

C. W. E. R. C.
(College Wide Election Review Committee)

Article 1

The Brooklyn College Student Election Review Committee, hereafter referred to as the College Wide Election Review Committee [C. W. E. R. C.], established pursuant to Article 15.2d of the Bylaws of the Board of Trustees as the principal body for approving election procedures and certification of elections for student government shall be constituted and shall function in accordance with the provisions of the present Bylaws.

Article 2

The Committee shall be composed of a body of Brooklyn College students, faculty, administration and staff.

Article 3

1. The Committee shall have nine (9) members.
 - a. Four (4) students, apportioned equally among the academic divisions of the College (College of Liberal Arts and Sciences – 2 students, School of General Studies – 1 student, and Graduate Division – 1 student).
 - b. Five (5) members from the faculty/administration/staff.
 - c. A student, who for purposes of membership on the committee, could be regarded as a student of more than one academic division, but shall be deemed to be a student of the division in which he/she is matriculated.
2. By August 1st of each academic year, the College President, or his/her designee, shall address a written request to the Student Governments inviting them to undertake, within a given time, the nomination of persons to accept the duties and responsibilities as a member of the College Wide Election Review Committee (C.W.E.R.C.); newly appointed members will take office on October 1st.
3. Each Student Government President shall recommend for appointment, within the stipulated timeframe, four (4) students and five (5) faculty/administrators/staff to serve on the Committee.
 - a. To ensure that the Committee is non-partisan, none of the student nominees shall be a member of Student Government, a Student Government Committee, or a Student Government Political Party.
 - b. Before making these recommendations, Student Government President is advised to consult its student legislative body, its student organizations, and its student body at large.
 - c. If recommendations are not received from Student Government within the stipulated timeframe, the President of the College or his/her designee shall appoint the member(s) of the Committee for that division.
4. The President of the College, after receiving Student Government recommendations from the Dean for Student Life, shall appoint the members of the Committee.

Article 4

1. Members of the Committee shall be appointed beginning October 1st and serve to September 30th of the following academic year; members may be reappointed indefinitely to serve on CWERC.
2. Members of the Committee shall continue to discharge their duties throughout their term of appointment, unless a member has resigned or been dismissed (see Article 9).
3. In the case of the resignation of a member of the Committee, the resignation shall be addressed to the Chairperson of the Committee for transmission to the College President.
 - The seat is vacant upon notification to the College President.
 - The created vacancy will be filled at the discretion of the College President or his/her designee.

Article 5

Vacancies shall be filled by the same method as set forth for the selection of initial members [Article 3, Sections 3 and 4].

Article 6

A member of the Committee appointed to replace a member whose term of office has not expired shall hold office for the remainder of his/her predecessor's term (September 30th).

Article 7

1. No member of the Committee may exercise any political function (other than voting) in Student Government elections at the College.
2. Any questions related to this issue shall be resolved by the decision of the Committee.

Article 8

1. No member of the committee may act as agent, counsel, or advocate in any case before the Committee.
2. No member may participate in the decision of any case in which he/she has previously taken part as agent, counsel, or advocate for one of the parties, or as a member of a party to a case, or in any other capacity.
3. The Committee shall resolve any question relating to a possible conflict of interest.

Article 9

1. A member of the Committee may be dismissed by unanimous vote of the other members so long as the member has received notice of the charges and an opportunity to be heard.
2. Should the Committee decide that the member should be dismissed, the Chairperson shall make formal notification of dismissal to the College President
3. The seat is vacant upon notification to the College President.

Article 10

Every member of the Committee, before assuming his/her duties/responsibilities, shall make a solemn declaration in public session that he/she will exercise his/her powers impartially and conscientiously.

Article 11

1. The Committee shall elect its Chairperson and Vice Chairperson for the before mentioned term of appointment, and they may be re-elected.
2. The Committee shall appoint its Administrative Secretary and may provide for the appointment of such other officer(s) as may be deemed necessary.
3. The Recording Secretary of CWERC shall be provided by the Office of Student Development.

Article 12

Except during vacation and final examination periods, the Committee shall meet monthly, the dates and duration of which shall be fixed by the Chairperson.

Article 13

1. If a member of the Committee determines that he/she should not take part in the decision of a particular case, he/she shall so inform the Committee.
2. If the Committee agrees, the member will be so notified.

Article 14

1. A majority of the members shall constitute a quorum for an official meeting of the Committee.

Article 15

1. The Committee shall establish procedures to carry out its functions.
2. The rules of the Committee, at its sole discretion, may provide for advisors to sit with the Committee, without the right to vote.

Article 16

1. The expenses of the Committee shall be borne through allocations received from the several Student Governments following presentation of an annual budget by the Committee.
2. In the event that necessary funds are not forthcoming from the Student Governments, the expenses of the Committee shall be met by the Brooklyn College Association and subsequently charged to the Student Governments on a proportional basis based upon the enrollment in the division.

Article 17

The following may be parties in cases before the Committee:

1. The several Student Governments.
2. The instrumentalities of the several Student Governments, particularly chartered student groups and similar organizations.
3. Campus political parties registered with the Department of Student Life (or designees).
4. Individual students who are matriculated at Brooklyn College of the City University of New York.
5. The College Administration.

Article 18

1. The Committee will preside over appeal cases that the aforementioned parties bring and on all matters specifically provided for in the Bylaws of the Board of Trustees of the City University of New York.
2. The parties recognize that the Committee has jurisdiction over all disputes concerning:
 - a. The interpretation of an election procedure;
 - b. Any questions of procedural violation;
 - c. The existence of any fact which, if established, would constitute a breach of election procedure;
3. In the event of a dispute as to whether the Committee has jurisdiction, the matter shall be settled by the decision of the Committee, which may be appealed to the President.
4. The Committee will not have any jurisdiction over matters related to violations Article 125 of the Education law, "Henderson Rules" (e.g. personal verbal or physical assault, petition signature forgery, voting fraud, etc.); such matters shall be referred to the Office of the Dean of Student Life for appropriate action pursuant to section 15.3 of the University's Bylaws.

Article 19

1. The Committee will not hear any appeal that has not been heard first by the respective Election Commission.
2. Appeal cases brought before the Committee shall be in writing addressed to the Administrative, with a copy to the Assistant Dean for Student Development.
3. The Administrative Secretary shall then notify all parties entitled to appear before the Committee in said case.

Article 20

1. The Committee shall have the power to indicate, if circumstances require, any provisional measures, which ought to be taken to preserve the respective rights of either party.
2. Pending the final decision, notice of the measures suggested shall forthwith be given to the parties and the Dean of Student Life (or designee).

Article 21

1. The parties shall be represented by agents who shall be matriculated students at Brooklyn College of the City University of New York.
2. They may be assisted by counsel, who shall act in an advisory capacity only, before the Committee.

Article 22

The Chairperson shall preside, or if he/she is unable to preside, the Vice Chairperson; if neither is able to preside, the Committee shall elect a temporary Chairperson.

Article 23

The hearing before the Committee shall be public, unless the Committee shall decide otherwise, or unless the parties request that the public not be admitted.

Article 24

1. Minutes shall be made at each hearing and signed by the Recording Secretary and Chairperson.
2. These minutes shall constitute the official transcripts of the hearing.

Article 25

The Committee shall make rules governing the proceedings and shall decide the form and the time in which each party may present, and make all arrangements connected with the taking of evidence. The conduct of the hearing shall be set forth by the Committee in the rules of procedure referred to in Article 15 of these By-laws.

Article 26

1. Whenever one of the parties does not appear before the Committee, or fails to defend its case, the other party may call upon the Committee to decide in favor of its claim.
2. The Committee must, before doing so, satisfy itself, not only that it has the jurisdiction in accordance with Article 18 of these By-laws, but also that the claim is substantiated by the evidence.

Article 27

1. Upon completion of the hearing, the Chairperson shall declare the hearing closed.
2. The Committee shall withdraw to consider the judgment.
3. The deliberations of the Committee shall take place in private.

Article 28

1. All questions shall be decided by a majority of the members present.
2. In the event of a tie vote, the Chairperson or the member who acts in his/her place shall have a deciding vote.
3. The judgment shall state the reasons upon which the decision is based.
 - It shall contain the names of the members who have taken part in the decision.
 - The Chairperson and Recording Secretary shall sign the judgment. It shall be read in public session, due notice having been given to the parties.
4. The decision of the Committee has binding force upon the parties in respect to that particular case.

Article 29

An interested third party that may be affected by the decision in the case may submit a request to the Committee to be permitted to intervene.

Article 30

Unless otherwise decided by the Committee, each party shall bear its own costs.

Article 31

1. The Committee may give an advisory opinion on any question at the request of the election commissioners of the several student bodies.
2. A question about which the advisory opinion of the Committee is sought must be in writing, containing an exact statement of the question which an opinion is required, and accompanied by all relevant documents.

Article 32

1. The Administrative Secretary shall forthwith give notice of the request for an advisory opinion to all parties entitled to appear before the Committee.
2. The Administrative Secretary shall notify any party entitled to appear before the Committee at a public session to be held for the purpose relating to the written appeals statement the Committee has received, within a time limit to be fixed by the Chairperson.
3. Should the Committee fail to notify any party entitled to appear before it, or if the entitled party cannot attend the meeting, said party may request permission to submit a written statement to the Committee. The Committee shall either grant or deny the request.
4. Party(ies), having presented written statement(s), shall be permitted to comment on the statement made by other party(ies) in the form, to the extent and within the time limits set by the Chairperson.

Article 33

The Committee shall deliver its advisory opinion in public session, notice having been given to the parties immediately concerned.

Article 34

All decisions of the C.W.E.R.C. Committee are subject to appeal in writing to the President of Brooklyn College, but the appeal must be made within ten (10) days of the Committee's decision.

Article 35

These By-laws may be amended by a two-thirds [2/3] vote of members present at a meeting of the Committee at which there is a quorum, provided that notice of the proposed amendment has been given either at a previous meeting or by mail to each member at least five (5) days prior to the meeting.

Article 36

Upon approval of these new Bylaws, current C.W.E.R.C. members serving during the 2004-2005 academic year will have his/her term of office extended until September 30, 2005; after September 30, 2005 this Article will be removed from the Bylaws.