

THE CITY UNIVERSITY OF NEW YORK

*Office of the General Counsel and Vice Chancellor for Legal Affairs*

*535 East 80 Street, New York, N.Y. 10021*


*212/794-5382*



**Personnel Advisory  
Memorandum #4**

November 21, 1991

To: College Presidents

From: Vice Chancellor Robert E. Diaz 

Re: Staff Disciplinary Charges

When requested by the College President, my office represents the college in instructional staff and classified staff disciplinary hearings, both at the step II and at the arbitration levels. In other cases, the college is represented by its labor designee or special counsel.

Effective case representation requires that the charges served against a staff member conform to the proof that will be presented by the attorney at the hearing. Where a college intends to prefer disciplinary charges against a staff member and will want my office to prosecute the case, it is necessary that the attorney who will be presenting the case review the facts and the proposed charges prior to the charges being filed.

To arrange for this case review, the college should call Deputy General Counsel Roy Moskowitz, at (212) 794-5506, and request a technical assistance conference. Mr. Moskowitz will assign an attorney to the case and a technical assistance conference will be scheduled with that attorney. The conference will be held in the office of the General Counsel and may, in an emergency, be scheduled at the college.

At the conference the college official(s) will provide the attorney with the facts of the case and any evidence (written reports, affidavits, business records, etc) it has in support of the charges. Occasionally it may be necessary for the assigned attorney to interview potential witnesses prior to determining whether the facts support disciplinary charges.

At the conclusion of the attorney's case review, I will advise the College President whether there is sufficient evidence to support charges and, if so, a copy of the proposed specifications that are supported by the available evidence will be appended to the letter.

Compliance with the above procedures is necessary to insure that charges are properly worded, technically correct and that the acts of misconduct charged can be established by the available evidence.

c: Vice Presidents for Administration  
Labor Designees  
Legal Affairs Designees

RED/ga/iv  
STAFDISC