Board of Higher Education  
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MEMORANDUM  

TO: College Presidents  
FROM: Vice Chancellor Mary P. Bass  
SUBJECT: Personnel and Budget Committee Proceedings  

DATE: March 20, 197-  

Numerous questions have arisen as to the meaning of the bylaws relating to the procedures of departmental and college-wide personnel and budget committees. The following bylaw interpretations governing personnel and budget committee meetings on instructional staff appointments, reappointments, reappointments with tenure and promotions should be followed henceforth in those colleges adhering to the bylaws noted either directly or through governance plans with similar procedures.

I. REQUIREMENT FOR AFFIRMATIVE RECOMMENDATION:

Under bylaw sections 9.6(b), 9.7 (Plan No. Two) and 8.13, a majority of the whole number of voting members must be present, and a majority of the whole number of voting members must vote affirmatively to pass a positive recommendation of a departmental or college personnel and budget committee.

The Board has recognized that the personnel and budget committees are operating as a "virtual civil service board of examiners presiding over an un assembled examination" pursuant to Article V, Section 5 of the New York State Constitution requiring appointments to be made according to merit and fitness. (Max-Kahn Report; BHE Minutes, December 18, 1967). Since the Board has entrusted the personnel and budget committees with the preservation of merit and fitness as the criteria in the appointment and promotion of faculty members, it is most reasonable to infer that the Board intended requirements for positive recommendations to be the same as in General Construction Law section 41, which governs votes of the Board and other public bodies. This rule is not the rule contained in Robert's Rules of Order.
II. VOTING:

Under bylaw sections 8.13 and 9.2, votes of personnel and budget committees shall be by secret ballot.

III. MINUTES:

A. FORM: Under bylaw sections 8.13 and 9.2, the minutes of the proceedings shall conform, insofar as practicable to Robert's Rules of Order. The B.I.E.
Minutes (Max-Kahn Report, December 18, 1967) state:

"Minutes. The minutes of a P&B committee should conform to the canons set forth by Robert's Rules of Order, Revised: (page 248)
The secretary... should keep a record of what was done and not what was said..." The actions upon motions, and not the discussion which led to such actions, should be recorded, unless the P&B should order, by a majority vote, that the discussion should be recorded.

It is the duty of the Chairman of the P&B Committee to rule out of order random and irrelevant discussions of the candidate's merits, and to keep the discussions to the consideration of objective and relevant data, insofar as this is practicable. Voting should be by secret ballot. The minutes should be submitted for approval at the next succeeding meeting."

Under Robert's Rules of Order, Newly Revised, section 47, the minutes should contain the following information:

1) the kind of meeting, regular, special, adjourned regular, or adjourned special;

2) the name of the committee;

3) the date, time, and place of the meeting;

4) the fact that the regular chairman and secretary were present or, in their absence, the names of the persons who substituted for them;
5) whether the minutes of the previous meeting were read and approved - as read, or as corrected - the date of that meeting being given;

6) the body of the minutes should indicate the action on each candidate and the number of those voting on each side and those voting to abstain or present. For the purposes of determining if a quorum is present, the minutes should indicate the names of all committee members present for each vote - this may be done by indicating those present at the beginning of the meeting and their arrivals and departures as they occur;

7) the minutes should be signed by the secretary of the committee (the secretary shall be a member of the committee), and may also be signed by the chairman of the committee.

B. CIRCULATION: There should be only one copy (the original) of the minutes of a P&B meeting, to be retained by the department chairman in the case of the departmental P&B, and by the President in the case of the college-wide P&B. Under bylaw sections 8.13 and 9.2, the action and vote with respect to each candidate should be recorded on a separate sheet and filed in the candidate's administration file, which is available only to those committees and individuals responsible for review and recommendation of the employee with respect to appointment, reappointment, promotion or tenure. The paragraph applies only to those P&B meetings which deal with personnel actions.

IV. COMMUNICATION OF ACTION TO CANDIDATE:

Under bylaw section 9.2, the action but not the vote count of a departmental P&B committee shall be communicated to the candidate by the department chairman and under bylaw section 8.13, the action, but not the vote count of the college P&B committee, should be communicated to the candidate by the President or his designee. Under bylaw sections 8.13 and 9.2, no reasons should be assigned for the negative recommendations of either committee.
V. CONFIDENTIALITY:

It is Board policy that it is professional misconduct for a member of a P&B committee to disclose the substance or even the nature of the discussion at a P&B meeting (BHE minutes, December 18, 1967). The vote counts are also confidential and should not be disclosed. In view of Board emphasis on the confidentiality of P&B proceedings for the purpose of obtaining the candid opinion of other professionals in the field on their colleagues, the deliberations of the committees should be closed to non-members.

VI. TRANSMITTAL OF AFFIRMATIVE RECOMMENDATIONS:

Under bylaw sections 9.6 and 9.7 (Plan No. Two), the affirmative recommendations of the departmental P&B committee are made to the college-wide P&B committee by the department chairman, after consultation with the President as to appointments, reappointments, and reappointments with tenure. Under bylaw section 9.7 (Plan No. Two), no final action of a departmental committee with regard to promotions shall be taken without consultation with the President. Under bylaw sections 9.6 and 9.7 (Plan No. Two), a minority of the departmental P&B committee may submit a minority recommendation to the college-wide P&B committee. Under bylaw section 8.13, the recommendations of the college P&B committee are submitted to the President.

MPB:MDS:ek

cc: Chancellor Robert J. Kibbee
    Deputy Chancellor Seymour C. Hyman
    Vice Chancellor Timothy Healy
    Vice Chancellor David Newton
    Labor Designees