

**QUEENSBOROUGH COMMUNITY COLLEGE**

**THE CITY UNIVERSITY OF NEW YORK**

**Committee on Bylaws**

**TO:** Kathleen Villani, Secretary, Academic Senate  
**FROM:** Susan Jacobowitz, Chairperson  
**SUBJECT:** Changes to Bylaws  
**DATE:** May 1, 2007

**Motion:** That the following changes be made to the Bylaws of the Academic Senate because of the New York State Court of Appeals Decision decided November 15, 2005 (*Aneudis Perez et al. v. The City University of New York, et al.*), sometimes referred to as the Perez Decision, the Open Meetings Law or the Freedom of Information Law:

**Proposal 1**

From:

Article I. ORGANIZATION

Section 3. Non-members

b. Meetings of the Academic Senate shall be open to all members of the instructional staff, and students serving on standing committees of the Academic Senate, except that only members of the Academic Senate may vote. Upon the consent of the Senate, nonmembers may enjoy the privileges of the floor. Nothing herein shall limit the right to hold executive sessions which shall be open only to the members of the Academic Senate.

To:

b. Meetings of the Academic Senate shall be subject to the Open Meetings Law and the Freedom of Information Law. Under the Open Meetings Law, the public has the right to attend any meeting of a public body. Any time a quorum of a public body gathers to discuss business, the meeting must be held in public, subject to the right to convene an executive session under certain limited circumstances. Non-members must conform to the usual requirements of parliamentary procedure; the Parliamentarian will interpret and enforce the rules which include that no non-member of the body may speak without the permission of the body.

## Proposal 2

From:

### Article II. MEETINGS

#### Section 2. Regular Meetings

Regular meetings of the Academic Senate shall be held on the second Tuesday of each month unless that date falls on a period of recess. Should the date set for a regular meeting be a holiday, the meeting shall be held on the Tuesday immediately following.

To:

#### Section 2. Regular Meetings

Regular meetings of the Academic Senate shall be held on the second Tuesday of each month unless that date falls on a period of recess. Should the date set for a regular meeting be a holiday, the meeting shall be held on the Tuesday immediately following. Public notice of the time and place of any meeting that is scheduled a week or more in advance must be given to the news media and conspicuously posted in one or more designated public locations at least 72 hours before the meeting. In the case of meetings scheduled less than a week in advance, notice must be given at a reasonable time thereto.

From:

#### Section 3. Special Meetings

Special Meetings shall be called by the President, the Chairperson of the Academic Senate, on the written request of any eight (8) senators, or by written petition from one hundred (100) faculty members who are eligible to vote for the academic senators. The agenda of the special meeting shall be fixed five (5) days before the meeting. Additional business may be considered only by two-thirds (2/3) consent of those present.

To:

#### Section 3. Special Meetings and Executive Sessions

- a. Special Meetings shall be called by the President, the Chairperson of the Academic Senate, on the written request of any eight (8) senators, or by written petition from one hundred (100) faculty members who are eligible to vote for the academic senators. The agenda of the special meeting shall be fixed five (5) days before the meeting. Additional business may be considered only by two-thirds (2/3) consent of those present.
- b. An Executive Session is not separate from an open meeting, but is a portion of an open meeting during which the public may be excluded. Subjects that may be discussed in an Executive Session relate to matters that are not likely to be discussed

at a meeting of bodies such as college associations or a faculty senate. These include issues of public safety and law enforcement, proposed or pending litigation, collective bargaining, the medical, financial, credit or employment history of a particular person or corporations, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation, the preparation, grading or administration of examinations and the proposed acquisition, sale or lease of real property or the proposed acquisition, sale or exchange of securities. To close a meeting for executive session, a public body must take several steps. First, a motion must be made during an open meeting to enter into executive session. Second, the motion must identify the general area or areas of the subject(s) to be considered. Third, the motion must be carried by a majority vote of the total membership of the public body.

- c. Exemptions from the Open Meetings Law. The Law does not apply to discussions concerning matters that might be made confidential under other provisions of state or federal law. Accordingly, disclosure or personally identifiable data regarding students must not take place in an open meeting, unless the consent of the students and/or their parents has been obtained.

### **Proposal 3**

From:

Section 7. Minutes

Minutes of each meeting shall be sent to the members of the faculty and students serving on standing committees of the Academic Senate as soon as practicable after the meeting, but in no case less than one week before the next regular meeting. Attendance of members of the Academic Senate shall be recorded in the minutes.

To:

Section 7. Minutes

Minutes of an Open Meeting must consist of a record or summary of all motions, proposals, resolutions, and any other matter formally voted upon and the vote thereon; such minutes must be available to the public within two weeks from the date of the meeting. Minutes of executive sessions must consist of a record or summary of the final action that was taken and the date and vote thereon; such minutes must be available to the public within one week from the date of the executive session. If a body discusses a matter during executive session, but takes no action, minutes of an executive session need not be compiled.

Minutes of each meeting shall be sent to the members of the faculty and students serving on standing committees of the Academic Senate as soon as practicable after the meeting, but in no case less than one week before the next regular meeting. Attendance of members of the Academic Senate shall be recorded in the minutes.

## Proposal 4

From:

Section 8. Secret Ballot

Any member of the Academic Senate has the right to request a secret ballot vote concerning any item that is to be voted on by the Academic Senate. Such a request must be granted.

To:

Section 8. Record of Final Votes

The Freedom of Information Law requires that a public agency must maintain a record of the final vote of each member in every agency proceeding in which the member votes. In order to minimize delay, especially on uncontroversial matters, several motions may be grouped together for a single vote and/or the chair may seek unanimous consent of the members present. All senate votes will be recorded and the minutes will note those who vote in the negative or who abstain.

## Proposal 5

From:

Article VII. COMMITTEES

Section 2. Organization.

- a. The Academic Senate may establish such standing and ad hoc committees as it determines. Each committee shall elect a chairperson, secretary, and such other officers as may be appropriate.
  1. Special Committees:  
Special committees may be created by action of the Academic Senate for specific purposes. Special committees shall be elected by the Senate.
  2. Sub-Committees  
Any committee of the Academic Senate, standing or special, may establish subcommittees for specific purposes. Members of such a subcommittee need not be members of the parent committee. The establishment and membership, consonant with Article VII, Section 1a, of each subcommittee shall be reported to the Senate.
    - a. The subcommittee shall be appointed for a specific time with a life of not more than one (1) calendar year from the date of creation subject to renewal.
    - b. There shall be one (1) student, designated by Student Government, from among the student members of the committee, to represent each of the committees on which there is student participation. If the student is not a designated senator, he/she may attend meetings of

the Academic Senate, and shall have speaking privileges without vote when his/her committee report is under discussion.

- c. The President and the Chairperson of the Steering Committee, or their designees, shall be ex-officio members, without vote, on all standing committees.
- d. Any member of the instructional staff may be present and request permission to speak at a meeting of an Academic Senate committee.

To:

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A The Academic Senate may establish such standing and ad hoc committees as it determines. Each committee shall elect a chairperson, secretary, and such other officers as may be appropriate.

1. Special Committees:  
Special committees may be created by action of the Academic Senate for specific purposes. Special committees shall be elected by the Senate.
2. Subcommittees  
Any committee of the Academic Senate, standing or special, may establish subcommittees for specific purposes. Members of such a subcommittee need not be members of the parent committee. The establishment and membership, consonant with Article VII, Section 1a, of each subcommittee shall be reported to the Senate.
  - a. The subcommittee shall be appointed for a specific time with a life of not more than one (1) calendar year from the date of creation subject to renewal.
  - b. There shall be one (1) student, designated by Student Government, from among the student members of the committee, to represent each of the committees on which there is student participation. If the student is not a designated senator, he/she may attend meetings of the Academic Senate, and shall have speaking privileges without vote when his/her committee report is under discussion.
  - c. The President and the Chairperson of the Steering Committee, or their designees, shall be ex-officio members, without vote, on all standing committees.
  - d. Any member of the instructional staff may be present and request permission to speak at a meeting of an Academic Senate committee.
3. Meetings of Committees, Subcommittees and Special Committees  
The public has the right to attend any meeting of committees and subcommittees and special committees. Any time a quorum of any such committee gathers to discuss business, the meeting must be held in public, subject to the right to convene an executive session under certain limited circumstances. In addition, there must be prior notice of the meeting; the

business of the meeting must be recorded in written minutes; and a record must be obtained of the final vote of each member of the committee on all matters on which a vote is formally taken. Non-members must conform to the usual requirements of parliamentary procedure; the Parliamentarian will interpret and enforce the rules which include that non non-members of the body may speak without the permission of the body.