments of his/her administration and plans for the future. On such occasions the president will entertain questions and statements from the assembled instructional staff.

Division deans shall report no less than once during each academic year to the assembled instructional staff of the division on accomplishments of his/her administration and plans for the future. On such occasions the division dean will entertain questions and statements from the assembled instructional staff of the division.

Department chairpersons shall report no less than once during each academic year to the assembled instructional staff of the department on accomplishments of his/her administration and plans for the future. On such occasions the chairperson will entertain questions and statements from the assembled instructional staff of the department.

## **PART VI – BYLAWS AND AMENDMENTS**

### Bylaws

- The College Council shall adopt bylaws, pursuant to the current edition of *Robert's Rules of Order Newly Revised* to define and regulate the details of its organization and procedures.
- Amendments

Amendments to this governance plan may be initiated by any standing committee or by petition of sixty (60) members of the instructional staff. The proposed amendment shall be submitted to the Legislative Committee for review. The Legislative Committee must submit the proposed amendment with its recommendations to the Executive Committee for placement on the agenda of the next regular meeting of the College Council.

The proposed amendment will require a two-thirds affirmative vote of the College Council. In addition, an affirmative simple majority of those members of the Instructional Staff voting, provided 30% vote, is required.

All amendments to this governance plan are subject to approval by the Board of Trustees.

The instructional staff shall have the right to reverse any specific vote of the council, including amendments of this governance plan, by a vote of the majority of the membership of said instructional staff eligible to vote. Upon petition of one tenth of the instructional staff to the president of the College Council, a meeting, to which the entire instructional staff is invited, must be held in order to determine if the instructional staff desires to reverse any council decision in the aforementioned manner. This meeting must be held within ten (10) working days from the receipt of the petition. The instructional staff shall be notified of said meeting a minimum of five (5) working days prior to the meeting date. The president of the college shall preside at this meeting.

# Bylaws of the College Council of New York City College of Technology of the City University of New York

Version Dated 05/01 – with changes from 06/00

(Approved by Council May 31, 2001, with amendment approved by Council May 15, 2007)

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### PREAMBLE

Since the college governance plan approved in 1998 does not contain certain procedures necessary for orderly functioning of the Council, these bylaws have been developed to serve that purpose and should be read along with the College Plan of Governance.

### I. COLLEGE-WIDE ELECTIONS - INTERNAL ORGANIZATIONS

#### A. Delegate-at-Large to College Council

1. Composition, eligibility, length of office and vacancy procedures are contained in Part I, Article II, C2 of the Plan of Governance.
2. Elections shall be held during the spring semester at the times and places designated on the notice of election(s).
3. Each candidate shall be required to submit a nominating petition containing the signatures of twenty-five (25) eligible voters.
  - a. Nominating petitions shall be obtained from and hand delivered to the place(s) designated on the notice of election.
  - 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 (24) hours prior to the opening of the election process. A notice of names withdrawn shall be posted next to every ballot box.
4. The Legislative Committee shall confirm the eligibility of all candidates.
5. The notice of election shall be prepared and circulated by the Office of Human Resources for at least ten (10) working days prior to the date the nominating petitions are due.
  - a. The names of candidates for each office placed on a paper ballot. A member of the Legislative Committee shall initial this ballot for accuracy.
  - b. The Office of Human Resources shall distribute the ballot to all eligible voters at least five working days (when classes are in session) before the election.

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- c. The elections shall be conducted for one week at the designated place(s), with the polls open continuously during the hours specified on the notice of election.
  - 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 drawing lots.
6. The Office of Human Resources shall post a list of the election results at the polling sites within five (5) working days after the close of all elections.
  7. To assure continuity of council membership, if more than one delegate-at-large is added to the Council from the alternate list, lots shall be drawn to determine the term of office. In the event there are an insufficient number of alternates new delegates will be chosen at the next general election.

## **B. Student Delegates to the College Council**

1. Composition, eligibility, and term of office are contained in Part I, Article II, A4, B1 of the Plan of Governance.
2. On or before six (6) weeks prior to the election, the Office of Student Affairs shall submit a written request to each School Dean asking for the names of at least three students from each major Department/Program. Such students shall have demonstrated an interest in serving as student representatives to the College Council.
3. At least four (4) weeks prior to the election the School Deans shall direct these students to report to the Office of Student Affairs for applications and election information packets. A completed application shall be returned to the Office of Student Affairs by the posted deadline.
4. By April 1st the names of the school nominees complying with the regulations in the Student Election Handbook will shall be sent to the Office of Student Affairs to be placed on the SGA ballot.
5. At the time of the Student Governance elections, four representatives 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 representatives to the College Council and their alternates shall be notified in writing of their election within five (5) working days after the completion of the election. Notification shall be sent by the Office of Student Affairs to the students' home addresses as indicated in their school records.
8. Within five (5) working days of the election the Office of Student Affairs shall submit the names of the elected student delegates to the College Council Secretary and the School Deans.
9. Immediately following the organizational meeting of the new College Council, 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 addresses of the student representatives shall be forwarded to the appropriate College Council committee chairpersons by the Committee on Committees. It shall be each chairperson's responsibility to inform students about all meetings. The minutes of each meeting shall be sent to student representatives' home addresses as appears in their school records
11. It is recommended that the committee chairperson assign one council member to each student representative to provide an on-going "mentor."
12. Student delegates must terminate their membership upon graduation. If a vacancy occurs for this or any other reason, the position of student member of College Council shall be filled by an alternate. In the event that the authorized number of school representatives and/or alternates is not elected, the number of school representatives shall then become the number that are duly elected.

## **C. Faculty-Student Disciplinary Committee**

(Note: As amended May 15, 2007)

1. The Bylaws of the Board of Trustees of the City

University of New York, Section 15.3, as amended on December 1, 1999, provide for the establishment of a Faculty-Student Disciplinary Committee whose function it is to formally hear and pass judgement on any charge(s), accusation(s), or allegation(s) against a member of the student body.

2. Any faculty member holding the rank of professor, associate professor, assistant professor, instructor, lecturer full-time, registrar, associate registrar, or assistant registrar is eligible to nominate or be nominated, to vote, and to serve on this committee.
3. The Faculty-Student Disciplinary Committee shall consist of two faculty and two student members plus a chairperson.
  - a. The faculty members shall be selected by lot from a panel of six elected annually by the appropriate faculty body from among persons having faculty rank or faculty status.
  - b. The student members shall be selected by lot from a panel of six elected annually in an election in which all students registered at the college shall be eligible to vote.
  - c. 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 member of the committee shall serve more than two consecutive terms.
4. The President shall select in consultation with the Executive Committee three (3) members of the instructional staff to receive training and to serve in rotation as chair of the disciplinary committee. If none of the chairpersons appointed from the campus can serve, the President, at his/her discretion, may request that a chairperson be selected by lottery from the entire group of chairpersons appointed by other colleges.
  - a. The chairperson shall preside at all meetings of the Faculty-Student Disciplinary Committee and decide and make all rulings for the committee. He/she shall not be a voting member of the committee but shall vote in event of a tie.
  - b. In the event that the chairperson cannot

continue, the President shall appoint another chairperson. In the event that a student or faculty seat becomes vacant and it is necessary to fill the seat to continue the hearing, the seat shall be filled from the faculty or student panel by lottery.

5. A quorum shall consist of the chair and any two members.
6. Hearings shall be scheduled at a convenient time and efforts shall be made to ensure full student and faculty representation. Persons who are to be participants in the hearing as witnesses or who have been involved in preferring charges or who may participate in appeals procedures or any other person having an interest in the outcome of the hearing shall be disqualified from serving on the hearing panel. An attorney from the general counsel's office of the board may be present to act as legal advisor to the committee. Whenever an academic sanction, as well as a disciplinary sanction, is being sought against a member of the student body in accordance with the University's Policy on Academic Integrity, the College's Academic Integrity Officer or his / her designee shall be present to act as an advisor to the Committee.

(Note: End of amended text)

#### **D. Personnel Appeals Committee**

1. The function, composition, and eligibility are contained in Part IV of the College Governance Plan.
2. Members of the Personnel Appeals Committee shall serve for two years.
3. Elections shall be held during the spring semester at the times and places designated on the notice of election(s).
4. Each candidate shall be required to submit a nominating petition containing the signatures of ten (10) eligible voters.
  - a. Nominating petitions shall be obtained from and hand delivered to the place(s) designated on the notice of election.
  - b. Nominating petitions must be submitted by the date specified on the notice of election.
  - c. Nominating petitions may be withdrawn up to

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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 Human Resources for at least ten (10) working days prior to the date the nominating petitions are due.
  - a. The names of nominees for each office shall be placed on a paper ballot. A member of the Legislative Committee shall initial this ballot for accuracy. The Office of Human Resources shall distribute the ballot to all eligible voters at least five working days (when classes are in session) before the election.
  - b. The elections shall be conducted for one week at the designated place(s), 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 drawing lots.
7. The Office of the Vice President for Human Resources shall post a list of the election results at the polling sites within five (5) working days after the close of all elections.
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 vacancy is for an academic year or longer, a new election shall be held for the balance of the term.
9. A completed report of the recommendations of the Personnel Appeals Committee shall be submitted to the President of the College no more than thirty (30) working days after such appeal is presented to the committee.

## 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 members of the Committee on Committees. In addition, elections of the members of other special council committees shall be held if required. All council elections of officers and special committee members shall be by a majority vote of the council members present at the organizational meeting as specified in Part I, Article III. The organizational meeting of the new council will shall be held immediately following the final meeting of the existing council 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 can 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 can 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 can 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 will 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 can 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 at the penultimate meeting of the College Council. This election shall be by secret ballot.
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 and shall perform the duties indicated in the College Council Constitution, Part I Article V, C 4, 5, 6 and 7.
4. The Secretary of the College Council shall act as a resource person to this committee.

### **F. Standing Committees**

1. The first meeting of each of the six (6) newly constituted standing committees shall be an organizational meeting. Each such meeting shall be called and conducted by a designee of the Committee on Committees immediately following the first organizational meeting of the 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.

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## IV. DEPARTMENTAL ELECTIONS

### A. Election of a Chairperson

This shall be the first election of the spring semester, the 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 locations [s] with the approval of the Legislative Committee and will be accepted during one working day from 9:30 a.m. to 3:30 p.m.
3. All voting members of a department as defined in the Plan of Governance, Part II, Section A 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 for two working days from 9:30 a.m. to 3:30 p.m.
6. Members of the faculty 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 Human Resources 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, according to the Bylaws of the Board of Trustees of the City University of New York under Article 9, Section 9.1. 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 University Bylaws.

### B. Committees on Appointments

Members 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 at least four tenured members of the instructional staff of the department where possible.
2. Eligibility to serve shall be determined on the basis of the instructional staff as defined in Part I Article II, B, 2 of the Governance Plan.
3. Nominations shall be held at a regularly scheduled departmental meeting. The agenda for such meeting shall be announced at least five working days in advance.
4. All voting members of a department shall have the opportunity to nominate a candidate for the appointments committee by a ballot.
5. Eligible members of a department who are on leave are eligible to nominate if they present themselves at the time and place of nominations.
6. All nominees shall be polled for their acceptances before the ballots are prepared.
7. Lists of eligible voters and candidates shall be

- circulated to the department at least five working days prior to the election.
8. Elections will occur in a room agreed upon by the department or designated by the Legislative Committee at least five working days prior to the election.
  9. Elections will be held by closed ballot.
  10. 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. 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.
  11. Any vacancy of an unexpired term of a member of a Departmental Appointments Committee shall be filled by the holding of an election. The same procedures used for the initial or regular election shall be followed.
4. All voting members of a department/ unit may nominate any eligible member of that department/unit for delegate by means of a closed nomination slip ballot.
  5. All department /unit elections for Department /Unit Delegate to the council will be held for one day from 9:30 a.m. to 3:30 p.m.in the Office of Human Services.
  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 only one person is eligible, the election will not be held. That person will become the delegate.
  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. Should a vacancy occur in the office, that vacancy shall be filled by Part I Article II C, 1, b of the College Council Constitution.
  10. If the size of a department/unit declines, the additional delegate serving in the council will finish his/her term. The Legislative Committee shall evaluate each department/unit for size eligibility in accordance with Part I, Article II, A, 2 every three years. The re-evaluation will occur when the department/ unit elections occur.

### **C. Department/Unit Delegate(s)**

(This includes Student Personal Services (SPS), Library and Continuing Education, College Laboratory Technicians (CLT) Unit, Business Manager Unit, Higher Education Officer (HEO) Unit and Registrar Unit)

1. The Department or unit Delegate(s) must be eligible to serve on the College Council as defined in Part I Article II, B. A program or a department/unit which does not have a second eligible candidate shall have only one delegate.
2. The Department Delegate(s) must be elected by plurality vote 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.

### **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.

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- 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 (6) 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 NYCTC 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 an emergency decision(s) for any given election provided it is impossible to have a council meeting prior to the election. Any such decision(s) will be forwarded to the Executive Committee for final approval.
- B. As soon as it is feasible the council will act on issue(s) 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.
- D. Amendments to the Bylaws require a 2/3 vote of the quorum present at a regularly scheduled College Council meeting.

# Statement of the Board of Trustees on Academic Personnel Practice in the City University of New York

The Commission on Academic Personnel Practice made an extensive study of all policies and procedures concerning faculty personnel matters in the City University, and submitted its report to the Board of Higher Education in October 1974. In its deliberations the commission heard testimony from a number of faculty members, students and administrators. Since the report was submitted, the University Faculty Senate, the University Student Senate, and the Professional Staff Congress, have all offered their views to the board. The chancellor, together with the Council of Presidents, have submitted their own recommendations to the Board. After reviewing all the pertinent documents, the board hereby adopts the following as policy in matters of academic personnel practice:

## I. General Policy:

1) The Board recognizes the historic tradition which vests both the privileges and responsibilities of academic governance in the faculty of a college. The faculty, as the body chiefly responsible for the educational mission as well as for academic standards, is that part upon which the health of the whole institution depends. In this role, the faculty has a long tradition of collegiality, in which its various educational responsibilities are freely shared among its members.

Central to the exercise of this collegial responsibility is the practice of peer judgment by which the faculty assumes responsibility for its own vitality. In this role, the faculty sets standards for its own qualifications, ethics and performance. The collegial body itself maintains such standards by the exercise of its own authority. But such authority, if freely consented to, must be responsibly and regularly exercised. Thus, the willingness of the faculty to judge itself rigorously

determines its capacity to define the institution's mission and to maintain its standards.

As the executive agent of the college, of the board as well as the principal academic officer, the president plays a pivotal role in all faculty personnel matters at the college level.

The president, as the person ultimately responsible to the Board of Trustees, is accountable for seeing that the mission of the college fits into the broader mission of the university. Within the college itself, the president, in his capacity as principal academic officer, is similarly responsible for bringing to bear on all faculty personnel matters a broader institutional concern.

The president must thus be the guarantor of the integrity of all faculty personnel processes. He must be accountable for the overall quality and appropriateness of the faculty at his institution. And he must also be the educational leader of the faculty.

In the daily administration of academic personnel practice at the college, the president shall be responsible for introducing into all faculty personnel deliberations those college-wide considerations which make a faculty decision both feasible and rational.

In practice, the president shall be responsible for making known information on all institutional factors, such as projected enrollment, budgetary matters, program priority, which must be taken into account at every level of personnel action. The president shall be held accountable for seeing that such pertinent institutional information is assembled, and that those faculty concerned with personnel decisions are familiarized with it in a timely fashion for their deliberations.

2) Department chairs shall hold professorial rank (assistant professor, associate professor or professor) and be tenured at the time of election. In cases where a department has two or fewer such members, the president may, after consultation with the departmental faculty, appoint the chair. Colleges and/or departments in existence for less than seven years may be exempt from compliance with this requirement for a period of up to seven years from the date they became functional.

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In those instances where an individual is recruited to serve as chair from an institution outside of the City University, the requirement for tenure may be waived.

- 3) a) No faculty member who does not hold senior rank (associate professor or professor) shall vote on any promotion to full professor. It is the intent of the board that faculty decisions concerning tenure shall be rendered by committees composed predominately of tenured members. Accordingly, no more than one non-tenured faculty member should serve on departmental personnel and budget committees. This provision shall not apply to new colleges or newly organized departments, which have fewer than five tenured faculty members.
- b) In newer colleges or newly organized departments where there are too few faculty members available to serve on faculty personnel committee for the actions in 3.a. above, the president, after consultation with the faculty, shall create an ad hoc Committee to decide on those personnel actions.
- The board reaffirms its commitment to the consideration of student evaluations in faculty personnel decisions involving reappointment, promotion and tenure, according to the provisions in the governance plan in effect at each college.
  - The senior faculty shall have special responsibilities for maintaining the academic vitality of their departments. One of the principal means of exercising this responsibility is the continuation of peer evaluations of members of the faculty, with special attention to their diligence in teaching and professional growth. Another chief responsibility of the senior faculty is to orient their junior and newly appointed colleagues. Senior faculty shall be available for such consultation and assistance in problems of both scholarship and teaching as the junior faculty may require, and this mandate shall be considered part of the professional obligations of the permanent faculty.

### II. Recruitment

The board agrees with the findings of the commission on the nature and scope of the recruitment process at the various colleges of the university. It fully supports the commission's understanding that the quality of all faculty personnel decisions and of the faculty itself, depends upon the quality of the initial recruitment effort.

The recruitment process is essentially a continual one. Because of the city and state structures within which the university's budget process operates, the university cannot expect to clarify the availability of budget lines before the late spring of a given academic year. Because of this the recruitment effort for any full-time faculty appointment should normally be of at least one year's duration. When an appointment must be made without such an effort, the candidate appointed shall be apprised that the search is continuing.

The primary responsibility for recruitment shall rest with department chairs, who in turn are responsible for the work of the personnel committees which they chair. Department personnel committees shall be accountable for their recruitment efforts, and they shall maintain written records of the recruitment process.

Each position for which a department recruits must be justified and defined on the basis of the following criteria:

- The need for the position must be clearly established in the context of such department factors as the current state of its faculty in terms of age, rank and areas of specialization, the development of new aspects of the discipline, future needs of new programs, and projections of student enrollment.
- The need for the position must be clearly established within the context of such college-wide factors as long-range plans and budget priorities which have been set for departmental consideration under 1,1. The president, after consultation with the faculty and appropriate governance bodies, shall also have final responsibility for setting college-wide priorities for recruiting.

- Those academic and professional credentials and qualifications which are appropriate to the position and rank, in conformity with the needs as determined by (a) and (b) above, must be clearly established.
- A full statement, of the terms and conditions of employment, and of the statutory evaluative criteria and procedures for reappointment and tenure, shall be given to all candidates.

When the need for a position is clearly established on the basis of the criteria above, the department shall mount a recruitment effort on a national scale that includes but is not limited to the following features:

- Notice that the university is an equal opportunity employer;
- Advertisement, including all pertinent data concerning the position in the appropriate scholarly and professional journals and periodicals;
- Notice of the position throughout the university, including at the appropriate departments of the various colleges, for the benefit of any employees, part-time, who might be qualified;
- Full consideration of all unsolicited applications in the possession of the recruiting department and college as well as all adjunct faculty who wish to be considered;
- Maintenance of written records on the procedures used in the recruitment effort and in selecting a candidate to recommend for appointment. Such records must include whatever other data may be required for compliance with the federal affirmative action regulations. The records shall also include verification of the credentials of the candidates presented to the Board of Trustees for appointment, and of the proper observance of announced closing dates for application.

**There shall be a university standard letter of appointment.**

The chancellor will publish annually an analysis of the University's recruitment procedures, a sampling of its recruitment records, and his own judgment as to the adequacy of the recruitment effort. This report will attempt to analyze and evaluate each college's performance, but will not focus on individual cases.

### III. Reappointment

The board reaffirms the commission's insistence that the decision to reappoint and the decision to tenure are two separate and distinct acts. Similarly, the board reaffirms its position that no appointment carries with it the presumption of reappointments or of eventual tenure.

- 1) In order to enhance, and maintain flexibility in recruitment, appointment and reappointment, the Board authorizes the option of two-year appointments for full-time members of the instructional staff, in appropriate instances, at the discretion of the college.
- 2) Decisions to reappoint faculty members shall take into account such institutional considerations as have been established and disseminated as a framework for all academic personnel actions.
- 3) The criteria upon which decisions to reappoint are based shall be as follows:
  - First Reappointment - Candidates for reappointment at the end of their initial term of appointment on a full-time line shall be evaluated on the basis of the following criteria:

**Teaching Effectiveness** – There are a variety of ways, including classroom observation, to evaluate this criterion. The evaluation, however, should extend beyond normal class hours. Personnel committees should consider student evaluations as a factor in assessing the teaching effectiveness of an instructor.

**Scholarly and Professional Growth** – Candidates in tenure bearing titles for the first reappointment are expected to demonstrate their potential for scholarly work and their achievement in some of the following ways:

- a) Evidence of research in progress leading toward scholarly publication.
- b) Publication in professional journals.
- c) Creative works, show and performance credits, etc., when such are appropriate to the department.
- d) Development of improved instructional materials or methods.
- e) Participation in activities of professional societies.

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**Service to the Institution** – Since all full-time faculty members share broad responsibilities toward the institution, work in departmental and college committees should be considered in over-all evaluations. Although it is understood that not all junior faculty members will have an opportunity to serve on important committees, their evaluation should consider evidence of their informal contribution to such committee work and their participation in other regular administrative activities such as governance, registration, advisement, library and cultural activities.

**Service to the Public** – A candidate, though not expected to do so for the first reappointment, may offer evidence of pertinent and significant community and public service in support of reappointment.

Second and Subsequent Reappointments. In addition to criteria for the first reappointment candidates for the second or subsequent reappointment shall be evaluated on the basis of the following criteria:

**Teaching Effectiveness** – Evaluation of this criterion shall include contractual teaching observations and peer judgments; assessment of the instructor's effort and success in developing new methods and materials suited to the need of his students; and assessment of student evaluations, and of other non-classroom educational efforts such as academic advisement.

**Scholarly and Professional Growth** – Candidates for the second and subsequent reappointments are expected to offer evidence of scholarly contributions to their disciplines. Evaluations of the quality of such work may be sought from outside the department. Achievements in the period following the last reappointment should be evaluated on the basis of publications of scholarly works in professional journals, or reports of scientific experimentation; scholarly books and monographs, and evidence of work in progress; significant performance or show credits or creative work; and improved instructional materials and techniques that have been found effective in the classroom either in the City University or elsewhere.

**Service to the Institution** – Effective service on departmental, college, and university committees.

**Service to the Public** – Institutions of higher education are expected to contribute their services to the welfare of the community. Although such activities are a matter of individual discretion and opportunity, evaluation of a faculty member for reappointment should recognize pertinent and significant professional activities on behalf of the public. The absence of the contribution should not work to the disadvantage of any candidate for reappointment.

Judgments on reappointment should be progressively rigorous. In the second and subsequent reappointments, a candidate should be able to demonstrate that he has realized some of his scholarly potential. Similarly, standards of acceptable performance as teacher should be graduated to reflect the greater expectations of more experienced faculty members.

### IV. Tenure

The decision to grant tenure shall take into account institutional factors such as the capacity of the department or the college to renew itself, the development of new fields of study, and projections of student enrollment.

The criteria upon which decisions to tenure are based shall be as follows:

**Teaching Effectiveness** – Tenure appointments shall be made only when there is clear evidence of the individual's ability and diligence as a teacher.

**Scholarship and Professional Growth** – Evidence of new and creative work shall be sought in the candidate's published research or in his instructional materials and techniques when they incorporate new ideas or scholarly research. Works should be evaluated as well as listed, and work in progress should be assessed. When work is a product of a joint effort, it is the responsibility of the department chair to establish as clearly as possible the role of the candidate in the joint effort. The following factors may be supplementary considerations in decisions on tenure. The weight accorded to each will vary from case to case.

**Service to the Institution** – The faculty plays an important role in the formulation and implementation of university policy, and in the administration of the University. Faculty members

should therefore be judged on the degree and quality of their participation in college and university government. Similarly, faculty contributions to student welfare, through service on committees or as an advisor to student organizations, should be recognized.

**Service to the Public** – Service to the community, state and nation, both in the faculty member’s special capacity as a scholar and in areas beyond this when the work is pertinent and significant, should be recognized.

Tenure shall not normally be granted before the fifth annual reappointment. Only in exceptional cases may tenure be granted before that time: when appointment to the faculty at the university requires the continuation of tenure previously awarded by another institution of higher learning; when a prestigious fellowship valuable to the college concerned interrupts continuous service during the probationary period; or when some extraordinary reason indicates that the college would be well served by the early grant of tenure.

The chancellor will publish annually a report on tenure in the university, which analyze the actions of each college and contains such pertinent data as may be of assistance to the college in the management of tenure. The report will also contain the chancellor’s judgment on the quality of tenure procedures and actions.

## V. PROMOTION

The board fully supports the commissions recommendation that the criteria established above for reappointment and tenure apply equally to decisions on promotion. It also reaffirms the commission’s caution that judgments on promotion be sufficiently flexible to allow for a judicious balance among excellence in teaching, scholarship, and other criteria.

When considering decisions on either promotion or tenure, personnel committees should bear in mind that the two judgments represent two distinct acts. Just as it would be unwise to promote those whose qualities for tenure are questionable, so it would be equally ill advised to tenure those whose capacity for promotion to senior rank is judged to be limited.

The criteria for appointment/promotion shall be as follows:

**To assistant professor** (technically a new appointment) – The candidate must possess the PhD degree and submit evidence of qualification to meet, in due time, the standards required for the first reappointment. Those persons without the PhD currently holding positions as assistant professors and instructors at the community colleges shall not be affected by this provision.

**To associate professor** – The candidate shall present evidence of scholarly achievement following the most recent promotion, in addition to evidence of continued effectiveness in teaching; the candidate should thus meet the qualifications required above for tenure.

**To professor** – The candidate must meet all the qualifications for an associate professor, in addition to having an established reputation for excellence in teaching and scholarship in his discipline. The judgment on promotion shall consider primarily evidence of achievement in teaching and scholarship following the most recent promotion.

Adopted by the Board of Trustees at its meeting of September 22, 1975, Cal. No.5

## Waivers of the Bylaws

Waivers of the Bylaws of the Board of Trustees are authorized under Section 5.2 of the Bylaws and are recommended to the board by the president of the College. A request for a waiver of the Bylaws is by definition an extraordinary action and will only be so recommended where the good of the institution is the overriding factor. In order for the president to receive the best possible information on which she can base her decision relative to a waiver request, the following procedure will apply:

Requests for titles under the jurisdiction of the College P&B Committee i.e. All professorial titles, instructors, lecturers, college laboratory technicians, and the registrar series. Requests for waivers for the above titles generally fall into two categories, i.e, initial appointments and promotions, and will be considered separately:

# Appendix B

## Initial Appointments

Request will originate from the Departmental Appointments Committee and will proceed, for written evaluative commentary, to both the division dean (if applicable) and the appropriate vice president, then to the College Committee on Equivalencies and Waivers, to the College P&B Committee, and finally to the president. If any committee in the process does not recommend the action, the request will cease to proceed at that point. In cases where the above process cannot be followed, e.g. summer recess, the president will exercise his executive prerogatives.

## Promotions

Request will originate with the applicant, proceed to the departmental appointments committee and then, for written evaluative commentary, to the division dean (if applicable) and then to the College Committee on Equivalencies and Waivers, to the College P&B Committee, and finally to the president. If the departmental committee on appointments unanimously rejects the request for a waiver, the request will cease to proceed at that point. If, however, there is a split vote by the committee, two reports must emanate from the committee on appointments viz. one detailing the rationale for the positive votes and the other substantiating the negative votes. If the College Committee on Equivalencies and Waivers does not recommend a waiver, the request will nevertheless be reported out to the College P&B Committee for action.

The dossier for both initial appointments and promotions should include:

1. A statement of the required credentials for the position;
2. A statement of the lacking credentials, reasons for lack of achievement, and projection as to if and when the necessary credentials will be achieved;
3. A statement of the achievements being presented with documentation in lieu of the required credentials;
4. a) For initial appointment, an objective analysis of the size of the applicant pool, the number of applicants with the required credentials, the

reason why none are being considered for the position, and any affirmative action implications.

- b) For promotion, all evaluative bodies in addition to considering the specific institutional factors upon which the waiver request is based must also apply the appropriate performance criteria for promotion in reaching a final recommendation in addition to any departmental implications.
5. A statement outlining the rationale for the granting of this waiver vis-à-vis the good of the institution.

Adopted by the College Personnel and Budget Committee November 20, 1980

## Requests for Titles Under the Jurisdiction of the College HEO Screening Committee

Although all appointments to the HEO series are considered as new appointments, a distinction is made between the opening of a new position and the advancement of an in-house individual as a result of the assumption of significantly more responsible duties. The procedures for requesting a waiver for both types of actions will be as follows:

The request will originate with the supervisor of the area; proceed to the vice president or dean, then to the College HEO Screening Committee and finally to the president. If the request is for a supervisor, it will originate with the vice president or dean and proceed as above. If any step in the process (supervisor, vice president, dean, or committee), does not recommend the action, the request will cease to proceed at that point.

The dossier, which should be presented for evaluation by all parties, should include:

1. A statement of the required credential(s) for position;
2. A statement of the lacking credential(s), reason(s) for lack of achievement, and projection as to if and when the necessary credentials will be achieved;

### **For a New Position**

A statement of the achievements being presented (with documentation) in lieu of the required credentials: b) An analysis of the individual's performance as reflected in the personnel file with a view toward looking for a record of sustained excellence.

### **For an In-House Advancement:**

- a) The job description that reflects the individual's present position and the job description reflecting the increased responsibilities;
- b) An analysis of the individual's performance as reflected in the personnel file with a view toward looking for a record of sustained excellence.

A statement outlining the rationale for the granting of this waiver vis-à-vis the good of the institution.\*

Adopted by the HEO Screening Committee on October 24, 1980.

The set of procedures above is designed to provide full and thorough information and evaluation for such requests and to allow for equity for all. It does not, however, in any way diminish the prerogatives of the president relative to authority in recommending any and all personnel actions to the Board of Trustees.

*\* The "good of the institution" can be approached from two vantage points. It can be viewed directly as a request for a waiver, which will, on the face of the issue, be of direct benefit to the institution. An example of this approach would be a waiver to advance an individual for promotion in a curriculum where there are demonstrated shortages of qualified faculty in a particular discipline, and it is of direct benefit to the institution to retain that individual to enhance the strength of that program. The "good of the institution," however, can also be viewed indirectly in terms of first establishing the stature of an individual in his/her discipline and then moving to the position that because of such stature it contributes to the good of the institution to retain the individual. Either approach must be fully demonstrated and documented. In the first instance, the candidate and the appointments committee must fully demonstrate how the institution would suffer if such a waiver were denied. In the second instance, the candidate and the*

*appointments committee must establish that the individual is of such stature and renown in his/her discipline as it relates to the institution that the doctorate or equivalence, which must be waived, is indeed superfluous in this instance and that, therefore, the institution would suffer by the loss of such an individual.*

# The Board of Trustees Policy Statement on Multiple Positions

### **PREAMBLE**

Each full-time faculty member is obligated to view his/her appointment to a college or university faculty position within the City University as his/her major professional commitment. This commitment obligates the faculty member in two ways: he is at once a member of the national and international world of learning and a member of the City University community. Though his first responsibility to the City University is that of teaching, he recognizes the obligation to be regularly accessible for conferences with his students, to participate in appropriate extracurricular undertakings and to serve on various college and university committees and as a member of college and university councils and other assemblies.

The City University of New York is a major research university. A full-time faculty member is expected to create new knowledge in his/her discipline through scholarly research, writing and creative works. He/she constantly makes all efforts to improve his/her professional standing through study and thought, and also through activities such as research, publication, attendance at professional conferences, and the giving of papers and lectures. Such professional involvements also enhance his/her abilities as a teacher and as a member of the City University community; they support the value of his/her activities on campus and equip him/her to participate in significant educational innovations as well as toward furthering his/her professional stature.

### **2. MULTIPLE POSITIONS:**

#### **a. Outside the City University**

Full-time appointment to a college or university faculty position is a full-time assignment. Faculty members have a responsibility to observe professional standards of behavior in becoming involved in activities supplemental thereto. No employment, consultative or other work outside the

City University may be engaged in by a faculty member unless he receives prior approval from the P&B Committee of his/her department after full disclosure of his total academic commitment, the proposed outside employment, consultative or other work, and other outside work is theretofore approved. The P&B committee shall not approve any outside employment; consultative or other work unless such employment or work relates to the professional interests, strengthens the professional competence or enriches the professional performance and does not interfere with the professional standing of the faculty member. No employment, consultative or other work, remunerative or otherwise, shall be approved by the P&B committee or engaged in if the services of the faculty member to his/her college or the university or his/her ability to meet his/her commitments to his/her college or the University will be impaired thereby. If the departmental P&B approves such employment or work, the amount of time which the faculty member may expend thereon shall be determined by the departmental chairperson after consultation with the faculty member, and subject to the review of the college president. In no event shall the amount of time to be expended on such outside employment or work be or be approved for more than an average of one day a week, or its equivalent during the academic year.

#### **b. Within the City University – Teaching**

- (1) Where the best interests of the college or university make it desirable or necessary to draw upon full-time personnel in one unit or branch for service in another, requests for such service should originate with the principal academic or administrative officer of the requesting unit and have the approval of the principal academic or administrative officer of the other unit. It is the policy of the university and its colleges to achieve exchanges or services, wherever possible, by budgetary interchange or by the balancing of interchanged services, with no additional academic load or extra remuneration for the individuals concerned.
- (2) Except as noted below, faculty without any reassigned time will be eligible for consideration for an overload assignment when such

assignment is determined to be in the best interest of the college and to serve a specific academic need. Permission to take on an overload teaching assignment will only be granted up to a maximum of one course (up to four classroom contact hours) per semester and not to exceed a total of six classroom contact hours per academic year in most instances, and in no event to exceed eight classroom contact hours per academic year.

- (3) Faculty with reassigned time during the academic year will not normally be eligible for an overload assignment. In those instances when, for academic reasons, a President approves an overload teaching assignment for faculty with reassigned time, such assignment cannot exceed one course, typically of three classroom contact hours, but in no event to exceed four classroom contact hours, per academic year. Faculty with reassigned time for research are not eligible for an overload assignment.
- (4) In addition to the overload assignments permitted in paragraph 2.b.(2), a tenured faculty member will be eligible for consideration for additional overload assignments of no more than six classroom contact hours during the academic year in courses offered during the Winter Session, in courses offered exclusively on Saturdays or Sundays, or in courses offered as part of on-line degree programs. Notwithstanding the limitations in Paragraph 2.b.(3), tenured faculty with reassigned time for administrative duties are eligible for consideration for these additional overload assignments under this Paragraph 2.b.(4).
- (5) During the academic year, full-time faculty appointed to participate in the doctoral program are expected not to engage in additional teaching. As a matter of general policy, faculty whose programs have been reduced to allow for their participation in the doctoral program are expected to adhere to this rule. Exceptions may be made only for the most powerful reasons bearing on the professional interests of the college and university. The intent of the preceding and succeeding paragraphs must apply to these exceptional cases.

### **c. Within the City University – Research, Consulting, Employment**

The City University regards scholarly activity and research as part of the normal activity and responsibility of the faculty. In fact such activities are part of the basis on which faculty members are evaluated, reappointed or promoted. The public looks to the University as a source of new information, reinterpretations and advancing intellectual activities. Also, the university is looked upon as a community of scholars. This carries the implication of joint scholarly effort and mutual support and availability amongst faculty and students. The faculty is given full-time annual paid employment to cover all the activities of teaching, research, consulting, curriculum development, counseling, committee work, etc.

When special funding in support of research is available, it is presumed to make possible, or easier, the scholarly activity that faculty and students wish to or are willing to pursue. Accordingly, it is the policy of the Board of Trustees that there may not be paid any extra compensation to full-time members of the faculty for work done during the academic work year. This limitation applies to research, consulting or any other employment with the City University or any of its associated organizations, regardless of the source of funds. For the particular case of extra teaching, the policy is expressed in Section 2b.

Under the special circumstances of an urgently requested short-term assignment, as expressly authorized by the chancellor or president, the chancellor or the president may authorize specific extra compensation for a faculty member whose services are so required, to the extent that the short-term assignment represents an overload. This authorization must define both time and money limitations, and must state that it was not possible to relieve the faculty member of other duties to an equivalent extent. Such non-teaching overload assignments will be available to faculty without reassigned time and shall be limited to 150 hours per semester at 60% of the appropriate hourly rate. In the case of assignments, which are in the interest of the university or the college, as certified by the chancellor or president, further adjustments, in the spirit of this paragraph, may be authorized, to meet the needs of particular situations.

## Appendix C

Participation in summer activities shall not exceed in total for all such activities three-ninths of the faculty member's annual salary. This includes, but is not limited to, teaching in summer session in the in the City University of New York, performing administrative duties (such as service as a department chairperson), participation in a special training institute (supported by outside funding), and participation in a scholarly research project (supported by outside funding). The faculty member shall report to the college to which he/she is appointed all of his/her summer activities in advance of participating in them to ensure that they do not exceed three-ninths of his/her annual salary.

### **3. MULTIPLE EXTRA INVOLVEMENTS**

Where more than one type of involvement beyond the primary commitment is entered into (e.g., extra teaching plus consultation), the total extra involvement shall be controlled by the intent of the preceding paragraphs, jointly considered.

### **4. ANNUAL REPORT**

At the regular June meeting, the chancellor and the presidents shall report to the board of the steps taken by the Presidents to implement these regulations and the extent of compliance with the limitations set. The reports shall contain details from the Presidents about all excesses over any of the guidelines herein stated, including the names of all persons involved and the specific reasons for the excesses. The University will continue to monitor overload assignments. Overload assignments shall be reported to the board of Trustees as part of the annual report.

Adopted March 2007

# Academic Freedom

The following principles of academic freedom as expressed by the American Association of University Professors in its 1940 Statement of Principles were approved by the Administrative Council after consultation with the faculties; June 8, 1946, Cal. No. 5.

The purpose of the 1940 Statement of Principles of the American Association of University Professors is "to promote public understanding and support of academic freedom and tenure and agreement upon procedures and to assure them in college and universities. Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher\* or the institution as a whole. The common good depends upon the free search for truth and its free exposition.

"Academic freedom is essential to these purposes and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning. It carries with it duties correlative with rights.

"Tenure is a means to certain ends, specifically":

- (1) Freedom of teaching and research and of extramural activities, and
- (2) A sufficient degree of economic security, hence tenure, are indispensable to the success of an institution in fulfilling its obligations to its students and to society.

"The teacher is entitled to full freedom in research and in the publication of the results, subject to the adequate performance of his other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the Institution.

"The teacher is entitled to freedom in the classroom in discussing his subject, but he should be careful not to introduce into his teaching

controversial matter which has no relation to his subject. Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of appointment."

"The college or university teacher is a citizen, a member of a learned profession, and an officer of an educational institution. When he speaks or writes as a citizen, he should be free from Institutional censorship of discipline, but his special position in the community imposes special obligations. As a man of learning and an educational officer, he should remember that the public may judge his profession and his institution by his utterances. Hence he should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that he is not institutional spokesman"

"The word 'teacher' is understood to include all those who are members of the Instructional staff as defined in the Bylaws of the Board of Higher Education.

The Council of Presidents reaffirmed the principle that City University should remain a forum for the advocacy of all ideas protected by the First Amendment to the Constitution and the principles of academic freedom." (Council of Presidents Minutes 11/12/73, p.9)

## Appendix E

# THE CITY UNIVERSITY OF NEW YORK Policy Against Sexual Harassment

### **Sexual harassment is illegal.**

As Chancellor, I take this opportunity to reaffirm the University's commitment to maintaining an employment and academic environment free from all forms of exploitation, intimidation, or harassment, including sexual harassment. The City University of New York does not tolerate sexual harassment. It is demeaning, offensive, illegal, and prohibited by University policy.

Every student, faculty member, staff member, and administrator is encouraged to become aware of and to support the University's Policy Against Sexual Harassment. Revised and adopted by the Board of Trustees in 2004, the policy defines sexual harassment, provides examples of prohibited conduct, discusses penalties for offenders, and establishes procedures for handling complaints.

The University strives to foster a harassment-free environment - one in which all its members can work, study, and learn in an atmosphere of courtesy and mutual respect. As a supervisor or administrator/faculty member/member of the University community, you have a role to play in the attainment of this goal. I thank you for devoting further attention to this serious issue.

**Matthew Goldstein**  
Chancellor

### **POLICY STATEMENT**

It is the policy of The City University of New York to promote a cooperative work and academic environment in which there exists mutual respect for all University students, faculty, and staff. Harassment of employees or students based upon sex is inconsistent with this objective and contrary to the University's non-discrimination policy. Sexual harassment is illegal under Federal, State, and City laws, and will not be tolerated within the University.

The University, through its colleges, will disseminate this policy and take other steps to educate the University community about sexual harassment. The University will establish procedures to ensure that investigations of allegations of sexual harassment are conducted in a manner that is prompt, fair, thorough, and as confidential as possible under the circumstances, and that appropriate corrective and/or disciplinary action is taken as warranted by the circumstances when sexual harassment is determined to have occurred. Members of the University community who believe themselves to be aggrieved under this policy are strongly encouraged to report the allegations of sexual harassment as promptly as possible. Delay in making a complaint of sexual harassment may make it more difficult for the College to investigate the allegations.

#### **A. Prohibited Conduct**

It is a violation of University policy for any member of the University community to engage in sexual harassment or to retaliate against any member of the University community for raising an allegation of sexual harassment, for filing a complaint alleging sexual harassment, or for participating in any proceeding to determine if sexual harassment has occurred.

#### **B. Definition of Sexual Harassment**

For purposes of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other oral or written communications or physical conduct of a sexual nature when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic standing;
2. submission to or rejection of such conduct by an individual is used as a basis for employment or academic decisions affecting such individual; or
3. such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or abusive work or academic environment.

Sexual harassment can occur between individuals of different sexes or of the same sex. Although sexual harassment most often exploits a relationship between individuals of unequal power (such as between a faculty member and student, supervisor and employee, or tenured and untenured faculty members), it may also occur between individuals of equal power (such as between fellow students or co-workers), or in some circumstances even where it appears that the harasser has less power than the individual harassed (for example, a student sexually harassing a faculty member). A lack of intent to harass may be relevant to, but will not be determinative of, whether sexual harassment has occurred.

### C. Examples of Sexual Harassment

Sexual harassment may take different forms. Using a person's response to a request for sexual favors as a basis for an academic or employment decision is one form of sexual harassment. Examples of this type of sexual harassment include, but are not limited to, the following:

- requesting or demanding sexual favors in exchange for employment or academic opportunities (such as hiring, promotions, grades, or recommendations);
- submitting unfair or inaccurate job or academic evaluations or grades, or denying training, promotion, or access to any other employment or academic opportunity, because sexual advances have been rejected.

Other types of unwelcome conduct of a sexual nature can also constitute sexual harassment, if sufficiently severe or pervasive that the target does

find, and a reasonable person would find, that an intimidating, hostile or abusive work or academic environment has been created. Examples of this kind of sexual harassment include, but are not limited to, the following:

- sexual comments, teasing, or jokes;
- sexual slurs, demeaning epithets, derogatory statements, or other verbal abuse;
- graphic or sexually suggestive comments about an individual's attire or body;
- inquiries or discussions about sexual activities;
- pressure to accept social invitations, to meet privately, to date, or to have sexual relations;
- sexually suggestive letters or other written materials;
- sexual touching, brushing up against another in a sexual manner, graphic or sexually suggestive gestures, cornering, pinching, grabbing, kissing, or fondling;
- coerced sexual intercourse or sexual assault.

### D. Consensual Relationships

Amorous, dating, or sexual relationships that might be appropriate in other circumstances have inherent dangers when they occur between a faculty member, supervisor, or other member of the University community and any person for whom he or she has a professional responsibility. These dangers can include: that a student or employee may feel coerced into an unwanted relationship because he or she fears that refusal to enter into the relationship will adversely affect his or her education or employment; that conflicts of interest may arise when a faculty member, supervisor, or other member of the University community is required to evaluate the work or make personnel or academic decisions with respect to an individual with whom he or she is having a romantic relationship; that students or employees may perceive that a fellow student or co-worker who is involved in a romantic relationship will receive an unfair advantage; and that if the relationship ends in a way that is not amicable, either or both of the parties may wish to take action to injure the other party.

## Appendix E

Faculty members, supervisors, and other members of the University community who have professional responsibility for other individuals, accordingly, should be aware that any romantic or sexual involvement with a student or employee for whom they have such a responsibility may raise questions as to the mutuality of the relationship and may lead to charges of sexual harassment. For the reasons stated above, such relationships are strongly discouraged.

For purposes of this section, an individual has “professional responsibility” for another individual at the University if he or she performs functions including, but not limited to, teaching, counseling, grading, advising, evaluating, hiring, supervising, or making decisions or recommendations that confer benefits such as promotions, financial aid awards or other remuneration, or that may impact upon other academic or employment opportunities.

### **E. Academic Freedom**

This policy shall not be interpreted so as to constitute interference with academic freedom.

### **F. False and Malicious Accusations**

Members of the University community who make false and malicious complaints of sexual harassment, as opposed to complaints which, even if erroneous, are made in good faith, will be subject to disciplinary action.

### **G. Procedures**

The University has developed procedures to implement this policy. The President of each constituent college of the University, the Senior Vice Chancellor at the Central Office, and the Dean of the Law School shall have ultimate responsibility for overseeing compliance with this policy at his or her respective unit of the University. In addition, each dean, director, department chairperson, executive officer, administrator, or other person with supervisory responsibility shall be required to report any complaint of sexual harassment to the individual or individuals designated in the procedures. All members of the University community are required to cooperate in any investigation of a sexual harassment complaint.

### **H. Enforcement**

There is a range of corrective actions and penalties available to the University for violations of this policy. Students, faculty, or staff who are found, following applicable disciplinary proceedings, to have violated this Policy are subject to various penalties, including termination of employment and/or student expulsion from the University.

# Some FAQs

## (Frequently Asked Questions)

# About Sexual Harassment

### **Q. How are sexual harassment complaints handled?**

**A.** At City Tech, our Sexual Harassment Coordinator, Professor Helen Frank, 1.718.260.5133 or hfrank@citytech.cuny.edu, a Deputy Coordinator or any member of the Sexual Harassment Panel are available to receive complaints of sexual harassment from members of the college community, explain the University complaint procedures, and refer individuals to appropriate resources. The names, titles, telephone numbers, and office locations of the Sexual Harassment Coordinator, Deputy Coordinator(s) or members of the Sexual Harassment Panel are listed below. Employees who are covered by collective bargaining agreements may use their contractual grievance procedures, within the time limits provided in those agreements, to report allegations of sexual harassment.

### **Q. Who may make a complaint of sexual harassment?**

**A.** Any member of the College community may report complaints of sexual harassment to the Sexual Harassment Coordinator, a Deputy Coordinator or any member of the Panel.

### **Q. Must sexual harassment complaints be made in writing?**

**A.** No. Sexual harassment complaints may be made by speaking to the Sexual Harassment Coordinator, a Deputy Coordinator, or any member of the Awareness and Intake Committee. The Coordinator or Deputy Coordinator, may, however, request an individual to prepare a written statement setting forth the particulars of the complaint.

### **Q. Are sexual harassment complaints kept confidential?**

**A.** It is not possible to guarantee absolute confidentiality. The privacy of persons who make complaints of sexual harassment will be respected. Information obtained in connection with bringing, investigating, or resolving complaints will be handled as confidentially as possible.

### **Q. Are there time limits for reporting sexual harassment complaints?**

**A.** There are no time limits for reporting sexual harassment. However, allegations of sexual harassment should be reported as promptly as possible. Delay in making a complaint of sexual harassment may make it more difficult for the College to investigate the allegations.

### **Q. What should be done upon learning of an incident of sexual harassment involving another person?**

**A.** A member of the University community with supervisory responsibility must report to the Sexual Harassment Coordinator, Professor Helen Frank, 1.718.260.5133 or hfrank@citytech.cuny.edu any incidents of sexual harassment of which he or she becomes aware or reasonably believes to exist. Other members of the University community who become aware of allegations of sexual harassment should encourage the aggrieved individual to report the alleged sexual harassment to the Sexual Harassment Coordinator, a Deputy Coordinator or any member of the Panel.

### **Q. Where can more information about the Sexual Harassment Policy and Procedures be obtained?**

**A.** More information about sexual harassment can be obtained from the City Tech Coordinator, Professor Helen Frank, 1.718.260.5133 or hfrank@citytech.cuny.edu.

## Appendix E

# Addressing Issues of Sexual Harassment at New York City College of Technology

City Tech's Sexual Harassment Panel is appointed by the College President and is available to receive complaints, to explain University procedures, and to refer individuals to appropriate resources. All members have an obligation to maintain confidentiality to the fullest extent possible. The panel has the ultimate responsibility for investigating these matters.

The panel consists of a coordinator, deputy coordinators and 13 members. The names, address information and telephone numbers of the panel are provided below.

If you believe that you have been the victim of sexual harassment, **you are encouraged to contact any of the panel members, listed below.**

NAME	DEPARTMENT	PHONE/OFFICE/EMAIL
Helen Frank, Coordinator	Counseling	718.260.5030, N-108 hfrank@citytech.cuny.edu
Vincent De Fazio Deputy Coordinator	Office of the Provost	718.260.5560, N-320 vdefazio@citytech.cuny.edu
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# The Board of Trustees Policy Statement on Rules and Regulations for the Maintenance of Public Order Pursuant to Article 129 of the Education Law

The tradition of the university as a sanctuary of academic freedom and center of informed discussion is an honored one, to be guarded vigilantly. The basic significance of that sanctuary lies in the protection of intellectual freedoms: the rights of professors to teach, of scholars to engage in the advancement of knowledge, of students to learn and to express their views, free from external pressures or interference. These freedoms can flourish only in an atmosphere of mutual respect, civility and trust among teachers and students, only when members of the university community are willing to accept self-restraint and reciprocity as the condition upon which they share in its intellectual autonomy.

Academic freedom and the sanctuary of the university campus extend to all who share these aims and responsibilities. They cannot be invoked by those who would subordinate intellectual freedom to political ends, or who violate the norms of conduct established to protect that freedom. Against such offenders the university has the right, and indeed the obligation, to defend itself. We accordingly announce the following rules and regulations to be in effect at each of our colleges, which are to be administered in accordance with the requirements of due process as provided in the Bylaws of the Board of Trustees.

With respect to enforcement of these rules and regulations we note that the Bylaws of the Board of Trustees provide that: THE PRESIDENT. The president, with respect to his/her educational unit, shall:

- Have the affirmative responsibility of conserving and enhancing the educational standards of the college and schools under his/her jurisdiction;
- Be an advisor and executive agent of the board and have the immediate supervision with full discretionary power in carrying into effect the bylaws, resolutions and policies of the board, the lawful resolutions of any of its committees and the policies, programs and lawful resolutions of the several faculties;
- Exercise general superintendence over the concerns, officers, employees and students of his/her educational unit.
- 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 board 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.
- Have the power (1) to remove a department chairperson in accordance with section 9.1c; and (2) to initiate recommendations for appointment in a department to a professorial title in accordance with section 9.6a.

## RULES

1. A member of the academic community shall not intentionally obstruct and/or forcibly prevent others from the exercise of their rights. Nor shall he interfere with the institution's educational process or facilities, or the rights of those who wish to avail themselves of any of the institutions instructional, personal, administrative, recreational, and community services.
2. Individuals are liable for failure to comply with lawful directions issued by representatives of the university/college when they are acting in their official capacities. Members of the academic community are required to show their identification cards when requested to do so by an official of the college.

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3. Unauthorized occupancy of university/college facilities or blocking access to or from such areas is prohibited. Permission from appropriate college authorities must be obtained for removal, relocation and use of university/college equipment and/or supplies.
4. Theft from or damage to university/college premises or property, or theft of or damage to property of any person on university/college premises is prohibited.
5. Each member of the academic community or an invited guest has the right to advocate his position without having to fear abuse, physical, verbal or otherwise from others supporting conflicting points of view. Members of the academic community and other persons on the college grounds shall not use language or take actions reasonably likely to provoke or encourage physical violence by demonstrators, those demonstrated against, or spectators.
6. Actions may be taken against any and all persons who have no legitimate reason for their presence on any campus within the university/college, or whose presence on any such campus obstructs and/or forcibly prevents others from the exercise of their rights or interferes with the institution's educational processes or facilities, or the rights of those who wish to avail themselves of any of the institution's instructional, personal, administrative, recreational, and community services.
7. Disorderly or indecent conduct on university/college-owned or - controlled property is prohibited.
8. No individual shall have in his possession a rifle, shotgun or firearm or knowingly have in his possession any other dangerous instrument or material that can be used to inflict bodily harm on an individual or damage upon a building or the grounds of the university/college without the written authorization of such educational institution. Nor shall any individual have in his possession any other instrument or material which can be used and is intended to inflict bodily harm on an individual or damage upon a building or the grounds of the university/college.

## II. PENALTIES

- Any student engaging in any manner in conduct prohibited under substantive Rules 1 - 8 shall be submitted to the following range of sanctions as hereafter defined in Section III: admonition, warning, censure, disciplinary probation, restitution, suspension, expulsion, ejection, and/or arrest by civil authorities.
- Any tenured or non-tenured faculty member, or tenured or non-tenured member of the administrative or custodial staff engaging in any manner in conduct prohibited under substantive Rules 1 - 8 shall be subjected to the following range of penalties: warning, censure, restitution, fine not exceeding those permitted by law or by the Bylaws of the Board of Trustees, or suspension with/without pay pending a hearing before an appropriate college authority, dismissal after a hearing, ejection, and/or arrest by the civil authorities. In addition, in the case of a tenured faculty member, or tenured member of the administrative or custodial staff engaging in any manner in conduct prohibited under substantive Rules 1 - 8 shall be entitled to be treated in accordance with applicable provisions of the Education Law or Civil Service Law.
- Any visitor, licensee, or invitee, engaging in any manner in conduct prohibited under substantive Rules 1 - 8 shall be subject to ejection, and/or arrest by civil authorities.

# THE CITY UNIVERSITY OF NEW YORK

## Workplace Violence Policy and Procedures

The City University of New York has a long-standing commitment to promoting a safe and secure academic and work environment that promotes the achievement of its mission of teaching, research, scholarship and service. All members of the University community—students, faculty and staff—are expected to maintain a working and learning environment free from violence, threats of harassment, violence, intimidation or coercion. While these behaviors are not prevalent at the University, no organization is immune.

The purpose of this policy is to address the issue of potential workplace violence in our community, prevent workplace violence from occurring to the fullest extent possible, and set forth procedures to be followed when such violence has occurred.

### Policy

The City University of New York prohibits workplace violence. Violence, threats of violence, intimidation, harassment, coercion, or other threatening behavior towards people or property will not be tolerated. Complaints involving workplace violence will not be ignored and will be given the serious attention they deserve. Individuals who violate this policy may be removed from University property and are subject to disciplinary and/or personnel action up to and including termination, consistent with University policies, rules and collective bargaining agreements, and/or referral to law enforcement authorities for criminal prosecution. Complaints of sexual harassment are covered under the University's Policy Against Sexual Harassment.

The University, at the request of an employee or student, or at its own discretion, may prohibit members of the public, including family members, from seeing an employee or student on University property unless necessary to transact University-related business. This policy particularly applies in cases where the employee or student suspects that an act of violence will result from an encounter with said individual(s).

### Scope

All faculty, staff, students, vendors, contractors, consultants, and others who do business with the University, whether in a University facility or off-campus location where University business is conducted, are covered by this policy. This policy also applies to other persons not affiliated with the University, such as former employees, former students, and visitors. When students have complaints about other students, they should contact the Office of Student Affairs at their campus.

### Definitions

- Workplace violence is any behavior that is violent, threatens violence, coerces, harasses or intimidates others, interferes with an individual's legal rights of movement or expression, or disrupts the workplace, the academic environment, or the University's ability to provide services to the public. Examples of workplace violence include, but are not limited to:
  - Disruptive behavior intended to disturb, interfere with or prevent normal work activities (such as yelling, using profanity, verbally abusing others, or waving arms and fists).
  - Intentional physical contact for the purpose of causing harm (such as slapping, stabbing, punching, striking, shoving, or other physical attack).
  - Menacing or threatening behavior (such as throwing objects, pounding on a desk or door, damaging property, stalking, or otherwise acting aggressively; or making oral or written statements specifically intended to frighten, coerce, or threaten) where a reasonable person would interrupt such behavior as constituting evidence of intent to cause harm to individuals or property.
  - Possessing firearms, imitation firearms, knives or other dangerous weapons, instruments or materials. No one within the University community, shall have in their possession a firearm or other dangerous weapon, instrument or material that can be used to inflict bodily harm on an individual or damage to University property without specific written authorization from the Chancellor or the college President regardless of whether the individual possesses a valid permit to carry the firearm or weapon.

# Appendix G

## REPORTING OF INCIDENTS

### General Reporting Responsibilities

Incidents of workplace violence, threats of workplace violence, or observations of workplace violence are not be ignored by any member of the University community. Workplace violence should promptly be reported to the appropriate University official (see below). Additionally, faculty, staff and students are encouraged to report behavior that they reasonably believe poses a potential for workplace violence as defined above. It is important that all members of the University community take this responsibility seriously to effectively maintain a safe working and learning environment.

### Imminent or Actual Violence

Any person experiencing or witnessing imminent danger or actual violence involving weapons or personal injury should call the Campus Public Safety Office immediately, or call 911.

### Acts of Violence Not Involving Weapons or Injuries to Persons

Any person who is the subject of a suspected violation of this policy involving violence without weapons or personal injury, or is a witness to such suspected violation, should report the incident to his or her supervisor, or in lieu thereof, to their respective Campus Public Safety Office. Students should report such incidents to the Office of Student Affairs at their campus or in lieu thereof, their campus Public Safety Office. The Campus Public Safety Office will work with the Office of Human Resources and the supervisor or the Office of Student Affairs on an appropriate response.

### Commission of a Crime

All individuals who believe a crime has been committed against them have the right, and are encouraged, to report the incident to the appropriate law enforcement agency.

### False Reports

Members of the University community who make false and malicious complaints of workplace violence, as opposed to complaints which, even if erroneous, are made in good faith, will be subject to disciplinary action and/or referral to civil authorities as appropriate.

### Incident Reports

The University will report incidents of workplace violence consistent with the College Policies for Incident Reporting Under the Campus Security Policy and Statistical Act (Cleary Act).

## RESPONSIBILITIES

### Presidents

The President of each constituent college of The City University of New York, the Chief Operating Officer at the Central Office, and the Deans of the Law School and the Sophie Davis School of Biomedical Education shall be responsible for the implementation of this policy on his or her respective campus. The responsibility includes dissemination of this policy to all members of the college community, ensuring appropriate investigation and follow-up of all alleged incidents of workplace violence, constituting a Workplace Violence Advisory Team, and ensuring that all administrators, managers, and supervisors are aware of their responsibilities under this policy through internal communications and training.

### Campus Public Safety Office

The Campus Public Safety Office is responsible for responding to, intervening, and documenting all incidents of violence in the workplace. The Campus Public Safety Office will immediately log all incidents of workplace violence and will notify the respective supervisor of an incident with his/her employee, or notify the appropriate campus official of an incident with a student. All officers should be knowledgeable of when law enforcement action may be appropriate. Public Safety will maintain an internal tracking system of all threats and incidents of violence. Annual reports will be submitted to the President (at the same time as the report noted below) detailing the number and description of workplace violence incidents, the disposition of the incidents, and recommend policy, training issues, or security procedures that were or should be implemented to maintain a safe working and learning environment. These incidents will be reported in the Annual Report of the College Advisory Committee on Campus Security consistent with the reporting requirements of Article 129A

Subsection 6450 of the NYS Education Law (Regulation by Colleges of Conduct on Campuses and Other College Property for Educational Purposes).

Officers will be trained in workplace violence awareness and prevention, non-violent crises intervention, conflict management, and dispute resolution.

Officers will work closely with Human Resources when the possibility of workplace violence is heightened, as well as on the appropriate response to workplace violence incidents consistent with CUNY policies, rules, procedures and applicable labor agreements, including appropriate disciplinary action up to and including termination.

When informed, Public Safety will maintain a record of any Orders of Protection for faculty, staff, and students. Public Safety will provide escort service to members of the college community within its geographical confines, when sufficient personnel are available. Such services are to be extended at the discretion of the Campus Public Safety Director or designee. Only the President, or designee, in his/her absence, can authorize escort service outside of the geographical confines of the college.

### **Supervisors**

Each dean, director, department chairperson, executive officer, administrator, or other person with supervisory responsibility (hereinafter "supervisor") is responsible within his/her area of jurisdiction for the implementation of this policy. Supervisors must report to their respective Campus Public Safety Office any complaint of workplace violence made to him/her and any other incidents of workplace violence of which he/she becomes aware or reasonably believes to exist. Supervisors are expected to inform their immediate supervisor promptly about any complaints, acts, or threats of violence even if the situation has been addressed and resolved. After having reported such complaint or incident to the Campus Public Safety Director and immediate supervisor, the supervisor should keep it confidential and not disclose it further, except as necessary during the investigation process and/or subsequent proceedings.

Supervisors are required to contact the Campus Public Safety Office immediately in the event of imminent or actual violence involving weapons or potential physical injuries.

### **Faculty and Staff**

Faculty and staff must report workplace violence, as defined above, to their supervisor. Faculty and staff who are advised by a student that a workplace violence incident has occurred or has been observed must report this to the Campus Public Safety Director immediately. Recurring or persistent workplace violence that an employee reasonably believes is not being addressed satisfactorily, or violence that is, or has been, engaged in by the employee's supervisor should be brought to the attention of the Campus Public Safety Director.

Employees who have obtained Orders of Protection are expected to notify their supervisors and the Campus Public Safety Office of any orders that list CUNY locations as protected areas.

Victims of domestic violence who believe the violence may extend into the workplace, or employees who believe that domestic or other personal matters may result in their being subject to violence extending into the workplace, are encouraged to notify their supervisor, or the Campus Public Safety Office. Confidentiality will be maintained to the extent possible.

Upon hiring, and annually thereafter, faculty and staff will receive copies of this policy. Additionally, the policy will be posted throughout the campus and be placed on the CUNY website and on the college's website, as appropriate.

### **Office of Human Resources**

The Office of Human Resources at each campus is responsible for assisting the Campus Public Safety Director and supervisors in responding to workplace violence; facilitating appropriate responses to reported incidents of workplace violence; notifying the Campus Public Safety Office of workplace violence incidents reported to that office; and consulting with, as necessary, counseling services to secure professional intervention.

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The Office of Human Resources is responsible for providing new employees or employees transferred to the campus with a copy of the Workplace Violence Policy and Procedures and insuring that faculty and staff receive appropriate training. The Office of Human Resources will also be responsible for annually disseminating this policy to all faculty and staff at their campus, as well as posting the policy throughout the campus and on the college's website, as appropriate.

## **Students**

Students who witness violence, learn of threats, or are victims of violence by employees, students or others should report the incident immediately to the Campus Public Safety Office. If there is no imminent danger, students should report threatening incidents by employees, students or others as soon as possible to the Campus Public Safety Office or Office of Student Affairs. Students will be provided with workplace violence awareness information (including information regarding available counseling services) upon registration each year.

## **Workplace Violence Advisory Team**

A college President shall establish a Workplace Violence Advisory Team at his/her college. This Team, working with the College Advisory Committee on Campus Security, will assist the President in responding to workplace violence; facilitating appropriate responses to reported incidents of workplace violence; assessing the potential problem of workplace violence at its site; assessing the college's readiness for dealing with workplace violence; evaluating incidents to prevent future occurrences; and utilizing prevention, intervention, and interviewing techniques in responding to workplace violence. This Team will also develop workplace violence prevention tools (such as pamphlets, guidelines and handbooks) to further assist in recognizing and preventing workplace violence on campus. It is recommended that this Team include representatives from Campus Public Safety, Human Resources, Instructional Staff Relations, Counseling Services, Occupational Health and Safety, Legal, and others, including faculty, staff and students, as deemed appropriate by the President.

In lieu of establishing the Workplace Violence Advisory Team, a President may opt to expand the College Advisory Committee on Campus Security

with representatives from the areas recommended above to address workplace violence issues at the campus and perform the functions outlined above.

## **University Communications**

All communications to the University community and outside entities regarding incidents of workplace violence will be made through the University Office of University Relations after consultation with the respective President or his/her designee.

## **Education**

Colleges are responsible for the dissemination and enforcement of this policy as described herein, as well as for providing opportunities for training in the prevention and awareness of workplace violence. The Office of Faculty and Staff Relations will provide assistance to the campuses in identifying available training opportunities, as well as other resources and tools, (such as reference materials detailing workplace violence warning signs) that can be incorporated into campus prevention materials for dissemination to the college community. Additionally, the Office of Faculty & Staff Relations will offer periodic training opportunities to supplement the college's training programs.

## **Confidentiality**

The University shall maintain the confidentiality of investigations of workplace violence to the extent possible. The University will act on the basis of anonymous complaints where it has a reasonable basis to believe that there has been a violation of this policy and that the safety and well being of members of the University community would be served by such action.

## **Retaliation**

Retaliation against anyone acting in good faith who has made a complaint of workplace violence, who has reported witnessing workplace violence, or who has been involved in reporting, investigating, or responding to workplace violence is a violation of this policy. Those found responsible for retaliatory action will be subject to discipline up to and including termination.

Approved by the Board of Trustees  
June 28, 2004

# THE CITY UNIVERSITY OF NEW YORK

## Policy on Acceptable Use of Computer Resources

### INTRODUCTION

CUNY's computer resources are dedicated to the support of the university's mission of education, research and public service. In furtherance of this mission, CUNY respects, upholds and endeavors to safeguard the principles of academic freedom, freedom of expression and freedom of inquiry.

CUNY recognizes that there is a concern among the university community that because information created, used, transmitted or stored in electronic form is by its nature susceptible to disclosure, invasion, loss, and similar risks, electronic communications and transactions will be particularly vulnerable to infringements of academic freedom. CUNY's commitment to the principles of academic freedom and freedom of expression includes electronic information. Therefore, whenever possible, CUNY will resolve doubts about the need to access CUNY computer resources in favor of a user's privacy interest.

However, the use of CUNY computer resources, including for electronic transactions and communications, like the use of other university-provided resources and activities, is subject to the requirements of legal and ethical behavior. This policy is intended to support the free exchange of ideas among members of the CUNY community and between the CUNY community and other communities, while recognizing the responsibilities and limitations associated with such exchange.

### Applicability

This policy applies to all users of CUNY computer resources, whether affiliated with CUNY or not, and whether accessing those resources on a CUNY campus or remotely.

This policy supersedes the CUNY policy titled "CUNY Computer User Responsibilities" and any college policies that are inconsistent with this policy.

### Definitions

"CUNY Computer resources" refers to all computer and information technology hardware, software, data, access and other resources owned, operated, or contracted by CUNY. This includes, but is not limited to, personal computers, handheld devices, workstations, mainframes, minicomputers, servers, network facilities, databases, memory, and associated peripherals and software, and the applications they support, such as e-mail and access to the internet.

"E-mail" includes point-to-point messages, postings to newsgroups and listservs, and other electronic messages involving computers and computer networks.

### Rules for Use of CUNY Computer Resources

- 1. Authorization.** Users may not access a CUNY computer resource without authorization or use it for purposes beyond the scope of authorization. This includes attempting to circumvent CUNY computer resource system protection facilities by hacking, cracking or similar activities, accessing or using another person's computer account, and allowing another person to access or use the user's account. This provision shall not prevent a user from authorizing a colleague or clerical assistant to access information under the user's account on the user's behalf while away from a CUNY campus or because of a disability. CUNY computer resources may not be used to gain unauthorized access to another computer system within or outside of CUNY. Users are responsible for all actions performed from their computer account that they permitted or failed to prevent by taking ordinary security precautions.
- 2. Purpose.** Use of CUNY computer resources is limited to activities relating to the performance by CUNY employees of their duties and responsibilities. For example, use of CUNY computer resources for private commercial or not-for-profit business purposes, for private advertising of products or services, or for any activity meant solely to foster personal gain, is prohibited. Similarly, use of CUNY computer resources for partisan political activity is also prohibited. Except with respect to CUNY employees other than faculty, where a supervisor has prohibited it in

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writing, incidental personal use of computer resources is permitted so long as such use does not interfere with CUNY operations, does not compromise the functioning of CUNY computer resources, does not interfere with the user's employment or other obligations to CUNY, and is otherwise in compliance with this policy.

**3. Compliance with Law.** CUNY computer resources may not be used for any purpose or in any manner that violates CUNY rules, regulations or policies, or federal, state or local law. Users who engage in electronic communications with persons in other states or countries or on other systems or networks may also be subject to the laws of those other states and countries, and the rules and policies of those other systems and networks. Users are responsible for ascertaining, understanding, and complying with the laws, rules, policies, contracts, and licenses applicable to their particular use.

Examples of applicable federal and state laws include the laws of libel, obscenity and child pornography, as well as the following:

- Family Educational Rights and Privacy Act
- Electronic Communications Privacy Act
- Computer Fraud and Abuse Act
- New York State Freedom of Information Law
- New York State Law with respect to the confidentiality of library records

Examples of applicable CUNY rules and policies include the following:

- Sexual Harassment Policy
- Policy on Maintenance of Public Order
- Web Site Privacy Policy
- Gramm-Leach-Bliley Information Security Program
- University Policy on Academic Integrity
- Information Security policies

**4. Licenses and Intellectual Property.** Users of CUNY computer resources may use only legally obtained, licensed data or software and must comply with applicable licenses or other contracts, as well as copyright, trademark and

other intellectual property laws. Much of what appears on the internet and/or is distributed via electronic communication is protected by copyright law, regardless of whether the copyright is expressly noted. Users of CUNY computer resources should generally assume that material is copyrighted unless they know otherwise, and not copy, download or distribute copyrighted material without permission unless the use does not exceed fair use as defined by the federal Copyright Act of 1976. Protected material may include, among other things, text, photographs, audio, video, graphic illustrations, and computer software.

**5. False Identity and Harassment.** Users of CUNY computer resources may not employ a false identity, mask the identity of an account or computer, or use computer resources to engage in abuse of others, such as sending harassing, obscene, threatening, abusive, deceptive, or anonymous messages within or outside CUNY.

**6. Confidentiality.** Users of CUNY computer resources may not invade the privacy of others by, among other things, viewing, copying, modifying or destroying data or programs belonging to or containing personal or confidential information about others, without explicit permission to do so. CUNY employees must take precautions to protect the confidentiality of personal or confidential information encountered in the performance of their duties or otherwise.

**7. Integrity of Computer Resources.** Users may not install, use or develop programs intended to infiltrate or damage a computer resource, or which could reasonably be expected to cause, directly or indirectly, excessive strain on any computing facility. This includes, but is not limited to, programs known as computer viruses, Trojan horses, and worms. Users should consult with the IT director at their college before installing any programs that they are not sure are safe.

**8. Disruptive Activities.** CUNY computer resources must not be used in a manner that could reasonably be expected to cause or does cause, directly or indirectly, unwarranted or unsolicited interference with the activity of other users. This

provision explicitly prohibits chain letters, virus hoaxes or other intentional e-mail transmissions that disrupt normal e-mail service. Also prohibited are spamming, junk mail or other unsolicited mail that is not related to CUNY business and is sent without a reasonable expectation that the recipient would welcome receiving it, as well as the inclusion on e-mail lists of individuals who have not requested membership on the lists, other than the inclusion of members of the CUNY community on lists related to CUNY business. CUNY has the right to require users of CUNY computer resources to limit or refrain from other specific uses if, in the opinion of the IT director at the user's college, such use interferes with efficient operations of the system, subject to appeal to the President or, in the case of central office staff, to the Chancellor.

**9. CUNY Names and Trademarks.** CUNY names, trademarks and logos belong to the University and are protected by law. Users of CUNY computer resources may not state or imply that they speak on behalf of CUNY or use a CUNY name, trademark or logo without authorization to do so. Affiliation with CUNY does not, by itself, imply authorization to speak on behalf of CUNY.

**10. Security.** CUNY employs various measures to protect the security of its computer resources and of users' accounts. However, CUNY cannot guarantee such security. Users are responsible for engaging in safe computing practices such as guarding and not sharing their passwords, changing passwords regularly, logging out of systems at the end of use, and protecting private information, as well as for following CUNY's Information Security policies and procedures. Users must report incidents of Information Security policy non-compliance or other security incidents to CUNY's Chief Information Officer and Chief Information Security Officer, and the IT director at the affected user's college.

**11. Filtering.** CUNY reserves the right to install spam, virus and spyware filters and similar devices if necessary in the judgment of CUNY's Office of Information Technology or a college IT director to protect the security and integrity of

CUNY computer resources. Notwithstanding the foregoing, CUNY will not install filters that restrict access to e-mail, instant messaging, chat rooms or websites based solely on content.

**12. Confidential Research Information.** Principal investigators and others who use CUNY computer resources to store or transmit research information that is required by law or regulation to be held confidential or for which a promise of confidentiality has been given, are responsible for taking steps to protect confidential research information from unauthorized access or modification. In general, this means storing the information on a computer that provides strong access controls (passwords) and encrypting files, documents, and messages for protection against inadvertent or unauthorized disclosure while in storage or in transit over data networks. Robust encryption is strongly recommended for information stored electronically on all computers, especially portable devices such as notebook computers, Personal Digital Assistants (PDAs), and portable data storage (e.g., memory sticks) that are vulnerable to theft or loss, as well as for information transmitted over public networks. Software and protocols used should be reviewed and approved by CUNY's Office of Information Technology.

**13. CUNY Access to Computer Resources.** CUNY does not routinely monitor, inspect, or disclose individual usage of its computer resources without the user's consent. In most instances, if the University needs information located in a CUNY computer resource, it will simply request it from the author or custodian. However, CUNY IT professionals and staff do regularly monitor general usage patterns as part of normal system operations and maintenance and might, in connection with these duties, observe the contents of web sites, e-mail or other electronic communications. Except as provided in this policy or by law, these individuals are not permitted to seek out contents or transactional information, or disclose or otherwise use what they have observed. Nevertheless, because of the inherent vulnerability of computer technology to unauthorized intrusions, users have no guarantee of privacy during any use of CUNY computer resources or in any data in

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them, whether or not a password or other entry identification or encryption is used. Users may expect that the privacy of their electronic communications and of any materials contained in computer storage in any CUNY electronic device dedicated to their use will not be intruded upon by CUNY except as outlined in this policy.

CUNY may specifically monitor or inspect the activity and accounts of individual users of CUNY computer resources, including individual login sessions, e-mail and other communications, without notice, in the following circumstances:

- a) when the user has voluntarily made them accessible to the public, as by posting to Usenet or a web page;
- b) when it is reasonably necessary to do so to protect the integrity, security, or functionality of CUNY or other computer resources, as determined by the college chief information officer or his or her designee, after consultation with CUNY's chief information officer or his or her designee;
- c) when it is reasonably necessary to diagnose and resolve technical problems involving system hardware, software, or communications, as determined by the college chief information officer or his or her designee, after consultation with CUNY's chief information officer or his or her designee;
- d) when it is reasonably necessary to protect CUNY from liability, or when failure to act might result in significant bodily harm, significant property loss or damage, or loss of significant evidence, as determined by the college president or a vice president designated by the president, after consultation with the Office of General Counsel and the Chair of the University Faculty Senate (if a CUNY faculty member's account or activity is involved) or Vice Chair if the Chair is unavailable;
- e) when there is a reasonable basis to believe that CUNY policy or federal, state or local law has been or is being violated, as determined by the college president or a vice president designated by the president, after consultation with the Office of General Counsel and the Chair of the University Faculty Senate (if a CUNY faculty member's account or activity is involved) or Vice Chair if the Chair is unavailable;

- f) when an account appears to be engaged in unusual or unusually excessive activity, as indicated by the monitoring of general activity and usage patterns, as determined by the college president or a vice president designated by the president and the college chief information officer or his or her designee, after consultation with CUNY's chief information officer or his or her designee, the Office of General Counsel, and the Chair of the University Faculty Senate (if a CUNY faculty member's account or activity is involved) or Vice Chair if the Chair is unavailable; or
- g) as otherwise required by law.

In those situations in which the Chair of the University Faculty Senate is to be consulted prior to monitoring or inspecting an account or activity, the following procedures shall apply: (i) the college president shall report the completion of the monitoring or inspection to the Chair and the CUNY employee affected, who shall also be told the reason for the monitoring or inspection, except where specifically forbidden by law; and (ii) if the monitoring or inspection of an account or activity requires physical entry into a faculty member's office, the faculty member shall be advised prior thereto and shall be permitted to be present to observe, except where specifically forbidden by law.

A CUNY employee may apply to the General Counsel for an exemption from some or all of the circumstances under which CUNY may inspect and monitor computer resource activity and accounts, pursuant to subparagraphs (a)-(f) above, with respect to a CUNY computer resource used solely for the collection, examination, analysis, transmission or storage of confidential research data. In considering such application, the General Counsel shall have the right to require the employee to affirm in writing that the computer resource will be used solely for the confidential research. Any application for exemption should be made prior to using the computer resource for the confidential research.

CUNY, in its discretion, may disclose the results of any general or individual monitoring or inspection to appropriate CUNY personnel or agents, or law enforcement or other agencies. The results may be

used in college disciplinary proceedings, discovery proceedings in legal actions, or otherwise as is necessary to protect the interests of the University.

In addition, users should be aware that CUNY may be required to disclose to the public under the New York State Freedom of Information Law communications made by means of CUNY computer resources in conjunction with University business.

Any disclosures of activity of accounts of individual users to persons or entities outside of CUNY, whether discretionary or required by law, shall be approved by the General Counsel and shall be conducted in accordance with any applicable law. Except where specifically forbidden by law, CUNY employees subject to such disclosures shall be informed promptly after the disclosure of the actions taken and the reasons for them.

The Office of General Counsel shall issue an annual statement of the instances of account monitoring or inspection that fall within categories (d) through (g) above. The statement shall indicate the number of such instances and the cause and result of each. No personally identifiable data shall be included in this statement.

See CUNY's Web Site Privacy Policy for additional information regarding data collected by CUNY from visitors to the CUNY website at [www.cuny.edu](http://www.cuny.edu).

**14. Enforcement.** Violation of this policy may result in suspension or termination of an individual's right of access to CUNY computer resources, disciplinary action by appropriate CUNY authorities, referral to law enforcement authorities for criminal prosecution, or other legal action, including action to recover civil damages and penalties.

Violations will normally be handled through the university disciplinary procedures applicable to the relevant user. For example, alleged violations by students will normally be investigated, and any penalties or other discipline will normally be imposed, by the Office of Student Affairs.

CUNY has the right to temporarily suspend computer use privileges and to remove from

CUNY computer resources material it believes violates this policy, pending the outcome of an investigation of misuse or finding of violation. This power may be exercised only by the President of each college or the Chancellor.

**15. Additional Rules.** Additional rules, policies, guidelines and/or restrictions may be in effect for specific computers, systems, or networks, or at specific computer facilities at the discretion of the directors of those facilities. Any such rules which potentially limit the privacy or confidentiality of electronic communications or information contained in or delivered by or over CUNY computer resources will be subject to the substantive and procedural safeguards provided by this policy.

**16. Disclaimer.** CUNY shall not be responsible for any damages, costs or other liabilities of any nature whatsoever with regard to the use of CUNY computer resources. This includes, but is not limited to, damages caused by unauthorized access to CUNY computer resources, data loss, or other damages resulting from delays, non-deliveries, or service interruptions, whether or not resulting from circumstances under the CUNY's control.

Users receive and use information obtained through CUNY computer resources at their own risk. CUNY makes no warranties (expressed or implied) with respect to the use of CUNY computer resources. CUNY accepts no responsibility for the content of web pages or graphics that are linked from CUNY web pages, for any advice or information received by a user through use of CUNY computer resources, or for any costs or charges incurred by a user as a result of seeking or accepting such advice or information.

CUNY reserves the right to change this policy and other related policies at any time. CUNY reserves any rights and remedies that it may have under any applicable law, rule or regulation. Nothing contained in this policy will in any way act as a waiver of such rights and remedies.

Adopted by The Board of Trustees of The City University of New York, February 7, 2007

## Appendix I

# Policy on No Smoking

New York City College of Technology has implemented a no smoking policy in full compliance with the New York State and New York City Clean Indoor Air Acts and the Smoking Policy of The City University of New York.

Smoking is prohibited inside all facilities or vehicles owned, leased or operated by CITY TECH. There will be no sale of cigarettes, cigars or pipe tobacco at any facility, location or vending machine owned, leased or operated by CITY TECH or its contractors.

# THE CITY UNIVERSITY OF NEW YORK

## Intellectual Property Policy

### I. PURPOSE

To serve the public good by promoting and facilitating the dissemination of the products of research, authorship and invention by the University community; To recognize and encourage research, authorship and invention by the University community by providing for the sharing of tangible rewards resulting from the commercialization of such research, authorship and invention; To define the ownership, distribution and commercialization rights associated with the products of research, authorship and invention by the University community, and to define the policies and procedures for managing such products

### II. APPLICABILITY

This policy shall apply to all forms of Intellectual Property created or developed, in whole or in part, by Members of the University (1) making Substantial Use of University Resources, (2) as a direct result of University duties, (3) pursuant to the terms of an agreement to which the University is a party, or (4) in the course of or related to activities on grants or contracts administered by the Research Foundation.

### III. OWNERSHIP OF INTELLECTUAL PROPERTY

#### GENERAL RULE:

The Creator shall own all rights in Copyrightable Works.

The University shall own all rights in other Intellectual Property.

#### EXCEPTIONS AND CLARIFICATIONS TO THE GENERAL RULE:

**Sponsored Research.** Ownership of Intellectual Property resulting from Sponsored Research shall be determined pursuant to the terms of the agreement between the University or the Research Foundation, as the case may be, and the Sponsor, or as otherwise

required by applicable law. If ownership is not defined in the agreement, Intellectual Property shall be owned pursuant to the General Rule.

**Commissioned Work.** The University shall normally own Intellectual Property resulting from Commissioned Work. In all cases of Commissioned Work, ownership and royalty rights shall be specified in a written agreement, a copy of which shall be submitted to the OGC for review and approval as to form. Any such agreement, which provides for ownership by other than the University shall also provide the University with a royalty-free, non-exclusive license to use the Intellectual Property for internal educational and research purposes.

**Copyrightable Work Created Within the Scope of Employment.** Copyrightable Work, other than Scholarly or Pedagogical Work, prepared by an employee of the University or the Research Foundation within the scope of his or her employment shall be owned by the University or the Research Foundation, as the case may be. Examples of Copyrightable Work subject to this provision include, without limitation, personnel manuals, written policies, administrative handbooks, public relations materials, archival audio and video recordings of College events, and official College and University web pages.

**Electronically Published Course Materials.** Courses designed to be delivered over the Internet, by computer or through similar technologies may involve both Copyrightable Works and other Intellectual Property. Consistent with its intent to recognize the Creator as the owner of Scholarly or Pedagogical works, the University claims no ownership rights in either the intellectual content of such courses, or the tools and technologies used to present them, unless the work was the result of Sponsored Research or is Commissioned Work, in which case B.1 or B.2 of this Part shall apply.

**Negotiated Agreements.** A Member of the University who wishes to conduct work making substantial use of University resources under terms different from those set forth in the General Rule above may enter into an agreement for the use of such resources with the College(s) where such work shall be conducted. Such agreement shall be

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negotiated by the President(s) of the College(s) with the advice of the OGC, and must be approved by the Chancellor. The agreement shall specify who shall own any Intellectual Property resulting from such work, any arrangement as to equity sharing, royalty-sharing, and/or the amount of the fee, if any, to be paid for use of the University Resources.

**University Media.** Copyrightable Work prepared for publication in official University and College media, such as television and radio stations, newspapers, magazines and journals, shall be owned pursuant to the individual policies of such media or as defined in their contracts with Creators. In the absence of a policy or contract, copyright shall be owned by the University.

**Creator's Non-Commercial Use.** Where the University owns the Intellectual Property under this policy, the Creator is permitted to continue to use the work for his or her own non-commercial purposes. Any distribution by the Creator to academic colleagues outside the University beyond the limits of "fair use", as defined in Section 107 of the Copyright Act of 1976, shall be permitted pursuant to written agreement from the University through the Chancellor or Designated Individual at each College.

### IV. ADMINISTRATION OF THIS POLICY

Authority and responsibility for this policy shall reside with the Chancellor. The Chancellor may seek the advice and assistance of the Intellectual Property Committee (as described in Section V.E.). The responsibility for administration of the policy at the college level is delegated to the Designated Individual at each College.

### V. MANAGEMENT OF INTELLECTUAL PROPERTY

#### DISCLOSURE OF INTELLECTUAL PROPERTY.

**Disclosure Required.** Creators shall disclose to the Chancellor any Intellectual Property that is owned by the University under this policy, including improvements and reductions to practice and Intellectual Property created under Sponsored Research.

**Timing.** Disclosure shall be made prior to submission of the Intellectual Property for publication, other release to the public domain or attempt to license, distribute or manufacture the Intellectual Property commercially.

**Multiple Creators.** Where more than one Member of the University has participated in the creation of Intellectual Property, all participants must sign the disclosure notice.

#### DETERMINATION OF OWNERSHIP RIGHTS.

**Determination of Rights.** The Chancellor shall determine whether the University has reason to exercise ownership rights over Intellectual Property disclosed to it, and, if the University has such rights, whether it desires to obtain protection for or pursue licensing of such Intellectual Property.

**Notice to Creator.** The Chancellor shall promptly notify the Creator of his/her determination to disclaim or assert ownership of the Intellectual Property.

**Time Limit.** The University shall make every reasonable effort to act expeditiously under the circumstances in arriving at all decisions and taking all actions under Sections B, C and D of this Part.2

#### LEGAL PROTECTION AND COMMERCIALIZATION.

**Forms of Protection.** Intellectual Property determined by the Chancellor to be owned by the University may be patented, registered with the U.S. Copyright Office or otherwise legally protected by the University.

**Assignments.** The Creator of such Intellectual Property shall cooperate with the University in the application for legal protection of the Intellectual Property, including executing appropriate assignments, declarations and/or other documents required to set forth effectively the ownership and rights to the Intellectual Property pursuant to this policy. In the event of any dispute between the Creator and the University, the Creator's obligations under this provision shall be without prejudice to the Creator's rights under Part IX.

**Costs of Protection.** All costs involved in obtaining and maintaining legal protection of University-owned Intellectual Property shall be borne by the University, unless the University disclaims, releases or waives its ownership rights or unless a licensee accepted by the Creator agrees to bear such costs pursuant to the terms of a written license agreement.

**Commercialization.** The Creator has primary responsibility for identifying parties having an interest in using, developing or commercializing University-owned Intellectual Property.

**Progress Reports.** The Chancellor shall regularly inform the Creator of the progress of the University's protection efforts and licensing of University-owned Intellectual Property disclosed by such Creator.

#### **CREATOR'S ADDITIONAL RIGHTS.**

**Request for Release.** The Creator may request assignment to the Creator of some or all of the University's rights in Intellectual Property (a "Release") under the following circumstances:

if the University notifies Creator that it elects not to protect or commercialize University-owned Intellectual Property, or that it has decided to abandon protection or commercialization; or

if, within 90 calendar days of disclosure to the Chancellor, the Creator has not received notice from the Chancellor that the University: (i) disclaims ownership of the Intellectual Property or (ii) has taken steps to protect or commercialize University-owned Intellectual Property.

Such request shall disclose the date of any publication of the Intellectual Property.

**Release or Proof of Continuing Effort.** Within 30 calendar days of the date of a request from a Creator for a Release, the University shall either (a) disclaim ownership of the Intellectual Property, (b) execute a Release, or (c) document that the University has exercised and continues to exercise due diligence in attempting to protect or commercialize the Intellectual Property.

**Form of Release.** The University may condition the granting of a Release on the assignment to the University of a share, not to exceed 10%, of net

proceeds. For purposes of this section, "net proceeds" shall mean earnings to the Creator from the Intellectual Property over and beyond reasonable costs incurred in the process of legal protection and management. The University shall retain a royalty-free, non-exclusive license to use any Intellectual Property released to the Creator under this Section D for internal educational and research purposes. Pursuant to 37 C.F.R. Part 401, as amended (regulations implementing the Bayh-Dole Act), the U.S. government shall also retain certain rights.

**University Waiver.** The University shall be deemed to have waived its rights in the Intellectual Property if: (a) it fails to meet the deadline specified in Section D.2, or a mutually agreeable extended time period; or (b) in the case of a patentable Invention, it fails to file a patent application within 90 calendar days of the date of publication as set forth in the Creator's request for a Release under Section D.1.

**Creator's Right to Protect.** If the University disclaims, releases or waives ownership of Intellectual Property, the Creator shall have the right to obtain protection for or pursue licensing of such Intellectual Property in his or her own name and at his or her own cost.

#### **INTELLECTUAL PROPERTY COMMITTEE.**

**Purpose.** An Intellectual Property Committee shall be established to advise the Chancellor on disclosures made to him or her, to make recommendations for updates and changes to this policy, and to consider such other matters as may be described in this policy or may be referred to the Committee by the Chancellor.

**Composition.** The Intellectual Property Committee shall consist of at least nine members. The Executive Vice Chancellor for Academic Affairs (who shall serve as chair of the Committee) and the President of the Research Foundation or designee, shall be members. The Chair of the University Faculty Senate, or a person designated by the Chair, shall select the remaining members of the Committee, taking into account the recommendations of the Chancellor. Membership of the Committee shall, insofar as possible, consist of individuals who have generated copyrighted or patented materials and

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should collectively represent a diversity of types of such materials (i.e., textbooks, biotechnology, software, etc.) The General Counsel of the Research Foundation shall serve as staff to the Committee.

**Subcommittees.** The Chair of the Intellectual Property Committee shall appoint from among the membership of the Intellectual Property Committee a Copyright Subcommittee responsible for the review of disclosures of Copyrightable Works, and a Patent and Technology Subcommittee responsible for the review of disclosures of Inventions, Trade Secrets and Know-How, and Tangible Research Property. Each subcommittee shall, insofar as possible, consist of at least five members, a majority of whom shall have generated copyrighted materials, in the case of the Copyright Subcommittee, or patented materials, in the case of the Patent and Technology Subcommittee.

**Term.** Intellectual Property Committee Members are appointed for three-year terms with non-concurrent expiration dates and may serve successive terms.

**Sponsored Research Requirements.** The Research Foundation shall monitor disclosure and reporting requirements and other obligations to Sponsors regarding University-owned Intellectual Property developed under a Sponsored Research agreement or grant, including but not limited to obligations to the U.S. government under 37 C.F.R. Part 401, as amended (regulations implementing the Bayh-Dole Act).

**Management Organization.** The University may make an agreement with one or more intellectual property management organizations to undertake the legal protection and/or, with the permission of the Creator, commercialization activities, described in this Part V. Any such management organization shall be required to abide by the time limits set forth in Section V.D.

**Not Applicable.** This Part does not apply to University-owned Intellectual Property described in Sections III.B.2 and III.B.3, or in Section III.B.5 to the extent this Part conflicts with the terms of the negotiated agreement.

## VI. DISTRIBUTION OF INCOME FROM INTELLECTUAL PROPERTY

**Policy.** A Creator of University-owned Intellectual Property is entitled to share in the income, including royalties, equity interests (subject to any University conflict of interest policy), and dividends, earned from the commercialization of that Intellectual Property.

**Distribution.** Subject to the terms of any Sponsored Research agreement and unless otherwise agreed by the University and the Creator, gross income created from commercialization of University-owned Intellectual Property shall be distributed as follows:

- First, to pay for any out-of-pocket expenses incurred by the University or the Research Foundation in connection with the administration, protection and commercialization of such Intellectual Property, including, but not limited to, fees paid to outside legal, consulting, marketing and licensing organizations and any other out-of-pocket costs incurred by the University or the Research Foundation.
- Then, 10% applied to a fund at the University for payment of costs related to patent filing, prosecution and maintenance fees.

The resulting “Net Proceeds” shall be distributed as follows:

- 50% to the Creator;
- 25% to the University for the support of research and scholarly activity; and
- 25% to the Creator’s College(s), with 50% of such amount going to the Creator’s academic or research unit(s) for the support of research and scholarly activity.

**Multiple Creators.** Where two or more Members of the University contributed to the creation of Intellectual Property, the Creator’s share of revenues shall be divided among them equally, unless the Members of the University agree upon a different distribution among themselves and notify the University in writing of their agreement.

## VII. ISSUES RELATING TO OWNERSHIP OF EQUITY AND CONFLICT OF INTEREST

**University's Equity Interest.** Subject to the review and approval of the Chancellor, and after a diligent effort to identify prospective sponsors or licensees, the University is permitted to take an equity interest in sponsors or licensee companies under the following terms and conditions:

Sponsors and licensees shall demonstrate management and technical capability, and have the financial resources necessary to meet their development objectives and their obligations to the University.

License agreements shall include measures of performance that must be met in order to maintain the license granted by the University.

Equity shall not be held in sufficient amount to confer management power, which generally would limit ownership to less than 20% of equity.

Equity shall represent a fair valuation for the Intellectual Property.

The University shall not accept a position on the board of directors of a licensee, but may accept and exercise observer rights on such boards. Exceptions to this policy require the approval of the Chancellor.

Licensees shall pay for out-of-pocket patenting and related expenses.

**Member's Significant Interest.** Conflicts of interest may arise when a Member of the University has a Significant Interest in an entity:

to which the University has granted a license of Intellectual Property created by the Member;

with whom the University has entered into a Sponsored Research agreement;

which has contracted with the University for use of the Member's University office or laboratory or other University Resources; or

which employs or otherwise involves the Member's student advisees.

A Member of the University with a Significant Interest in an entity described in B.1, above:

shall disclose the Significant Interest to the University prior to the execution of any agreement between the entity and the University;

shall not represent the University in negotiating the agreement; and

shall not employ or otherwise involve such Member's student advisees at the entity unless they are paid at market rate.

A Member's Significant Interest in a licensee shall not prohibit the Member from receiving Creator's royalties pursuant to VI.B.3 of this policy.

Nothing in this Section shall lessen the obligation of a Member to comply with the requirements of state and federal law, the Research Foundation and any other University policy, regarding the disclosure of conflicts of interest.

**Consulting Agreements.** Conflicts involving Intellectual Property may arise when a Member of the University enters into a personal consulting or other agreement with a third party. Such agreements may include provisions as to the licensing or assignment of Intellectual Property and may come into conflict with this policy. Prior to signing any consulting or other agreement that deals with Intellectual Property owned by the University pursuant to this policy, a Member of the University shall have the agreement reviewed by the Chancellor to be certain such agreement does not inappropriately assign University rights to third parties. If the agreement is in conflict with this policy, the Member must either obtain from the Chancellor a waiver of any University rights, or otherwise modify the consulting agreement to conform with this policy. This requirement is in addition to, and does not eliminate the necessity for, any approval required by any University conflict of interest policy.

## VIII. EXCEPTIONS TO AND WAIVER OF POLICY

Any Member of the University is entitled to request an exception or waiver to the provisions of this policy, including in the event that a publisher or other outside organization proposes terms, which are exceptions to this policy.

A Member of the University wanting an exception or waiver shall, in the first instance, send a written request to the Chancellor, who shall circulate the request to the Member's College President, the

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University Dean for Research and the President of the Research Foundation. If these three individuals agree, the Chancellor shall notify the Member that the request is granted.

In the event that a request for exception or waiver is not granted pursuant to B, above, the Member of the University shall have the right to appear, accompanied by representatives of such individual's choice, before the Intellectual Property Committee for further consideration of the request. This hearing shall occur no later than 30 calendar days from the date of the request for such hearing. The Intellectual Property Committee shall prepare a report of its findings and submit an advisory recommendation to the Chancellor for review within 30 calendar days of the hearing. The decision of the Chancellor on the findings and recommendations of the Intellectual Property Committee shall be rendered within 30 calendar days and shall be final.

Parties to the process described in this Part VIII (including without limitation the University Dean for Research, the College President(s), the President of the Research Foundation, the Chancellor, and the members of the Intellectual Property Committee) shall maintain the confidentiality of any Intellectual Property contained in documents submitted as part of this process.

### **IX. RESOLUTION OF DISPUTES**

This policy constitutes an understanding, which is binding on the University and Members of the University for the use of University Resources and for participating in research programs at the University. Any questions of interpretation or claims arising out of or relating to this policy, or dispute as to ownership rights of Intellectual Property under this policy, shall be settled by the following procedure: The issue must first be submitted, in the form of a letter setting forth the grievance or issue to be resolved, to a review panel of five members, including a representative of the Creator, and designees of the Executive Vice Chancellor for Academic Affairs, the President of the Research Foundation, the Chair of the Faculty Advisory Council of the Research Foundation, and the

Provost of the Creator's College. The panel shall review the matter and then advise the parties of its decision within 30 calendar days of submission of the letter. The decision of the panel may be appealed by either side to the Chancellor. The decision of the Chancellor shall be final.

### **X. TRADEMARKS**

The University owns all right, title and interest in Trademarks related to an item of Intellectual Property owned by the University, or to a program of education, service, public relations, research or training program of the University.

### **XI. ROLE OF THE RESEARCH FOUNDATION**

The University hereby assigns its ownership rights in Inventions resulting from Sponsored Research to the Research Foundation. The Research Foundation may file patent applications, as named assignee, for such Inventions, subject to the terms of this policy, including the distribution provisions set forth in Section VI, with respect to income earned from the commercialization of such Inventions. Furthermore, nothing in this policy shall prevent the Chancellor from appointing the Research Foundation as the Chancellor's designee for performance of the functions assigned to the University in general or the Chancellor in particular, or to retain distribution of income from commercialization of Intellectual Property.

### **XII. EFFECTIVE DATE**

This policy is effective from the date of approval by the University Board of Trustees with respect to Intellectual Property created after that date and shall remain in effect until modified or revoked.

### **XIII. DEFINITIONS**

**"Chancellor"** shall mean the Chancellor of the University or his or her designee.

**"College"** shall mean a "senior college" or "community college" of the University or a component thereof; as such terms are defined in Section 6202 of the New York Education Law.

**"Commissioned Work"** shall mean work commissioned by the University in writing from a Member of the University, outside the scope of his or her employment.

**"Copyrightable Work"** shall mean an original work of authorship, including any Scholarly or Pedagogical Work, which has been fixed in any tangible medium of expression from which it can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device, and may include, but is not limited to, books, journals, musical works, dramatic works, multimedia products, computer programs or codes, videos, films, sound recordings, pictorial and graphical works and sculpture.

**"Creator"** shall mean a Member of the University whose creative activity results in the development of Intellectual Property. As used in this policy, the term "Creator" also includes groups of researchers, authors or inventors whose joint efforts produce Intellectual Property.

**"Designated Individual"** shall mean the College officer who has been appointed by the College President to be in charge of Intellectual Property matters.

**"Intellectual Property"** shall mean all forms of intellectual property, including but not limited to Inventions, Copyrightable Works, Trade Secrets and Know-How, and Tangible Research Property, but excluding Trademarks.

**"Invention"** shall mean a process, method, machine, manufacture, discovery, device, plant, composition of matter or other invention that reasonably appears to qualify for protection under the United States patent law, whether or not actually patentable. "Invention" shall also include computer programs and codes, but only to the extent they are patentable.

**"Member of the University"** shall include full-time and part-time faculty, staff, and graduate students engaged in faculty-directed research, whether paid or unpaid, as well as individuals compensated by grant funds made available to the University by or through the Research Foundation. Any other person

who develops Intellectual Property while making extraordinary use of University Resources shall also be deemed a Member of the University, unless there is an agreement providing that such person shall not be subject to this policy.

**"OGC"** shall mean the Office of the General Counsel and Vice Chancellor for Legal Affairs.

**"Research Foundation"** shall mean The Research Foundation of the City University of New York.

**"Scholarly or Pedagogical Works"** shall mean Copyrightable Works created for traditional academic purposes. Examples include scholarly books (including text books), instructional materials including lecture notes, classroom presentations, research articles, research monographs, student theses and dissertations, novels, poems, films, videos, musical compositions and performances, dramatic works and performances, visual works of art including paintings, drawings, sculpture, installations and performance art, and other scholarly publications or works of artistic imagination, whether such works are disseminated in print, electronically or through some other tangible medium.

**"Significant Interest"** shall mean the following:

the position of director, officer, partner, employee, or agent, or other managerial position; or anything of monetary value, including but not limited to, salary or other payments for services (e.g., consulting fees or honoraria), equity interest (e.g., stock, stock options or other ownership interests), and Intellectual Property rights and royalties from such rights. The term does not include:

- (1) Income from seminars, lectures or teaching engagements sponsored by public or nonprofit entities; (2) income from service on advisory committees or review panels for public or nonprofit entities; (3) financial interests in business enterprises or entities that, when aggregated for the Member and the Member's spouse and dependent children, meet both of the following tests: (a) do not exceed \$10,000 per year in value, as determined through reference to public prices or other reasonable measures of fair market value and (b) do not represent more

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than a 5% percent ownership interest in any single enterprise or entity; or (4), salary, royalties or other continuing payments that, when aggregated for the Member and the Member's spouse and dependent children, are not expected to exceed \$10,000 per year in value.

**"Sponsor"** shall mean an organization, agency or individual which or who provides funding, equipment, or other support for the University, directly or through the Research Foundation, to carry out a specified project in research, training, or public service pursuant to a written agreement ("Sponsored Research"). Sponsors include Federal, State, local and other governmental entities, as well as private industry, individuals, educational institutions and private foundations.

**"Substantial Use of University Resources"** shall mean unreimbursed use of University Resources at a level not ordinarily used by or available to, all or virtually all, faculty, staff or graduate students, as the case may be. Ordinarily available University Resources include assigned office, laboratory and studio space and standard office, laboratory and studio equipment, office computer workstations, library and other general use information resources and the means of network access to such resources. The University does not construe the payment of salary in the form of release time or sabbatical as constituting substantial use of University Resources, except in those situations where the release time or sabbatical is granted specifically to support the development of Commissioned Work. Use of ordinarily available University Resources for private, commercial purposes is considered substantial use.

**"Tangible Research Property"** shall mean tangible items produced in the course of research including, but not limited to, biological materials, research notes and reports, laboratory notebooks, computer databases and software, circuit chips, equipment and engineering drawings.

**"Trade Secrets and Know-How"** shall mean facts, information, data, designs, business plans, customer lists and other secret knowledge which give the owner a competitive edge.

**"Trademark"** shall mean a distinctive word, design or graphic symbol, or combination of the same, that distinguishes and identifies the goods and services of one party from those of another. The term "Trademark" shall include service marks.

**"University"** shall mean The City University of New York.

**"University Resources"** shall mean any resources available to a Member of the University as a direct result of his or her affiliation with the University and which would not otherwise be available to a non-University-affiliated individual, including but not limited to, funds and financial support, facilities, equipment, supplies, services, non-faculty University personnel, students, release time and sabbaticals.

# Ethics

## TWELVE KEY POINTS ABOUT CUNY EMPLOYEE ETHICS

1. No CUNY employee may engage in an outside activity that interferes or conflicts with his or her official duties. Employees in Policy making positions must have almost all outside activities, including professional practice, approved by the College President (or Chancellor) and State Ethics Commission: over \$1,000 for private employment; over \$4,000 for public employment; serving as director or officer of for-profit corporation; and holding appointed or elected public office, even if uncompensated.
2. Policy makers' outside activities requiring approval include work for CUNY/RF and CUNY related entities.
3. College Presidents must receive approval of outside activities, including service on boards, and file honoraria forms with the Chancellor through the General Counsel.
4. All CUNY employees must receive a copy of the State Ethics Law notification (3-page document).
5. No CUNY employee may use or try to use his/her position to get unwarranted privileges or exemptions for him/her self or another; and no employee may disclose confidential information acquired on the job or use such confidential information for personal gain.
6. All CUNY employees are prohibited from doing business with any State agency (including CUNY or SUNY college) or public authority in excess of \$25, except through a contract awarded through competitive bidding after public notice.
7. No CUNY employee may use CUNY resources for political campaigns, or political/charitable fundraising or other activity. Resources include phones, computers, postage, copiers, employee time, etc.
8. Gifts of \$75 or more are prohibited if it may appear that the gift is intended to influence or reward a CUNY employee's official duties. Gifts of any amount that are actually intended to influence or reward are also prohibited. Such prohibited gifts include travel, meals or entertainment, and may not be from individuals, companies, organizations, unions, vendors or contractors that negotiate with, do business with, or are interested in doing business with CUNY or a campus. This applies to employees serving on related entities.
9. Honoraria or travel reimbursements are prohibited from individuals, companies, organizations, unions, vendors and contractors that negotiate with, do business with, or are interested in doing business with the University or college. This applies to employees serving on related entities.
10. All employees who receive honoraria and travel reimbursements from outside the University must file annual reports [with the College], regardless of the amounts received. Academic employees are exempt within their discipline. The college must file a compilation with the State Ethics Commission by June 1.
11. Policy makers must file annual Financial Disclosure Statements with State Ethics Commission by May 15. This includes all Executive Compensation Plan employees and specified others. Non-policy making employees making over \$74,621 must file unless exempt. Most CUNY titles other than faculty, architects and engineers have been exempt.
12. Faculty currently file an alternative short form, which is part of the multiple position report (part D) with the college, as well as a grant form if applicable. Faculty is expected to file the longer disclosure form by November 15, 2004 and annually thereafter, with the State Ethics Commission.

CUNY Office of General Counsel May 6, 2004

# Statement of Affirmative Action and Equal Employment Opportunity

New York City College of Technology takes great pride in the diversity reflected in our student body, faculty and staff, and is committed to equal education and employment opportunities for all, especially for women and members of groups that have been historically under represented in higher education.

The College attempts to go beyond what is mandated by law as affirmative action to promote an atmosphere conducive to mutual respect in a harmonious learning and working environment. The goals of our efforts include:

- creating a hospitable and respectful campus environment that embraces the diversity and multicultural heritage of those who comprise the student body, faculty and staff.
- ensuring that services on campus are student focused and assist all students to be successful both academically and socially.
- extending courtesy and assistance to everyone who visits or calls the campus.
- assisting students regardless of age, color, disability, familial, marital or partnership status, genetic predisposition or carrier status, military status, national or ethnic origin, race, religion, sex, sexual orientation, transgender, alienage or citizenship.
- providing support programs that serve multiple ethnicities including American Indian/Alaskan Native, Asian/Pacific Islander, Black, Hispanic, and Italian-American students, faculty and staff.
- making the surrounding community aware of the College's diversity, and making it possible for the College to serve diverse community groups.
- forging relations with high schools, community groups, and religious organizations and developing alliances that foster respect for the College and promote cultural sensitivity.
- promoting programs that increase multicultural awareness and providing courses and educational events containing positive multicultural themes.

The College is pursuing these goals through coordinated efforts involving curriculum, student support services, staff development and multicultural training, high school and community outreach, and institutional and academic research.

To ensure that we achieve these goals, it is important to understand that there are certain behaviors that have no place on this campus, such as racial, ethnic, sexual orientation or religious intolerance; harassment and abuse; insensitive treatment of members of the community; assumptions about academic competence or interests of students based on race, ethnicity, religious identity or disability; lack of effort in helping students because of non-English accents; inappropriate address to female members of the community; and campus publications that do not reflect the spirit of tolerance and respect to which the College is committed.

The College denounces all manifestations of racism and will not tolerate racist language or behavior, or racist harassment of any kind, whether verbal, physical, or written. At the same time, the College also realizes that while some examples of racial harassment such as physical and verbal assaults are easily identified, more frequent instances such as blatant and sometimes subtle graffiti and insensitive use of language which often go unacknowledged can be equally damaging and are considered by the College offensive and unacceptable forms of behavior.

Please know that in responding to incidents of harassment among students, staff and faculty, the College will use all appropriate mechanisms available to it, including, if necessary, disciplinary procedures. The College also encourages members of the campus community who are aware of cases of harassment or insensitivity to come forward in an atmosphere of candor and confidentiality to report such incidents.

As an Equal Opportunity and Affirmative Action Institution, the College does not discriminate on the basis of age, color, disability, familial, marital or partnership status, genetic predisposition or carrier status, military status, national or ethnic origin, race, religion, sex, sexual orientation, transgender, alienage or citizenship in its student admissions, employment, access to programs, and administration of educational policies. I note also that pursuant to the Chancellor's mandate of 1976, Italian-Americans are designated as an affirmative action category in addition to those so categorized under existing Federal statutes and regulations.

Gilen Chan, College Counsel, serves as the College's Affirmative Action Officer, Coordinator for Title IX (which prohibits sex discrimination in federally assisted education programs), Coordinator for the Age Discrimination Act (which prohibits age discrimination in federally assisted education programs) and College Coordinator for the Americans with Disabilities Act and Section 504 (which prohibit discrimination on the basis of disability). Her office is located in Namm Hall, room 325, and her telephone number is (718) 260-4981. Under the direction of the President, she is responsible for monitoring these programs and/or regulations and for the College's compliance with all such statutes.

To ensure that the College continues to support the spirit and goals of Affirmative Action and Equal Opportunity, I urge you to persist in the active recruitment, retention, and development of a diverse workforce, and assure you that I am committed to supporting these efforts. To truly achieve an environment that shows consideration for all individuals, and sensitivity to our cultural diversity, we each need to act thoughtfully and responsibly. I ask that you join me in this endeavor, as it is only through our combined efforts that we can ensure the hospitable and respectful campus environment that we all desire, and that is so important to our success as an educational institution.

Sincerely



Russell K. Hotzler, President

# Student Complaint Policy

From time to time, students have had complaints relating to abusive or discriminatory faculty conduct in the classroom and other formal academic settings. CUNY, as a university system, has never had a set of procedures for dealing with such complaints, and only three of the campuses address this issue in their policies. As a result, complaints have been dealt with on an ad hoc basis and occasionally not very well. It therefore seems appropriate to adopt a set of simple procedures to ensure that such student complaints will be addressed with appropriate regard for due process and academic freedom.

At the outset, it is important to understand what these procedures are intended to do and what they are not intended to do. They set forth a simple, fair and expeditious means of resolving such complaints informally and, if that is not possible, of conducting a preliminary inquiry and providing the college president with the facts and recommendations relating to the complaint. The purpose is not to supersede the existing disciplinary procedures relating to faculty contained in Article 21 of the collective bargaining agreement. On the contrary, the procedures make clear that if, as a result of the facts found and recommendations made under them, the President believes that the conduct complained of is sufficiently established and serious to require disciplinary action, the process set forth in the collective bargaining agreement must be followed. That process includes a hearing before the President's designee, an appeal to the Chancellor's designee and ultimately arbitration before an arbitrator who is authorized to hear and determine *de novo* whether the faculty member has engaged in conduct that warrants a disciplinary sanction and if so what that sanction should be.

In addition, these procedures make clear that academic freedom is of paramount importance and that student complaints must be considered with scrupulous care not to interfere with faculty conduct that is protected by academic freedom.

## INTRODUCTION

- The University and its Colleges have a variety of procedures for dealing with student-related issues, including grade appeals, academic integrity violations, student discipline, disclosure of student records, student elections, sexual harassment complaints, disability accommodations, and discrimination. One area not generally covered by other procedures concerns student complaints about faculty conduct in the classroom or other formal academic settings. The University respects the academic freedom of the faculty and will not interfere with it as it relates to the content or style of teaching activities. Indeed, academic freedom is and should be of paramount importance. At the same time the University recognizes its responsibility to provide students with a procedure for addressing complaints about faculty treatment of students that are not protected by academic freedom and are not covered by other procedures. Examples might include incompetent or inefficient service, neglect of duty, physical or mental incapacity and conduct unbecoming a member of the staff.
- **Determination of Appropriate Procedure.** If students have any question about the applicable procedure to follow for a particular complaint, they should consult with the chief student affairs officer. In particular, the chief student affairs officer should advise a student if some other procedure is applicable to the type of complaint the student has.
- **Informal Resolution.** Students are encouraged to attempt to resolve complaints informally with the faculty member or to seek the assistance of the department chairperson or campus ombudsman to facilitate informal resolution.
- **Formal Complaint.** If the student does not pursue informal resolution, or if informal resolution is unsuccessful, the student may file a written complaint with the department chairperson or, if the chairperson is the subject of the complaint, with the academic dean or a senior faculty member designated by the college president. (This person will be referred to below as the "Fact Finder.")

## Appendix M

- A. The complaint shall be filed within 30 calendar days of the alleged conduct unless there is good cause shown for delay, including but not limited to delay caused by an attempt at informal resolution. The complaint shall be as specific as possible in describing the conduct complained of.
- B. The Fact Finder shall promptly send a copy to the faculty member about whom the complaint is made, along with a letter stating that the filing of the complaint does not imply that any wrongdoing has occurred and that a faculty member must not retaliate in any way against a student for having made a complaint. If either the student or the faculty member has reason to believe that the department chairperson may be biased or otherwise unable to deal with the complaint in a fair and objective manner, he or she may submit to the academic dean or the senior faculty member designated by the college president a written request stating the reasons for that belief; if the request appears to have merit, that person may, in his or her sole discretion, replace the department chairperson as the Fact Finder.
- C. The Fact Finder shall meet with the complaining student and faculty member, either separately or together, to discuss the complaint and to try to resolve it. The Fact Finder may seek the assistance of the campus ombudsman or other appropriate person to facilitate informal resolution.
- D. If resolution is not possible, and the Fact Finder concludes that the facts alleged by the student, taken as true and viewed in the light most favorable to the student, establish that the conduct complained of is clearly protected by academic freedom, he or she shall issue a written report dismissing the complaint and setting forth the reasons for dismissal and send a copy to the complaining student, the faculty member, the chief academic officer and the chief student affairs officer. Otherwise, the Fact Finder shall conduct an investigation. The Fact Finder shall separately interview the complaining student, the faculty member and other persons with relevant knowledge and information and shall also consult with the chief student affairs officer and, if appropriate, the college ombudsman. The Fact Finder shall not reveal the identity of the complaining student and the faculty member to others except to the extent necessary to conduct the investigation. If the Fact Finder believes it would be helpful, he or she may meet again with the student and faculty member after completing the investigation in an effort to resolve the matter. The complaining student and the faculty member shall have the right to have a representative (including a union representative, student government representative or attorney) present during the initial meeting, the interview and any post-investigation meeting.
- E. At the end of the investigation, the Fact Finder shall issue a written report setting forth his or her findings and recommendations, with particular focus on whether the conduct in question is protected by academic freedom, and send a copy to the complaining student, the faculty member, the chief academic officer and the chief student affairs officer. In ordinary cases, it is expected that the investigation and written report should be completed within 30 calendar days of the date the complaint was filed.
- Appeals Procedure. If either the student or the faculty member is not satisfied with the report of the Fact Finder, the student or faculty member may file a written appeal to the chief academic officer within 10 calendar days of receiving the report. The chief academic officer shall convene and serve as the chairperson of an Appeals Committee, which shall also include the chief student affairs officer, two faculty members elected annually by the faculty council or senate and one student elected annually by the student senate. The Appeals Committee shall review the findings and recommendations of the report, with particular focus on whether the conduct in question is protected by academic freedom. The Appeals Committee shall not conduct a new factual investigation or overturn any factual findings contained in the report unless they are clearly erroneous. If the Appeals Committee decides to reverse the Fact Finder in a case where there has not been an investigation because the

Fact Finder erroneously found that the alleged conduct was protected by academic freedom, it may remand to the Fact Finder for further proceedings. The committee shall issue a written decision within 20 calendar days of receiving the appeal. A copy of the decision shall be sent to the student, the faculty member, the department chairperson and the president.

- **Subsequent Action.** Following the completion of these procedures, the appropriate college official shall decide the appropriate action, if any, to take. For example, the department chairperson may decide to place a report in the faculty member's personnel file or the president may bring disciplinary charges against the faculty member. Disciplinary charges may also be brought in extremely serious cases even though the college has not completed the entire investigative process described above; in that case, the bringing of disciplinary charges shall automatically suspend that process. Any action taken by a college must comply with the bylaws of the University and the collective bargaining agreement between the University and the Professional Staff Congress.
- **Campus Implementation.** Each campus shall implement these procedures and shall distribute them widely to administrators, faculty members and students and post them on the college website.
- **Board Review.** During the spring 2009 semester, the Chancellery shall conduct a review of the experience of the colleges with these procedures, including consultation with administrators, faculty and students, and shall report the results of that review to the Board of Trustees, along with any recommended changes.

Adopted by the CUNY Board of Trustees,  
February 2007

## Appendix N

# THE CITY UNIVERSITY OF NEW YORK Gramm-Leach-Bliley Information Security Program

### OVERVIEW

The City University of New York (CUNY) is committed to the ongoing protection of confidential financial information. The Federal Trade Commission has issued the Safeguards Rule under the Gramm-Leach-Bliley (GLB) Act, requiring CUNY to develop, implement and maintain a comprehensive information security program to ensure the privacy of certain categories of confidential financial information. For the purpose of CUNY's Information Security Program, "Confidential Financial Information" means all nonpublic personal information, whether in paper, electronic or other form, that CUNY obtains in connection with transactions involving financial products or services offered by CUNY, such as Perkins Loans and other loans given by CUNY to students. This Information Security Program establishes CUNY's policy for the ongoing protection of Confidential Financial Information and serves as written evidence of an information security program in compliance with 16 CFR 314.3(a).

#### **What are the objectives of the GLB Safeguards Rule and required elements of an information security program?**

The objectives of the GLB Safeguards Rule are to:

- Protect the security and confidentiality of nonpublic personal information about a customer of a financial institution;
- Protect against anticipated threats or hazards to the security or integrity of such information; and
- Protect against unauthorized access to or use of such information that could result in substantial harm or inconvenience to any customer.

The required elements of an information security program are to:

- Designate one or more employees to coordinate the program;

- Identify reasonably foreseeable internal and external risks to the security, confidentiality and integrity of customer information that could result in the unauthorized disclosure, misuse, alteration, destruction or other compromise of such information, and assess the sufficiency of any safeguards currently in place to control these risks;
- Design and implement safeguards to control the identified risks and regularly test and monitor the effectiveness of these safeguards;
- Oversee service providers by retaining providers who are capable of maintaining appropriate safeguards and requiring the providers by contract to implement and maintain such safeguards; and
- Periodically evaluate and adjust the information security program in light of the results of the required testing and monitoring and any other circumstances that may have a material impact on the information security program.

CUNY's Information Security Program addresses the elements required by the GLB Safeguards Rule.

### **I. DESIGNATION OF PROGRAM COORDINATORS**

The University Central Office will designate a University Program Coordinator, who will administer CUNY's Information Security Program for the Central Office and also serve as the primary University resource and liaison with the Colleges for addressing issues related to the GLB Safeguards Rule and disseminating relevant information and updates.

In addition, the President of each College will designate a College Program Coordinator for his or her campus. Suggested College Program Coordinators include the Information Security Officer, the Record Retention Officer and the Legal Affairs Designee at the College. The Internal Control Officer at the College should not be designated the College Program Coordinator in order to avoid any potential conflict of interest.

Each College Program Coordinator should work in cooperation with the following departments and individuals: the College's Office of Legal Affairs and/or the University's Office of the General Counsel, the College's Internal Control Officer, the University Office of Internal Audit and Management Services, the

University Program Coordinator, and any department in the College and the University Central Office that collects, accesses, retains, transmits or disposes of information related to any programs or processes that the University identifies as covered by the GLB Safeguards Rule (e.g., Perkins Student Loan processes).

The College Program Coordinator should also work with the College's Office of Legal Affairs and/or the University's Office of the General Counsel, the College's Business Office/Purchasing Department, the University Contracting Office, the University's Office of Computer and Information Services, and other relevant departments to identify third-party service providers who may have access to this Confidential Financial Information so that the University secures contracts with these service providers that will ensure the protection of the Confidential Financial Information.

## II. IDENTIFICATION OF RISKS AND RISK ASSESSMENT

CUNY recognizes that there are both internal and external risks associated with the protection of Confidential Financial Information. These risks include but are not limited to:

- Unauthorized access to Confidential Financial Information;
- Compromised system security as a result of system access by an unauthorized person;
- Interception of data during transmission;
- Loss of data integrity;
- Physical loss of data in a disaster;
- Errors introduced into the system;
- Corruption of data or systems;
- Unauthorized requests for Confidential Financial Information;
- Unauthorized access to hard copy files or reports;
- Unauthorized transfer or release of Confidential Financial Information by third parties contracted by the University;
- Unauthorized disposal of Confidential Financial Information; and
- Unsecured disposal of Confidential Financial Information.

CUNY also recognizes that the foregoing may not be a complete list of risks associated with the protection of Confidential Financial Information. Since technology growth is not static, new risks are created regularly. Accordingly, the University will actively participate in and monitor advisory groups such as the New York State Office of Cyber Security & Critical Infrastructure Coordination, the Educause Security Institute, the Internet2 Security Working Group, the U.S. Department of Homeland Security, the Carnegie Mellon Group, and the SANS Institute to identify new risks. CUNY's Information Technology Security Committee (a sub-committee of the CUNY Information Technology Steering Committee) will actively seek to identify and address all potential technology security risks associated with Confidential Financial Information.

In addition, the University Office of Internal Audit and Management Services will incorporate continuous monitoring and identification of security risks and controls into its Annual Risk Assessment/Internal Control Review process.

## III. DESIGN AND IMPLEMENTATION OF A SAFEGUARDING PROGRAM

CUNY's Information Security Program has four components: a) Employee Training and Management; b) Information System Security; c) Safeguarding Paper and Special Media Records; and d) Disposal of Records.

### a. Employee Training and Management

Initially, all CUNY employees in departments that collect, access, retain, transmit or dispose of Confidential Financial Information (e.g., all employees involved in Perkins Student Loan processes) will receive a copy of this Information Security Program. Each director of a department covered by this Information Security Program is responsible for ensuring that all employees under his or her direction receive this document and for clarifying how the Information Security Program is applicable to the employees in his or her department. The Program Coordinators should ensure that each department director is aware of this responsibility. On an ongoing basis, each department director should ensure that all new

## Appendix N

employees in his or her department, whether new hires or transfers, receive a copy of this Information Security Program as part of the orientation to the department. The University Program Coordinator will arrange for training of the various groups impacted by the GLB Safeguards Rule throughout the University, as needed, on an ongoing basis.

### **b. Information System Security**

Access to Confidential Financial Information through University and College networks and stand-alone systems should be limited to those employees who have a business reason to have such information. Each employee with access to Confidential Financial Information should be assigned a user name and password. Only employees with the need to have access to such information should be provided passwords. All databases and imaged documents containing Confidential Financial Information should be password-protected.

CUNY will take reasonable and appropriate steps consistent with current technological developments to ensure that all Confidential Financial Information is secure and to safeguard the integrity of records in storage and transmission. These steps include maintaining CUNY's operating systems and applications and providing appropriate patches and updates in a timely manner. The University's Office of Computer and Information Services is evaluating the feasibility of implementing an intrusion detection system to detect and stop most external threats and is also developing a protocol to react to intrusions into the University and College networks.

To the extent reasonably available, CUNY should use encryption technology for both storage and transmission of all Confidential Financial Information. All Confidential Financial Information should be maintained on servers behind a University firewall. University and College Information Technology Departments should keep all firewall software and hardware current.

The CUNY Information Technology Security Committee will review and modify current policies and develop new policies to provide appropriate security to University and College information systems.

### **c. Safeguarding Paper and Special Media Records**

Access to Confidential Financial Information should be restricted to CUNY employees with a legitimate business purpose and on a need-to-know basis. Whether this information is stored in hard copy form or in special media records, such as microfiche and microfilm, employees should exercise reasonable care for its safekeeping. (For example, records common to the Perkins Student Loan processes include documents collected during the verification process, entrance and exit interview documents, promissory notes, and hard copy reports. Proper treatment of these records should follow established standards, procedures and techniques governing good record-keeping practices. The records should be kept in lockable file cabinets, and promissory notes must be secured in a locked fireproof container in accordance with federal regulations.) All records containing Confidential Financial Information should be handled only by authorized personnel and kept in areas with restricted access. Such records should not be left open on desks if unattended for extended periods of time. Supervisory staff should periodically test and monitor the effectiveness of these safeguards to ensure that they are working as intended.

### **d. Disposal of Records**

Stored records should be maintained until they become inactive or are no longer required under applicable rules and regulations. When no longer active or required, records should be destroyed or retired in accordance with CUNY's published schedules governing the disposition of such records. Paper and microfilm, microfiche and other special media records that are no longer required to be kept by the University should be shredded at the time of disposal. Electronic documents should be deleted and magnetic media should be erased.

The designated Records Retention Officer at the University and at each College is responsible for administering a records management program and should be consulted with any questions about the disposition status of records.

#### **IV. OVERSIGHT OF SERVICE PROVIDERS AND CONTRACTS**

The GLB Safeguards Rule requires that the University take reasonable steps to select and retain service providers who will maintain safeguards to protect Confidential Financial Information. Contracts entered into on or before June 24, 2002 should be modified to include an appropriate commitment to safeguarding Confidential Financial Information by May 24, 2004. Contracts entered into after June 24, 2002 should be modified to include an appropriate commitment to safeguarding Confidential Financial Information as of May 23, 2003. Each Program Coordinator should work with the College's Office of Legal Affairs and/or the University's Office of the General Counsel to put such agreements into place.

#### **V. REVIEW AND REVISION OF CUNY INFORMATION SECURITY PROGRAM**

The GLB Safeguards Rule mandates that this Information Security Program be subject to periodic review and adjustment. As information security technology evolves, the Information Security Officer at the University and at each College should constantly monitor the technology in place and make adjustments as necessary to preserve the infrastructure of CUNY's information systems.

Each Program Coordinator should annually reassess the areas other than information security technology covered by this Information Security Program in conjunction with the University Office of Internal Audit and Management Services. This assessment will be accomplished primarily through the Annual Risk Assessment/Internal Control Review process, which is intended to provide department directors with a mechanism to evaluate and assess their respective operations and control procedures.

Under this annual process, department directors at each College reassess their own operations and submit an Annual Risk Assessment/Internal Control Review report indicating any changes or modifications to the existing systems of internal control made during the year, the status of any planned improvements, the types of control testing, and, if applicable, any corrective changes taken.

Under this process, the department directors also identify the type of training and the training provider for all formal training programs attended by members of their departments during the year as well as any topic or skill areas where additional training is needed. This annual assessment and review process should be used as the mechanism to re-evaluate existing information security safeguards and identify new processes that deal with information covered by the GLB Safeguards Rule.

#### **RELATED LINKS**

<http://www.ftc.gov/os/2002/05/67fr36585.pdf>  
GLB Safeguards Rule (16 CFR Part 314)

<http://portal.cuny.edu/cms/id/cuny/documents/informationpage/000814.htm>  
University Internal Control Program

[http://portal.cuny.edu/cms/id/cuny/documents/level\\_3\\_page/001171.htm](http://portal.cuny.edu/cms/id/cuny/documents/level_3_page/001171.htm)  
University Computer Usage Policy

<http://portal.cuny.edu/security/PrivacyPolicy>

Last Updated: 9/27/04

## Appendix O

# Responsibilities of CUNY Faculty Serving as Principal Investigators With Respect to Sponsored Program Employees.

CUNY faculty who obtain sponsored program funding administered through the Research Foundation on a project that includes staff are required to take on the new, and often unfamiliar, role of supervising such staff. As the program staff is being hired under an award administered by the Research Foundation, they are considered to be employees of the Research Foundation. In the event that these employees are treated unfairly, discriminatorily, or otherwise in violation of law or Research Foundation policies, the Research Foundation as the employer can be held responsible, in whole or in part, for the faculty member's actions.

Accordingly, faculty PIs who supervise Research Foundation employees must become familiar with and abide by RF policies, and are required to attend RF-sponsored training sessions. In dealing with individual situations, faculty PIs are expected to exercise caution and good judgment in dealing with employee issues. PIs are encouraged to consult with the Grants Officer at their campus or a human resources professional in the RF's Office of Employment Policy and Practice about any employee situation that is of concern to them. PIs are required to consult a human resources professional in the RF's Office of Employment Policy and Practice prior to taking any adverse action against those employed on their sponsored programs.

Any questions concerning this issue should be directed to the Research Foundation's Office of Employment Policy and Practice at 212.417.8604.