

*Revised plan of governance approved by college council March 16, 2010 and by faculty April 30 2010*

# PLAN OF GOVERNANCE FOR NEW YORK CITY COLLEGE OF TECHNOLOGY

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# CONSTITUTION OF THE COLLEGE COUNCIL OF NEW YORK CITY COLLEGE OF TECHNOLOGY

## PART I

### 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, academic deans and departmental chairpersons.
- 2) One member to be elected from each instructional department and voting unit (including the office of enrollment management and student affairs, library, continuing education, college laboratory technicians series<sup>1</sup>, and higher education officer 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) Student delegates designated as follows:
  - a) Two students elected by the student government.
  - b) Four students from each school, each of whom is registered in a program offered by a department within that school and elected by the students within that school.

#### B. Eligibility to serve on and to vote for delegates to 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 of credit-bearing courses required by their program.
- c) They must be able to serve a minimum of one year.
- d) They must be enrolled for a minimum of 3 hours of classes.

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<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.

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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 full-time lecturers who have received a third, continuous, annual appointment,
- f) All college laboratory technicians who have received a third, continuous, full-time annual appointment,
- g) All higher education officers who have received a third, continuous, full-time annual appointment.

C. Terms of office of delegates to college council

- 1) Department Delegates shall be elected for a three year term.
- 2) Delegates-at-Large shall be elected for a three year term from among the instructional staff with one third of the delegates-at-large elected each year on a rotating basis.
- 3) Student delegates will be elected for a one year term.
- 4) Rules for elections shall be established by the college council. All elections for delegates-at-large and in-cycle elections for departmental delegates shall be supervised by the legislative committee and administered by the office of instructional staff relations. Student elections shall be supervised by the office of the vice-president for enrollment management and student affairs. Vacancies for departmental delegates are filled by departmental elections with assistance by the legislative committee if so requested by a member of the department who is eligible to serve.

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.
  - 7) The chair does not have authority to act for the council.
- 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

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- 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.
  - 6) The vice-chair does not have authority to act for the council.
- 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 but not as a member of a standing committee.
  - 6) Publish a summary of attendance of members annually.
  - 7) Update the data base of council actions annually.
  - 8) The secretary does not have authority to act for the council.
- E. Adequate services to perform council functions shall be provided for by the college administration to the chair, secretary and chairs of standing committees. 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, and the first meeting shall be held 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 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.

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- G. Upon delivery of a petition of a minimum of one sixth 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, vice-chair, secretary of the council and the chairs of all standing committees.
  - 2) The council chair or, in his/her absence, the vice-chairperson shall preside at meetings of the executive committee.
  - 3) In the absence of a chair of a standing committee he/she may be represented by a designee from the same committee, who shall enjoy the same privileges as the committee chair.
  - 4) The executive committee shall meet at least once a month during the academic year.
  - 5) The executive committee shall 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 college 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 publicly 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. 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 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.
  - 9) The executive committee does not have authority to act for the council.

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### C. Committee on Committees

- 1) The committee on committees is composed of five council members of the instructional staff as defined in article II section B paragraph 2. The committee on committees for the upcoming academic year shall be elected by a plurality vote of members of the council at the penultimate meeting of the council each academic year (not counting the organizational meeting for the following year's college council).
- 2) The committee on committees will elect its own chairperson.
- 3) The committee on committees is not considered a standing committee of college council. Each member of this committee must serve on another standing committee of the council unless they are ex-officio members or they are elected chair, vice-chair, or secretary of college council.
- 4) This committee shall be charged with assigning council members to serve on standing committees and overseeing elections of standing committee chairs. Assigning council members to standing committees should be done within ten days of the college council meeting following the one in which the committee on committees was elected. The only exceptions shall be for newly elected chairpersons, as a result of vacancies or for nonvoting members. The committee is also charged with providing orientation for new members of college council.
- 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.
- 8) Once chairs of all standing committees have been elected the committee on committees' only duty will be to assign replacements and non-voting members to standing committees.
- 9) Vacancies on the committee on committees will be filled by a plurality vote of college council.

### D. Standing Committees

- 1) Each standing committee shall elect its own chairperson and secretary. Each chairperson and secretary shall serve for one year. No one may serve more than three consecutive terms as chair or as secretary.
- 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.
- 7) After the last council meeting of the academic year and before the organizational meeting for the upcoming year each committee shall submit a written summary of committee activities to the council secretary. These reports will be forwarded to the chair of the committee on committees who will give it to the chair of the committee for the following academic year.

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- 8) 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.
- 9) 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-curricular 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. Each academic year it shall produce an evaluative report on at least one important area of its purview and submit this written report to college council.
- 10) Budget Committee  
This committee shall be responsible for recommendation, review and evaluation of policy relating to the financial planning, budget allocations, the use of allocated funds and long-term planning of the college. Each academic year it shall produce an evaluative report on at least one important area of its purview and submit this written report to college council.
- 11) 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.
- 12) Buildings and Grounds Committee  
This committee shall be responsible for producing evaluations and making 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 for administration and finance. 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. Each academic year it shall produce an evaluative report on at least one important area of its purview and submit this written report to college council.
- 13) Personnel Committee  
This committee shall be responsible for the development of policies and practices (not subsumed by the bylaws of the CUNY Board of Trustees or existing contractual agreements) relating to the instructional staff.
  - a) It shall be responsible for reviewing and evaluating existing policies and practices and proposing recommendations for change.
  - b) It shall also be responsible for the development and ongoing 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.
  - c) It shall in addition be responsible for investigating claims of infringement on academic freedom and report in writing to college council on their findings. Each academic year it shall produce an evaluative report on at least one important



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area of its purview and submit this written report to college council.

14) Technology Committee

This committee shall be responsible for making recommendations to the college administration regarding instructional, academic, and administrative technology throughout the college. It is also responsible for evaluation of current technological infrastructure of the college. Other college-wide committees with a primary focus on technology will maintain an active relationship with and provide resource personnel to the technology committee. To further this goal, the technology committee shall be represented on all college-wide committees dealing with instructional, academic, and administrative technology. Each academic year it shall produce an evaluative report on at least one important area of its purview.

15) 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, the chairperson and voting members 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

- A. 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.

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## PART II - DEPARTMENTAL ELECTIONS

- A. All full-time members of the instructional staff as defined below shall be eligible to vote in all departmental elections:
  - 1) Professors and associate professors
  - 2) Tenured assistant professors and instructors
  - 3) Assistant professors and instructors who have received a third full-time continuous annual appointment.
  - 4) Full-time assistant professors (untenured) who have been appointed to this rank after serving for three years as full time lecturers/instructors
  - 5) Full-time lecturers who have received a third continuous annual appointment.
- B. 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 CUNY Board of Trustees shall be used to determine those faculty members eligible to serve as department chairpersons and to serve on committees on appointments.
- C. In departmental elections for chairperson, committee on appointments and departmental delegate to the college council, and in the peer evaluation process for promotion, those described as follows shall be deemed ineligible to vote and ineligible to serve:
  - 1) Appointees (either regular or acting but not including people serving in the below titles as the chief administrator of the library, the office of enrollment management and student affairs and the department of continuing education) as:
    - a) President
    - b) Provost
    - c) Vice President
    - d) Dean
    - e) Associate Dean
    - f) Assistant Dean
    - g) Administrator
    - h) Associate Administrator
    - i) Assistant Administrator
  - 2) Those serving in a full-time administrative capacity with the City University of New York, or the city, state or federal government.
  - 3) Those placed on disability leave without pay including TIAA Disability.
  - 4) 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.
  - 5) All of the above shall regain their rights immediately upon returning to full-time teaching or other service in their own departments.

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### PART III - PROMOTION PROCEDURES

#### A.

- 1) At the beginning of each academic year, the director of instructional staff relations issues a personnel calendar which includes deadline dates for the promotion process. The office of instructional staff relations will also send to each department chair a listing of those faculty eligible to apply for promotion and will notify each eligible candidate. Any individual who does not receive notification and questions the eligibility listing should contact the director of instructional staff relations.
- 2) 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.
  - a) 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.
  - b) 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.
- 3) Applications of candidates as well as the required evaluations must be filed with the director of instructional staff relations by the announced deadline dates.

#### B. The promotion process to the senior ranks originates with an evaluation by the departmental peers committee. For promotion to the rank of professor, the peers 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:

- 1) Department Chairs:
  - a) 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;
  - b) determine from the candidates whether they wish to appear before the peer committee;
  - c) 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.
  - d) 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.

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- e) 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.
- 2) In those instances where a candidate makes application for promotion and does not fit the above model, the following procedures will apply:
  - a) 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;
  - b) Where the department chair makes application and there are no other peers, the evaluation is performed by the academic dean;
  - c) 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;
  - d) 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;
  - e) 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.
- C. 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. 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.
  - 1) A candidate will be considered recommended with a vote of 5-1 or 4-1.
  - 2) 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.
- D. 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.
  - 1) Appeals may be made to the Personnel Appeals Committee.
  - 2) 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.

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#### PART IV - PERSONNEL APPEALS COMMITTEE

- A. 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.
- B. Appeals may be based on academic criteria, on a question of procedure, or on any other grounds put forward and fully substantiated by the appellant. New evidence may be introduced as part of an appeal if it was made available to the appellant after the decision in question was made but pertains to the time period originally under consideration.
- C. Notice of five working days shall be offered to anyone asked to appear at a hearing of the personnel appeals committee.
- D. A completed report of the recommendations of the personnel appeals committee shall be submitted to the president of the college no more than thirty working days after such appeal is presented to the committee.
- E. This committee shall be composed of two tenured associate or full professors from each school and one from the combined unit composed of the department of continuing education, the library, and the department of enrollment management and student affairs. One member from each school 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. No two members of the committee shall be from the same department or unit.
- F. 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.
- G. 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 school/area shall conduct a separate election for its representatives. Each elected member shall serve for a two-year term.
- H. No member of the personnel appeals committee may serve more than two consecutive terms.

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PART V - ADMINISTRATIVE ACCOUNTABILITY

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

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## PART VI - BYLAWS AND AMENDMENTS

### A. 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.

### B. Amendments

- 1) Amendments to this governance plan may be initiated by any standing committee or by petition of sixty 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.
- 2) 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. This vote must take place no later than the semester following that in which the approval by college council took place. If a vote is not held within this time a new approval by college council is required.
- 3) All amendments to this governance plan are subject to approval by the Board of Trustees.

- ### C. 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 working days from the receipt of the petition. The instructional staff shall be notified of said meeting a minimum of five working days prior to the meeting date. The president of the college shall preside at this meeting.

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## PART VII - FACULTY-STUDENT DISCIPLINARY COMMITTEE, ACADEMIC INTEGRITY COMMITTEE, AND RESOLUTION OF STUDENT COMPLAINTS

### A. Faculty-Student Disciplinary Committee

- 1) The faculty-student disciplinary committee shall be organized according to the provisions in article XV section 15.3 of the bylaws of the Board of Trustees of the City University of New York. It shall be charged with hearing of and passing judgment on any and all charges, accusations or allegations against a member of the student body that involve pursuit of a disciplinary sanction i.e. where the decision of culpability concerns a question of fact as opposed to the an academic sanction which is based on an instructor's expert judgment.
- 2) Any faculty member holding the rank of professor, associate professor, assistant professor, instructor, or lecturer full-time, 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 instructional staff as described in part I, article II section B(2) (a)--(e) above.
  - 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. Eligibility to serve is as described in part I, article II section B(1) above.
  - c) In the event that either the student or faculty panel or both are not elected, or if more panel members are needed, the president of the college shall have the duty to select the panel or panels which have not been elected.
  - d) No-one shall serve more than two terms consecutively on the faculty-student disciplinary committee.
- 4) The college president shall select in consultation with the executive committee of college council three members of the instructional staff to receive training and to serve in rotation as chair of the faculty-student 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.



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- 5) A quorum of the faculty-student disciplinary committee shall consist of the chair and any two voting 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.
- 7) 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.

#### B. Academic Integrity Committee

- 1) The academic integrity committee shall consist of seven voting members and either one or two non-voting members. Three members of the academic integrity committee shall be elected for three-year rotating terms by full-time faculty who hold the minimum rank of assistant professor who have received their third year reappointment. No two elected members of the academic integrity committee shall be from the same department. Four members shall be appointed by the Provost (with at most one member from each school and one member from the library) for one-year terms so that at most one member of the committee is from any single department. No one may serve more than six years consecutively as a voting member of the academic integrity committee. The academic integrity officer may ask a student to serve on the academic integrity committee as a non-voting member.
- 2) The academic integrity committee shall have both an educative and administrative purpose. In the spirit of prevention, and to promote the education of faculty, staff and students about academic dishonesty, the academic integrity committee shall be charged with the maintenance, support and dissemination of academic integrity policies, procedures and guidelines as they are expressed in catalogs, student handbooks, class schedules, websites, workshops and other sources of public information at the college. In accordance with the recommendations put forth in the CUNY Report on Academic Integrity, the academic integrity committee shall
  - a) hold workshops and orientation sessions for faculty with the aim of raising awareness of the importance of academic integrity, providing guidelines for detecting plagiarism and dealing with students, and promoting preventative pedagogical strategies to discourage problems before they arise;
  - b) work with counselors and faculty to educate students in orientation sessions and other forums about the importance of academic integrity, what it means and what constitutes a violation of the academic integrity policies of the college and

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- c) create a website that will serve as a clearinghouse for all policies, procedures and guidelines involving academic integrity.
  - 3) The academic integrity committee shall be charged with hearing appeals of all contested charges of academic dishonesty against a student that do not involve the pursuit of a disciplinary sanction (charges that involve the pursuit of a disciplinary sanction are heard by the faculty student disciplinary committee; see section A(1) for definitions).
- C. Resolution of student complaints about faculty in academic settings
- 1) The college 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 college 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.
  - 2) Determination of Appropriate Procedure.  
  
If students have any question about the applicable procedure to follow for a particular complaint, they should consult with the vice president for enrollment management and student affairs. In particular, the vice president for enrollment management and student affairs should advise a student if some other procedure is applicable to the type of complaint the student has.
  - 3) 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 chair of the committee on students of college council to facilitate informal resolution.
  - 4) 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 for the school to which the department belongs. (This person will be referred to below as the "Fact Finder.")
    - a) The complaint shall be filed within thirty 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

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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 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 chair of the committee on students of college council 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 provost and the vice president for enrollment management and student affairs. 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 vice president for enrollment management and student affairs and, if appropriate, the chair of the standing committee for students of college council. 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 provost and the vice president for enrollment management and student affairs. In ordinary cases, it is expected that the investigation and written report should be completed within thirty calendar days of the date the complaint was filed.

##### 5) 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 provost within ten calendar days of receiving the report. The provost shall convene and serve as the chairperson of an appeals committee, which shall also include the vice president for enrollment management and student affairs, two faculty members elected annually by the college council, and one student elected annually by the student government association. The appeals committee shall review the

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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 twenty 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.

6) 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 the college must comply with the constitution and bylaws of the college, the bylaws of the Board of Trustees of the City University of New York and the collective bargaining agreement between the University and the Professional Staff Congress.