



HOT TOPICS

Office of General Counsel

718-997-5725 or 718-997-5559

General Counsel Office

Glenda G. Grace General Counsel & Chief of Staff

Justin Homer Assistant

Judith Massis-Sanchez Counsel

Gina Fini Counsel

Kiely 12th and 13th Floor

718-997-5725; 718-997-5559 and 718-997-5939 (JH)

General Counsel Office

What do we do?

- As our 2017-2018 guest Justice Sonia Sotomayor said:
“Lawyers at our best manage relationships between people.”
- We like to manage before there is a full blown dispute or problem.
- Hope this helps! You are strongly encouraged to call with any and all questions.

Who Can Help?

- Student Issues – Office of Student Affairs
- Faculty Issues –Provost's Office; HR for staff/employment issues
- Staff Issues – HR
- Sexual Misconduct, Discrimination, Sexual Harassment (Title IX)– Cynthia Rountree, Office of Compliance & Diversity
- Safety Issues/Workplace Violence – Public Safety and/or Environmental Health & Safety

Who Can Help?

- Accommodations of Disabilities – HR for Staff/Faculty; Office of Special Services for Students with Disabilities
- Ethics – General Counsel
- Data breach – General Counsel
- Facility issues – B&G
- Department P&B & Elections – Provost or General Counsel

HOT TOPICS

In No Particular Order

TEXT and EMAILS

They are not private.

They may be monitored/inspected/turned over to folks outside of CUNY in limited circumstances if certain procedures are followed.

- Related to a lawsuit OR
- Reasonable basis to believe CUNY policy or law is being violated OR
- pursuant to the Freedom of Information Law (FOIL).

For more details, refer to CUNY Computer Use Policy

<http://www.cuny.edu/about/administration/offices/CIS/policies/ComputerUsePolicy.pdf>

Texts and Emails: WATCH WHAT YOU SAY!

Because we text and use email all the time, we sometimes are very casual and say things in emails which we would never say to someone in person OR which don't translate well when read aloud.

So...

As a wise law professor once said:

**Never write in an email something that
you would not be comfortable seeing
enlarged on a video screen and read
aloud in a courtroom.**

Quotations from Janet Lee Hoffman and Andrew Weiner, *Email Evidence: Overcoming The So-Called "Self-Serving Hearsay" Objection*, 34 Oregon State Bar Litigation Journal 1, 1-6 (Spring 2015), <http://jhoffman.com/wp-content/uploads/2015/07/OSB-Lit-Journal-Spring-2015-Janet-Lee-Hoffman-and-Andrew-Weiner.pdf>

Evaluations and Classroom Observations

- Take them seriously. Everyone can be evaluated and observed. Thorough, clear, and honest guidance gives colleagues an opportunity to improve their work performance.
- Review Article 18 of CUNY/PSC Contract: Professional Evaluation.
http://www.cuny.edu/about/administration/offices/lr/lr-contracts/2000-2002_PSC_Contracts.pdf
- Double check on all requirements before you schedule these important events. **If you don't follow the rules, the observation or evaluation is invalid and will be removed from the faculty member's file.**

Some Evaluations and Classroom Observations Requirements

- Must give 24 hours' notice before classroom observations.
- First observation must take place in the first 10 weeks of the semester.
- Class must be observed in its entirety.
- Only evaluator and evaluated can be in the evaluation conference.
- Don't fill out form before evaluation conference.
- Must return the evaluation within 10 working days of the evaluation conference.

Three-Year Appointment of Adjuncts

- Evaluations and classroom observations are especially important given the newly implemented 3-year appointment for long-term adjuncts.
 - See Frequently Asked Questions regarding Teaching Adjunct Evaluations and Observations.
<https://www.qc.cuny.edu/about/administration/Provost/Policies/Documents/Frequently%20Asked%20Questions%20about%20Adjunct%20Evaluations%20and%20Observations.pdf>
- For More Information about these 3-year Appointment, see:
 - FAQs Three-Year Appointments (Fall 2018-Spring 2021) for Teaching Adjuncts. <http://www2.cuny.edu/wp-content/uploads/sites/4/page-assets/about/administration/offices/hr/3-Year-Adjunct-Appointment-FAQs-Revised-2-28-2018.pdf>

Immigration and Work Authorization

- Foreign nationals must have appropriate work authorization in place before the beginning of their first semester.
- New hires who are in the country on a visa or who are outside of the country and need a visa should immediately be directed to the General Counsel once they have accepted a position.
- If you are seeking to make any changes to the terms of employment of a faculty member on a work visa (including, but not limited to, a change in title), please reach out to General Counsel. The College may need to file an amended petition before such change takes place.

FERPA

- A student's education information is protected by federal law (the Federal Family Educational Rights and Privacy Act, or FERPA).
- In general, a student's consent is required prior to sharing certain information contained in College records, but a number of exceptions apply.
- If you have questions about sharing such information, please contact the General Counsel and review CUNY's FERPA Guidelines.

Here is a link to CUNY's FERPA Guidelines: <http://www2.cuny.edu/wp-content/uploads/sites/4/page-assets/about/administration/offices/legal-affairs/Guidelines-for-implementation-of-the-Student-Records-Access-FERPA.pdf>

Contracting and Purchasing Authority

If you need a good or service, you must reach out to the Queens College Procurement Office.

They are responsible for procuring **all** goods and services, and signing purchase orders and contracts on behalf of the College, including academic departments. Whether using tax-levy or soft funds, you must reach out to Procurement.

You can always reach out to Procurement if you have any doubts or questions.

The College's Procurement page can be found at:

<http://www.qc.cuny.edu/about/business/purchasing/Pages/default.aspx>

Workload

There are schematics that explain workload for Full-Time and Part-Time (Adjunct) Faculty. You can seek a waivers by going to Provost's Office. President grants or denies.

Full-Time Faculty –

<http://www.qc.cuny.edu/about/administration/Provost/Policies/Documents/Multiple%20Position%20Full%20Time%20Faculty.pdf>

*Full-time faculty workload can be averaged over three years.

Part-Time (Adjunct) Faculty-

<http://www.qc.cuny.edu/about/administration/Provost/Policies/Documents/Adjunct%20Workload.pdf>

Multiple Position Policy – Allows faculty to work seven hours outside of CUNY per week during Academic Year.

Please refer to this policy when reviewing and approving multiple position forms for Full-Time Faculty.

<http://www.qc.cuny.edu/about/administration/Provost/Policies/Documents/Statement%20of%20Policy%20on%20Multiple%20Position%20Memo%207%2029%2014%20Attachment%201.pdf>

Workload – Non-Instructional Staff

Multiple Position for Non-Instructional Staff – Must have form completed for non-instructional staff (HEOS or CLTs) who seek to engage in teaching and/or non-teaching assignment in addition to their regular full-time assignment.

<https://goo.gl/forms/3fILrI2r2d9Y22bH3>

Such assignment should be for no more than three contact hours per week for teaching assignments and six hours for non-teaching assignments.

If additional hours are sought, you must seek a waiver from Provost who will make request to President.

Student Trips

We value experiences beyond the classroom and want to ensure the safety of everyone involved.

If planning off-campus activities, please consult the various CUNY Travel Guidelines -- International and Domestic.

CUNY International Travel Guidelines - <http://www1.cuny.edu/sites/studyabroad/wp-content/uploads/sites/11/page-assets/students/before-you-go/IntlTripandTravelGuidelines10-10-2014.pdf>

CUNY Domestic Travel Guidelines - <http://www2.cuny.edu/wp-content/uploads/sites/4/page-assets/about/administration/offices/ehsrn/heathandsafety/travel/Domestic-Travel-Guidelines-2018-REVISED-drs.pdf>

CUNY recently adopted new policy that suggests even when travel involves no overnight stay & is within the five boroughs using public transportation & does not involve high-risk activities, the **Off-Campus Activity Participation, Waiver, and Emergency Contact Form** should still be completed.

Medical Issues and Leaves Generally

If a staff or faculty member states he/she is having issues based on a medical condition, refer him/her to Lee Kelly, Director of Human Resources, and **do not ask follow-up questions about the condition.**

They may need an accommodation - a standing desk or special chair or they may need take a leave.

HR can inquire and will communicate with you. Granting an accommodation is a collaborative process with HR talking with department and faculty or staff.

Medical Issues and Leaves Generally

If a medical leave is granted, it may impact the tenure clock.

For example, in certain circumstances, Paid Parental Leave allows for a faculty member to opt for an additional year before being considered for tenure. <http://www2.cuny.edu/wp-content/uploads/sites/4/page-assets/about/administration/offices/hr/benefits/PPLLeavepolicyandforms06172013.pdf>

There are many other types of leaves that can be granted depending on the particular circumstance. If you have any questions, talk with your Dean or the Provost Office or Human Resources.

ETHICS

New York State ethics laws and regulations apply to **all** CUNY employees.

Department chairpersons and academic program directors/coordinators are considered “Policymakers” under NYS ethics laws and are required to undergo training and file financial disclosure statements. These requirements may apply to other faculty and staff.

If you have not attended an ethics training, you will be invited to one soon.

CUNY’s Ethics Guidelines can be found at:

<http://www2.cuny.edu/about/administration/offices/legal-affairs/ethics/>

Title IX - Sexual Harassment, Gender-based Harassment, and Sexual Violence

Allegations of sexual misconduct (including including sexual harassment, gender-based harassment, and sexual violence) are serious.

Some faculty and staff in academic departments are deemed “**responsible**” employees and are **required** to report allegations of sexual misconduct. You are “responsible” employees as department chairpersons. Consequently, you cannot promise to keep what you are told is a secret.

It is best practice to inform a student at the beginning of a discussion about your legal obligation to report certain information. You can explain that if a student wants to talk to someone in confidence, the student should go to the Counseling Center. Counselors cannot report what students tell them.

Title IX - Sexual Harassment, Gender-based Harassment, and Sexual Violence

Other responsible employees include staff supervising off-campus trips, advisors to student groups, and academic advisors. See CUNY's Policy on Sexual Misconduct (p. 17).

Other faculty and staff in academic departments are generally **encouraged** to report allegations of sexual misconduct.

Allegations of sexual misconduct should be reported to the College Title IX Coordinator – Cynthia Rountree. Students can also go to Jennifer Jarvis in Student Affairs or to Public Safety. ²³

Title IX - Sexual Harassment, Gender-based Harassment, and Sexual Violence

If a faculty or staff member wants to talk to someone in confidence, refer them to Deer Oaks, our Employee Assistance Program:

https://www.qc.cuny.edu/HR/Pages/Training_and_Development.aspx

CUNY's Policy on Sexual Misconduct and more information about Title IX Coordinator, can be found at:

<http://www.qc.cuny.edu/about/administration/AffirmativeAction/Pages/TitleIX.aspx>

It is a lot, BUT...

- **Call if you have any questions**
- **There are no stupid questions.**
- **Many people are willing and able to give you advice.**