

The City University of New York

Office of the General Counsel and Vice Chancellor for Legal Affairs

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Student Advisory Memorandum #13

May 5, 1992

To: College Presidents

From: Vice Chancellor Robert E. Diaz 

Re: College Association (Amended Board Bylaw Section 16.5)

Enclosed for review and implementation is the revised Section 16.5 of the Bylaws on college associations adopted by the Board of Trustees on March 23, 1992. The revised Bylaw Section 16.5 is effective July 1, 1992. The Board of Trustees also repealed all existing bylaw waivers to Section 16.5. The revised Bylaw Section 16.5 will require all colleges to amend their current college association bylaws. Subsequent to July 1, 1992, college association expenditures may not be processed for payment if they have not been authorized by college association governing boards organized in accordance with the revised Bylaw.

In view of the implementation date, you should attempt to submit the proposed revised bylaws for your college association as soon as possible. If your revised bylaws are received by May 18, 1992, we will review them immediately upon receipt and, if approved, submit them to the Board Committee on Student Affairs for action at the June Board of Trustees meeting, or transmit them back to the college with comments. The provisions of the amended Board Bylaw Section 16.5 and the sections of college association bylaws which may require revision to comply with the amended Bylaw are discussed below.

1. Size of the Governing Board. The revised bylaws require that the governing board have 13 members. Currently, 12 colleges have governing boards with 13 members and will not have to change the size of the board.

2. Chair of the Governing Board. The revised bylaws require that the chair be the college president or his/her designee. This is a change from the current provision which provides that the chair- person is elected by the membership.

3. Composition of the Governing Board. The revised bylaws require that, in addition to the chair, who is the college president or his/her designee, the governing board be composed as follows:

- a. Three administrative members appointed by the college president.
- b. Three faculty members appointed by the college president from a panel whose size is twice the number of seats to be filled and the panel is elected by the appropriate college faculty governance body.
- c. Six student members comprised of the student government president(s) and other elect students with the student seats allocated on a basis which will provide representation to each government, where more than one exists, as nearly as practicable in proportion to the student activity fees provided by the students from the respective constituencies. Consistent with the current bylaw provisions, the student government president(s) must first be provided student seats, and the remaining student seats must be established for other elected students. The other elected students may be elected by the student body to the position of college association governing board member or may be designated elected student government or other elected officers serving ex officio. If the college association bylaws designate student government or other officers as college association governing board members serving exofficio, the bylaw provision should also state that these student officers must be elected by the student body.

The 12 colleges which currently have 13 member governing boards, also currently provide for three administrators appointed by the college president and three faculty members appointed by the college president from a panel of six

elected by the appropriate faculty governance body. Therefore the administrative and faculty components should not have to be changed, unless the college president is listed as one of the administrative members and will now be the chair. The student composition for colleges currently with 13 member governing boards, however, will have to be reduced from the current seven to six.

4. Budget Committee. Under the revised bylaws, the budget committee will continue to be composed of members of the governing board, at least a majority of whom are students, including the student government presidents. The student seats on the budget committee are to be allocated on a basis which will provide representation to each government, where more than one exists, as nearly as practicable in proportion to the student activity fees provided by the students from the respective constituencies.

Some colleges should be able to keep their current budget committees, since they already have a majority of students. Under the revised bylaws, however, the governing board will no longer be able to constitute the budget committee, since the new governing board will not have a majority of students. Currently, six colleges provide for the whole governing board to be the budget committee. The budget committee will also have a maximum of 11 members, since a majority must be students who are governing board members and there will be six student members on the governing board.

Where a "student government fee" has been approved by the Board of Trustees, the budget for the student government fee portion of the student activity fee shall continue to be developed by the student government rather than the budget committee of the college association. Similarly, where the Board of Trustees has designated earmarked allocating bodies for other portions of the student activity fee (e.g. sports allocation board, media board, disabled students' committee, child care board, health services committee, etc.), these budgets shall be developed by the earmarked allocating bodies and not by the budget committee. The budgets developed by the earmarked allocating bodies, including the student government where there is a student government fee, shall be subject to review and approval by the college association governing board.

5. Officers. College association bylaw sections on officers should be reviewed to assure they are consistent with the new composition of the governing board. As an example, some college association bylaws provide that designated governing board members shall serve in a specific office (e.g.

treasurer), and the bylaws should be checked to assure that the designated student, faculty member, or administrator will still be on the governing board.

6. Executive Committee. If college association bylaws provide for an executive committee to perform any functions of the governing board at any time, such an executive committee should now have a composition with an administration/faculty majority rather than a student majority.

7. Review Authority of the Governing Board. If the college association governing board does not approve the budget or portions of the budget, the whole budget shall be returned to the budget committee with the specific concerns of the college association noted for further deliberation by the budget committee and subsequent resubmittal to the college association. If the budget is not approved within 30 days, those portions of the budget voted upon and approved by the governing board shall be allocated. The unapproved portions of the budget remain unallocated until the college association and the budget committee agree upon and approve allocations. The same procedure will apply to budgets developed by earmarked allocating bodies, including student government where there is a student government fee, except that the budget will be returned to the earmarked allocating body. The review authority of the college association has been expanded, and therefore, the college association bylaws should be checked to determine whether it contains language on review authority, and if so, the language should be revised to conform with the new Bylaw provision.

Enclosed is a form and check list, corresponding to the above items, to be returned to this office with your revised college association bylaws.

Enclosures

c: Chief Student Affairs Administrators
Chief Administrative Affairs Officers
Legal Affairs Designees

MDS:acb
SAM13

SUBMISSION OF REVISED
COLLEGE ASSOCIATION BYLAWS

COLLEGE: _____

Enclosed is a copy of the revised college association bylaws as approved by the college president.

Checklist of bylaw provisions amended (See Student Advisory Memorandum No. 13):

Bylaw Provisions

Sections revised (if
none, write none)

- | | |
|---|-------|
| 1. Size of the Governing Board | _____ |
| 2. Chair of the Governing Board | _____ |
| 3. Composition of the Governing Board | _____ |
| 4. Budget Committee | _____ |
| 5. Officers | _____ |
| 6. Executive Committee | _____ |
| 7. Review Authority of
the Governing Board | _____ |
| 8. Other | _____ |

Date

College President

Return this form to the Office of the General Counsel and the Vice Chancellor for Legal Affairs.

MDS:acb
bylaws

SECTION 16.5 (COLLEGE ASSOCIATION) OF THE BYLAWS
OF THE CITY UNIVERSITY OF NEW YORK AS AMENDED BY
THE BOARD OF TRUSTEES, EFFECTIVE JULY 1, 1992

Section 16.5 COLLEGE ASSOCIATION.

a. The college association shall have responsibility for the supervision and review over college student activity fee supported budgets. All budgets of college student activity fees, except where earmarked by the board to be allocated by another body, should be developed by a college association budget committee and recommended to the college association for review by the college association prior to expenditure. The college association shall review all college student activity fee, including student government fee allocations and expenditures for conformance with the expenditure categories defined in section 16.2 of this article and the college association shall disapprove any allocation or expenditure it finds does not so conform, or is inappropriate, improper or inequitable.

b. A college association shall be considered approved for purposes of this article if it consists of thirteen (13) members, its governing documents are approved by the college president and the following requirements are met:

1. The governing board of the college association is composed of:

(i) The college president or his/her designee as chair.

(ii) Three administrative members appointed by the college president.

(iii) Three faculty members appointed by the college president from a panel whose size is twice the number of seats to be filled and the panel is elected by the appropriate college faculty governance body.

(iv) Six student members comprised of the student government president(s) and other elected students with the student seats allocated on a basis which will provide representation to each government, where more than one exists, as nearly as practicable in proportion to the student activity fees provided by the students from the respective constituencies.

2. The college association structure provides a budget committee composed of members of the governing board, at least a majority of whom are students selected in accordance with section 16.5(b)(1)(iv) of these bylaws. The budget committee shall be empowered to receive and review student activity fee budget requests and to develop a budget subject to the review of the college association. The

college association may choose to not approve the budget or portions of the budget if in their opinion such items are inappropriate, improper, or inequitable. The budget shall be returned to the budget committee with the specific concerns of the college association noted for further deliberation by the budget committee and subsequent resubmittal to the college association. If the budget is not approved within thirty (30) days, those portions of the budget voted upon and approved by the college association board will be allocated. The remainder shall be held until the college association and budget committee agree.

3. The governing documents of the college association have been reviewed by the board's general counsel and approved by the board.

MDS/je

SEC16.6