

THE CITY UNIVERSITY OF NEW YORK

Office of the General Counsel and Vice Chancellor for Legal Affairs

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Student Advisory
Memorandum No. 2

August 1, 1990

MEMORANDUM TO: College Presidents

FROM: Robert E. Diaz *AK*

RE: Student Elections Review Procedures

This year, questions developed at several colleges about student elections review procedures. The purpose of this memorandum is to provide you with guidance concerning the procedures that should be followed in the conduct of student elections.

Student government elections are to be held at each of the colleges beginning no earlier than February 1, and ending no later than May 31, in accordance with Section I of the policy adopted by the Board of Trustees on March 30, 1987, Calendar No. 8.B (copy attached) on the Scheduling of Student Government Elections and the Election of Delegates and Officers of the University Student Senate. In accordance with Section II of this policy, the newly elected student governments, where such is the practice, should take office in time to elect delegates and alternate delegates to the University Student Senate by August 10, from the elected members of the student government.

Pursuant to section 15.2(d) of the University Bylaws, the College establishes a Student Elections Review Committee (SERC) to approve election procedures and certify the results of student government elections. Bylaw Section 15.2(d) provides that:

Each college shall establish a student elections review committee in consultation with the various student governments. The student elections review committee shall approve the election procedures and certify the results of elections for student governments, and student body referenda.

The explanation to the resolution adopting this provision in the Board Minutes of May 27, 1975, Cal. No. 2, provides that:

As clarification, the intent of 15.2(d) is that the establishment of Student Elections Review Committees be a method to formalize certification of election results and to encourage student participation in the electoral process. The intent with respect to composition is that the membership of the committees are to be selected by the duly elected student legislative bodies. The role of college presidents is intended to be limited to receiving appeals from the Student Elections Review Committee where an individual student has received a negative determination on a request (such as a ruling declaring a student ineligible for nomination to an elected position).

A student government, in order to exercise its powers under Article XV of the Bylaws of The City University should have a constitution or other governing document, which includes provisions for the holding of elections for student government, including an elections committee. At some colleges, either through the college governance plan or by delegation of authority by the student government, this function has been assigned to a non-student government committee, such as a college senate elections committee or the SERC.

While the student government itself has the authority to establish procedures and a committee for the conduct of student elections, the establishment of a SERC is intended to provide a mechanism for review of those procedures to insure that the election procedures, the voting, and the certification of the election results are appropriate. One reason for having this further control is that officers of the student government may be running for re-election themselves or have an interest in the outcome. The SERC should be an impartial review panel.

The University Bylaws state that the "college" shall establish a SERC and the explanation states that membership of the SERC is to be selected by the duly elected student legislative bodies. The college president, as the chief executive officer of the college, is responsible for the establishment of the SERC, but the persons the college president appoints to the SERC should be nominated by the duly elected student legislative bodies. The nominees may

include students, faculty, and administrative staff. The college president may designate staff and resource personnel for the SERC.

Consistent with the intent of the Bylaw provision, the student legislative bodies should nominate representatives who have an impartial interest in the election. A partial person would be one who is either a candidate, or by declaration or action has demonstrated a personal interest in the outcome of those elections. The college president may request the student government(s) to nominate several individuals from whom he may then appoint a set number. If a student legislative body does not nominate an impartial person(s), the college president has the power to reject the nomination(s). If the college president rejects a nominee or all nominees, he may ask for other nominations, or if the student government fails to nominate such a person by the time the SERC should begin operation, the college president may appoint the members.

The college president should insure that a SERC is established sufficiently in advance of elections to be able to determine the propriety of all procedures and receive appeals throughout the election process. The student government(s) should be informed of a date by which election procedures must be submitted for review by the SERC. The procedures should be reviewed to insure that they are fair, and in general serve to encourage student participation. If the SERC does not approve the procedures or any part thereof, the same may be sent back with recommended changes to the student government(s). If the student government(s) does not establish its procedures in a timely fashion to allow for review, the college president may direct the SERC to establish procedures.

The college president is empowered to receive appeals from any student(s) adversely affected by a decision of the SERC. Prior to an appeal being submitted to the college president, the student should first have to submit an appeal to the SERC. The college president, in establishing the SERC, may provide that if a timely submitted appeal is not heard and decided within a certain period of time, or prior to a certain date, the appeal may then be submitted directly to the college president. The college president, in ruling on appeals, may affirm, reverse, or modify the action of the SERC.

cc: Deputy Chancellor Laurence Mucciolo
Vice Chancellor Leo A. Corbie
Chief Student Affairs Administrators

Adopted by the Board of Trustees of The City University of New York,
March 30, 1987, Calendar No.8.B.

B. BOARD POLICY ON THE SCHEDULING OF STUDENT GOVERNMENT ELECTIONS AND THE ELECTION OF DELEGATES AND OFFICERS OF THE UNIVERSITY STUDENT SENATE: RESOLVED, That the following policy on the scheduling of student government elections and the election of delegates and officers of the University Student Senate be adopted:

- I. Student government elections shall be held at each of the colleges beginning no earlier than February 1, and ending no later than May 31, except that non-conforming colleges shall have two years to conform.
- II. The newly elected student government(s), where such is the practice, shall elect delegates and alternate delegates to the University Student Senate no later than August 10, from the elected members of the student government. Where delegates and alternate delegates are directly elected by their student bodies, such elections shall be held in conjunction with regular student government elections. The newly elected University Student Senate delegates and alternate delegates shall take office on September 1st.
- III. The college presidents shall certify the newly elected delegates and alternate delegates to the University Student Senate to the Vice Chancellor for Student Affairs and Special Programs, with respect to procedures and eligibility criteria, no later than 10 days after the election.
- IV. Elections for officers of the University Student Senate shall be held in October, at least 10 days prior to the scheduled October meeting of the Board of Trustees, for a term of office commencing on the day of the scheduled October meeting of the Board of Trustees. Officers who are elected by the University Student Senate in the Spring 1987, however, shall continue to serve until the next election of officers to take place in January 1988, at least 10 days prior to the scheduled January meeting of the Board of Trustees, for a term of office commencing on the day of the scheduled January 1988 meeting of the Board of Trustees. The first regular October election of officers shall take place in October 1988. Officers elected in October 1988 shall serve until the subsequent October election and certification of officers.
- V. Each community college, and senior college without a graduate division, shall have two delegates to the University Student Senate, one a day session student and one an evening session student. Each senior college with a graduate division shall have three delegates to the University Student Senate, one a day session student, one an evening session student, and one a graduate student. The Graduate School, the Law School, and the Medical School shall each have one delegate. If a college, for governance purposes, does not distinguish between day and evening students, it shall instead have a full-time student delegate and a part-time student delegate.
- VI. Each college shall also elect alternate delegates for each allowed delegate. An alternate delegate may vote in the University Student Senate and count towards a quorum only when the specific delegate for whom the person is an alternate is absent.
- VII. All officers of the University Student Senate must be elected by the delegates. Only delegates and alternate delegates may run for and be elected to an office of the University Student Senate.
- VIII. A quorum of the University Student Senate shall be one more than one half of the number of delegates that have been certified by the college presidents to the Vice Chancellor for Student Affairs and Special Programs. Only delegates or alternate delegates, when applicable, so certified may vote at University Student Senate meetings.

EXPLANATION: This policy on the scheduling of student government elections and the election of delegates to the University Student Senate will implement the proposed Board Bylaw amendments. The Board Committee on Student Affairs and Special Programs at its March 10, 1987 Committee meeting considered and adopted modifications to the policy previously proposed by the Committee at its January 6, 1987 meeting, based upon presentations made at the special Public Hearing held by the Committee on the proposed policy on March 2, 1987 and input received from the college presidents. The Board Committee at its March 10, 1987 meeting requested the University Student Senate to consider the revised proposed policy, and present changes which the University Student Senate believed appropriate. This policy reflects additional modifications proposed by the University Student Senate at the Board Public Hearing held on March 25, 1987.