Category: HR / Labor Relations Legal and Compliance Responsible Office: University Counsel	**Other Requirement Title:** Oath of Office Document Number: 8150 Effective Date: July 16, 1990 This procedure item applies to: Community Colleges State-Operated Campuses

Table of Contents

Summary
Requirement
Related Procedures
Forms
Definitions
Other Related Information
Appendicies

Summary

The State University of New York (University) ensures that its officers and employees take and file an oath of office in compliance with the Constitution of the United States and the Constitution and statutes of the State of New York.

Requirement

Taking and Filing Oaths of Office

I. Employees and Officers

Non-faculty

NYS Civil Service Law §62 requires that "every person employed by the state or any of its civil divisions, except an employee in the labor class,…shall take and file" the following oath:

> I do solemnly swear (or affirm) that I will support the constitution of the United States, and the constitution of the state of New York, and that I will faithfully discharge the duties of the office of _____, according to the best of my ability.

This oath "may be administered by any officer authorized to take the acknowledgment of the execution of a deed of real property, or by an officer in whose office the oath is required to be filed."

Alternatively, in lieu of the oath administered by an officer, "an employee may comply with the requirements of [§62] by subscribing and filing the following statement:"

> I do hereby pledge and declare that I will support the constitution of the United States and the constitution of the state of New York, and that I will faithfully discharge the duties of the position of _____, according to the best of my ability.

The oath or statement of every state employee must be filed in the office of the secretary of state. Every employee of a municipal corporation must file with the clerk thereof.

Faculty

Faculty of the University, including the community colleges are required by NYS Education Law §3002 to take the following oath:

> I do solemnly swear (or affirm) that I will support the constitution of the United States of America and the constitution of the State of New York, and that I will faithfully discharge, according to the best of my ability, the duties of the position of _____ (title of position and name or designation of school, college, university or institution to be here inserted), to which I am now assigned.

Either the campus president or the person having the authority to hire faculty members is authorized to administer the oath. In lieu of the oath, a faculty member may comply with the requirements of §3002 by subscribing and filing the following statement:

> I do hereby pledge and declare that I will support the constitution of the United States and the constitution of the State of New York, and that I will faithfully discharge the duties of the position of _____, according to the best of my ability.

The oaths or statements of faculty members must be filed "with such officer or employee of any such college, university or other educational institution that shall be designated for such purpose." These oaths or statements must be available for public inspection.

II. Students who must file oaths of office

Community Colleges

Student trustees on the Boards of Trustees of the community colleges are public officers who are required to file an oath of office under Article XIII, §1 of the New York State Constitution. With full voting rights, student trustees possess all of the powers, privileges and responsibilities conferred on the remaining trustees. For example, the student member is subject to every provision of law or regulation applying to the other trustees with respect to the discharge of their duties, including codes of ethics, disclosure requirements and conflict of interest standards.

Because the primary requirement for election of a student trustee is membership on the college's student body and not residence in the college's sponsoring municipality, student trustees need not be residents of the sponsoring county, city, school district, or community college region. The oath of office must be filed, however, with the clerk of the sponsor. Community colleges should obtain a copy of the form appropriate to their sponsor that is utilized in the appointment of all other trustees of the college.

State-operated Campuses

The student member of the State University Board of Trustees and of each council at a state-operated campus are also required to take and file oaths of office. As is the case with other council members, each student member should execute an oath of office, which includes an acknowledgment of receipt of the provisions regarding conflicts of interest and standards of ethics in the NYS Public Officers Law §§ 73–78. All completed oath of office forms should be filed directly with and sent to:

- The Division of Corporations
  State Records and Uniform Commercial Code
  Department of State
  41 State Street
  Albany, New York 12207

Native Americans

Under both §62 of the NYS Civil Service Law and §3002 of the NYS Education Law, an alternative oath of office exists for an "enrolled member of an Indian nation or an Indian individual having an affiliation with an Indian nation recognized by the United States or the State of New York." Native Americans meeting this description may elect to subscribe to and file the following statement:

> I do solemnly affirm that I will faithfully discharge the duties of the position of _____, according to the best of my ability, and perform my duties in a manner consistent with the constitution of the United States and the constitution of the state of New York.

Definitions

There are no special definitions relevant to this requirement.

Related Procedures

There is no related procedures relevant to this requirement.

Forms

There are no forms relevant to this requirement.

Other Related Information

NYS Constitution, Article XIII §1 (Oath of affirmation for members of the legislature and all officers)

The following links to FindLaw's New York State Laws are provided for users' convenience; it is not the official site for the State of New York laws.

NYS Education Law §3002 (Oath to support state and federal constitutions)

NYS Civil Service Law §62 (Constitutional oath upon appointment)

NYS Public Officers Law §§73-78 (Business or professional activities by state officers and employees – Certification of members)

In case of questions, readers are advised to refer to the New York State Legislature site for the menu of New York State Consolidated.

Appendicies

There are no appendicies relevant to this requirement.