Minutes of Proceedings, February 27, 1989

MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES OF THE CITY UNIVERSITY OF NEW YORK

HELD

FEBRUARY 27, 1988

AT THE BOARD HEADQUARTERS BUILDING
535 EAST 80TH STREET – BOROUGH OF MANHATTAN

The Chairperson called the meeting to order at 4:41 P.M.

There were present:

James P. Murphy, Chairperson
Edith B. Everett, Vice Chairperson

Paul P. Baard
Blanche Bernsteln
Sylvia Bloom
Maria Josefa Canino
Gladys Carrion

Abdallah Muhammad, ex officio

James P. Murphy, Chairperson
Edith B. Everett, Vice Chairperson

Louis Cl Cenci
Judah Gribetz
William R. Howard
Harold M. Jacobs
Brenda Farrow White
Shirley Ullman Wedeen, ex officio

Martin J. Warmbrand, Secretary of the Board
David B. R猪ney, General Counsel and Vice Chancellor for Legal Affairs
Etta G. Grass, Assistant Secretary of the Board

Chancellor Joseph S. Murphy
Deputy Chancellor Laurence F. Muccolo
President Milton G. Bassin
President Roscoe C. Brown, Jr.
Acting President Leo A. Corble
President Matthew Goldstein
President Bernard W. Harleston
President Robert L. Hess
President Augusta Souza Kappner
President Shirley Strum Kenny
President Paul LeClerc
President Leonard Lief
President Gerald W. Lynch

Acting President Martin Moed
President Harold M. Proshansky
President Isaura S. Santiago
President Kurt R. Schmeller
President Joel Segall
President Edmond L. Volpe
Sr1 Vice Chancellor Donal E. Farley
Vice Chancellor Ira Bloom
Acting Vice Chancellor Joyce Brown
Vice Chancellor Jay Hershenson
Vice Chancellor Carolyn Reid-Wallace
Vice Chancellor Joseph F. Livona
Dean Haywood Burns

The absence of Mr. D'Angelo was excused.
A. AGB CONVENTION: The Chairperson reported that a number of the Trustees will be attending the national convention of the Association of Governing Boards of Colleges and Universities in Boston from March 18-21.

B. PRESIDENTIAL HONORS: (1) The Chairperson reported that on February 25, 1989 Pres. Harold M. Proshansky of the Graduate School and University Center was honored on TNT by the New York Theatre of Brooklyn for his support of the theatre organization since its inception.

(2) The Chairperson reported that on March 2, 1989 Pres. Roscoe C. Brown, Jr. of Bronx Community College will be honored by Rise and Shine Productions, a group that gives instruction about the use of television in the public schools.

(3) The Chairperson reported that on March 4, 1989 Pres. Augusta S. Kappner of Borough of Manhattan Community College will receive an award from the Asian Americans for Equality for promoting educational excellence in inner city communities.

C. PRESIDENT OF THE NEW YORK PUBLIC LIBRARY: The Chairperson reported that a former senior administrator of The City University, Timothy Healy, S.J., currently President of Georgetown University, has been named President of the New York Public Library and will be returning to New York presently. The Graduate School interfaces with the New York Public Library on an ongoing basis. The Chairperson expressed his pleasure at Father Healy's return to the City.

D. CUNY BASKETBALL TOURNAMENT: The Chairperson reported that the CUNY Basketball Tournament began on February 20. Increasingly, this Tournament is covered by the Press, and that is a good sign for college sports.

As Chairman of the CUNY Athletic Conference Board, Pres. Brown reported that the Tournament ended on February 24, and he announced the results. Lehman College fought a very tough fight, but The College of Staten Island won the four-year college Men's championship; Borough of Manhattan Community College defeated New York City Technical College for the Community College championship; City College won the Women's championship, defeating Hunter College.

E. GRANTS: The Chairperson presented for inclusion in the record the following report of grants received by units of the University:

(1) Graduate School and University Center: The Graduate School and University Center has received the following grants:

(a) $958,082 from the National Institute for Neurological and Communicable Disorders and Stroke to Prof. Harry Levitt for Rehabilitation Strategies for the Hearing Impaired.

(b) $50,000 from N.Y.S. Education Dept. to Prof. Audrey Gartner for the New York City Community School Board Institute.

(2) The City College: The City College has received the following grants:

(a) $262,828 from Medisience Technology, Inc. to Prof. R. Alfano, Physics Dept., for Development of a Cervix and Papanicolaou Optical Spectroscopic Cancer Diagnostic Instrument.

(b) $129,000 from U.S. Dept. of Energy to Prof. E. Levich, Institute for Applied Chemical Physics, for a Comparative Study of the Vorticity Field in Turbulent Flows: Theory Experiments, Computations.
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(c) $121,000 from the National Science Foundation to Prof. L. Roellig, Physics Dept., for Solid State Studies Utilizing an Intense Low Energy Positron Beam.

(d) $108,000 from the U.S. Dept. of Energy to Prof. M. Lax, Physics Dept., for a project entitled "Transport in Small and/or Random Systems."

(e) $100,000 from U.S. Dept. of Energy to Prof. M. Sarachik, Physics Dept. for a project entitled "Magnetic Properties & Critical Behavior of the Conductivity Near the Ni Transition."

(f) $58,300 from the National Science Foundation to Prof. G. Baumslag, Mathematics Dept., for a project entitled "Mathematical Sciences: Finitely Presented Groups."

(3) Hunter College: Hunter College has received the following grants:

(a) $451,178 from the National Institutes of Health to Dean Erwin Fleissner for the Minority Biomedical Research Support Program.

(b) $55,000 from the General Electric Foundation to Dean Erwin Fleissner and Patricia Cook, Manhattan Center for Sciences & Mathematics, for the G.E. Scholars Program at Manhattan Center.

(4) John Jay College of Criminal Justice: John Jay College of Criminal Justice has received a grant of $125,000 over a 5-year period from Smith Kline & French, Inc. to support and improve the Toxicology Research and Training Center under the direction of Dr. Arvind Agarwal.

(5) LaGuardia Community College: LaGuardia Community College has received a grant of $72,000 from N.Y.S. Education Dept. to Alexis Frazier for State Legalization Impact Assistance Program.

At this point Dr. Baard joined the meeting.

Upon motions duly made, seconded and carried, the following resolutions were adopted or action was taken as noted: (Calendar Nos. 1 through 6)

NO. 1. UNIVERSITY REPORT: RESOLVED, That the University Report for February 27, 1989 (including Addendum Items) be approved as revised as follows:

(a) Items listed in PART E - ERRATA, to be withdrawn or changed as indicated.

EXPLANATION: The University Report consists of the highlights of the personnel actions and other resolutions of a non-policy nature which require approval by the Board of Trustees.

In reply to a question from Dr. Jacobs with respect to the leasing of facilities for Queens College, the Board was told that the facility is about a half mile from the campus and that the lease would be terminated upon completion of renovations to certain buildings on campus. The landlord will be reimbursed for cleaning and operating the building in addition to the rent. This is an extension of the current lease and is geared to completion of the renovations on campus.

With respect to the establishment of a new bank account for the Central Office, Dr. Jacobs asked why this account was being opened in Wisconsin and was told that the information would be provided.

NO. 2. CHANCELLOR'S REPORT: RESOLVED, That the Chancellor's Report for February 27, 1989 (including Addendum Items) be approved as revised as follows:

(a) Items listed in PART E - ERRATA, to be withdrawn or changed as indicated.
EXPLANATION: The Chancellor's Report consists of standard resolutions and actions of a non-policy nature which require approval by the Board of Trustees.

Dr. Jacobs commented that last year Hunter College had a mid-winter commencement at the College in order to reduce the expenses of a major commencement with a large attendance. He referred to the Item authorizing the rental of Madison Square Garden for $23,000 for the next commencement and asked whether University facilities could be used so that money could be saved in the future. Pres. LeClerc replied that the Hunter commencement brings in about 5,000 people for its June commencement, and the choice is between the Fall Forum at Madison Square Garden or Radio City Music Hall. The latter is far too expensive for the College. Had the College not had a mid-year commencement this year that had an audience of 2,000 people on campus, the College would have been hard pressed to accommodate all the graduating students and their families at the June commencement.

Dr. Jacobs brought up the question of tuition waivers for civil service people working for the City or State of New York and was told that in some cases income is provided that sets off the waivers.

Dr. Jacobs stated that he raised these matters because of his concern about the tight budget.

NO. 2X. ORAL REPORT OF THE CHANCELLOR: The Chancellor presented the following report on matters of Board and University interest:

(a) The freshman admissions for Fall 1989 are up 4.3% University-wide as compared to the same time last year. Senior college applications are up 5.2%, and community college enrollments are up 1.5%. The applicants are predominantly this year's high school graduates. This is occurring at a time when the pool of high school graduates in New York City is actually declining and would presume to mean that the University is getting a larger share of those who are graduating and going on to college. Another encouraging number is that there is an increase of over 5% of senior college freshmen with averages between 80% and 85%, as well as above 85%. More information will be available as recruiting and admissions go on. The University anticipates continuation of the trend seen over the last few years which is increased enrollments in both the senior and community colleges.

(b) The 30-day amendments to the Executive Budget yielded some modest increments over the initial Executive Budget:

(1) $5.4 million representing the Governor's acceptance of a University proposal to use some savings by capitalizing on first-year debt service costs on some bonds, which is a relatively small amount when given the magnitude of the problem being faced in the Executive Budget;

(2) The Medgar Evers College proposal, which had a high priority for the Board of Trustees, is recommended for senior college status as of January 1, 1990. $8.9 million is appropriated for that purpose;

(3) $1.1 million for the renovation of temporary facilities for Hostos Community College; and

(4) Some language included clarifying the initial Executive Budget intent in reducing funding for non-credit community service and vocational education courses.

The 30-day amendment period actually changes the Executive Budget by roughly $5.2 million of usable monies. This is in a budget in which this year the University's total amount available was $798 million. The Executive Budget reduced that to $781 million. It is now about $786 million. This is against the University's assumption that it needs in order to stay whole this coming year about $830 million. It leaves the University with a very substantial problem.

(c) The Chancellor read into the record the following letter which is going to all the Presidents but which is intended for a larger community, with regard to the Executive Budget, which might put the University's situation into some kind of context. It is an effort at putting the problem clearly and succinctly, particularly given some of the media dramatization and misleading ways in which the funding of the Executive Budget has been characterized in some quarters.
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"Once again I write to clarify the consequences of recent State budgetary developments and to ask for your continued support as we work to advance the interests of the University.

"The 1989-90 State Executive Budget for The City University of New York is the most difficult budget we have seen since 1976. If it is adopted without substantial additions by the New York State Legislature, the University will be required to lay off at least 750 full-time and 300 part-time faculty and staff, resulting in the elimination of thousands of class sections and reductions in academic programs and student support services. It can be avoided if the State Assembly and the State Senate revise the Budget to provide The City University with the resources necessary for the University and its colleges to meet our responsibilities and obligations.

"As you know, the State of New York has experienced a substantial shortfall in revenue for its programs and services, partially because of unanticipated changes in taxpayer behavior resulting from revisions in Federal and State tax laws. The State also has undertaken a multi-year tax cut, with scheduled reductions in the next fiscal year, which further reduces State income. Because of these developments, CUNY and other State funded agencies concerned with education were asked to 'manage' with reduced resources.

"The public record will show that The City University responded to the fiscal problems of the State responsibly. Last spring, significant budget reductions were made in the 1988-89 budget as part of a State-wide plan adopted by the Governor and the Legislature to meet the revenue shortfall. The non-resident tuition rate was also increased by $750 per semester, hurting for the most part foreign students attending the senior colleges. These painful actions were taken because of the fiscal plight of the State.

"This past November, we imposed a freeze upon hiring and non-essential purchases at the senior colleges. At the same time, we maintained long-standing fiscal restraints upon community college expenditures, required by reductions in City support. We continue to operate the University in an austere manner.

"The Executive Budget for 1989-90 reduces The City University senior college budget below the current year's authorization and requires that collective bargaining and other mandatory costs be absorbed by the University. It also reduces operating support for the community colleges and does not recognize mandated cost increases. In January of this year, I pointed out that 855 layoffs of full-time faculty and staff and 500 layoffs of part-time faculty and staff would be required if the Executive Budget was adopted. On February 6, I gave testimony before the Assembly Ways and Means and Senate Finance Committees detailing the severe impact of these reductions upon our colleges and the student population we serve. In individual meetings with legislators and staff, we provided the data about how many people and jobs would be affected.

"With the assistance of organized labor, including the Professional Staff Congress, New York State United Teachers, the United Federation of Teachers, the International Brotherhood of Teamsters, District Council 37, and the New York City Central Labor Council, the community's concern with the Executive Budget became widely known. College presidents, faculty senates, student governments, alumni associations, community organizations and 'The Friends of CUNY' have all become involved. Letter-writing drives have begun on all campuses and visits to Albany are underway.

"On February 17, the Governor released the 'thirty-day' amendments and, pursuant to a University proposal, transferred $5.4 million from our capital budget to the senior college operating budget to ameliorate the situation. This small but important change reduces the total layoffs to 750 full-time and 300 part-time faculty and staff. Now the Legislature is reviewing the Executive Budget and must decide by March 31 on the adoption of a State Budget. City support for the community colleges will then be considered by the Board of Estimate and the City Council. The City budget, which is heavily dependent upon State aid, will not become final until early June. The community college budget situation is, therefore, tenuous at best.

"We are not direct participants in legislative discussions about the deferral of the tax cut or alternative taxes to produce revenues to protect vital State programs and services.

"We are, however, active participants in the shaping of public policy about higher education--and severe cuts in our State's public colleges are bad public policy. It is bad policy because it comes at a time when The City
University's student enrollment is at its highest level since 1977--188,000 degree credit students and 80,000 adult and continuing education students—when public demand for higher education opportunity is greater than ever. It is bad policy because it comes at a time when over a quarter of a million families in New York City need The City University as their principal avenue to upward economic, educational and social mobility—an investment which will be returned many times over in taxes reaped by the State from their productive lives. It is bad policy to cut public higher education severely, because a college education is now an indispensable credential for success in the job market, amidst increasing demands for greater skills and proficiency levels. It is bad public policy to limit the development of a college educated citizenry if we are to have any hope of channelling the energies and talents of our people in order to make the City and State more livable and to improve the quality of our collective lives.

"I am asking the community of The City University—students, faculty, staff, parents, alumni, and friends—to write, to call, and to visit our assemblypersons and senators to ask for their assistance in providing the budget restorations we have requested for the senior colleges, funding support for the community colleges, and implementation of the Governor's proposal for senior college status for Medgar Evers College. The men and women of the Legislature mandated The City University's commitment to access and excellence as part of the Education Law of New York State. The Assembly and Senate include both our alumni and many friends who understand the importance of a great and adequately funded urban public higher education system. We need to reach out to them, in the short days ahead, to enlist their urgently needed intervention on behalf of The City University. I am requesting, therefore, that you distribute copies of this letter to the appropriate college constituencies in order to encourage their active participation.

"Thank you for your support."

The Chancellor thanked the Board for its indulgence in listening to the letter.

(d) The Chancellor stated that a series of actions is before the University, and the Board is involved in some of them. During the past weekend the University was well represented at the Black and Puerto Rican Legislative Conference, and there were many expressions of support from legislators and other participants. The CLAC teams are in Albany, meeting with appropriate legislators and staff in coordinating the 50,000 letter-writing campaign. Now that the 30-day amendments are in place, meetings have been scheduled with key editorial boards to seek support for restorations to the University Budget. The Chancellor will be in Albany again on March 7 for meetings with legislative leaders. The Board of Trustees' trip to Albany is scheduled for March 13 and March 14. The students and faculty have been active in seeking legislative support and have scheduled their Albany visits. Copies of the new "Support CUNY" button have been distributed. This is a limited first edition, but will be distributed in the tens of thousands.

The Chancellor stated that this is as tough a year as has been seen in a long time. It will take the collective energies of all to get the restorations necessary to have the University function without very severe and painful cuts in the coming year. He looked forward in the next two months to cooperation with the Board of Trustees and, of course, all other constituencies in the University.

Since Medgar Evers will become a senior college in 1990, Dr. Jacobs asked if the City would continue to make available to the University the money it would have contributed, had Medgar Evers remained a community college. The Chancellor replied that the case has been made for this and he hoped it would prevail. At the moment, the Mayor has indicated his support for the Medgar Evers conversion, but no deal has been struck.

In reply to a question from Mrs. Everett, the Chancellor stated that the funding formula that the University proposes for Medgar Evers College is the same as the one in place for The College of Staten Island, according to which the Associate in Arts degrees will continue to be paid for by the City. In fact, the College has been producing baccalaureate degrees, but has not been adequately compensated for that by the State.

The Chairperson stated that the work is cut out for the Trustees when they go to Albany in two weeks. Clearly, the battle has shifted to the Legislature. Many groups and organizations are involved in the difficulties presented by the Budget to their particular area of interest. The Presidents, the students, the faculty, and the organizations
that have been in place for a number of years are mobilizing and doing effective work. The students had an effective visit in Albany a few weeks ago, in conjunction with their cohorts in the State University. There is much to be done in the weeks ahead.

Mr. Howard stated that there is a falloff in the number of students graduating from the high schools in New York City. He expressed concern about the possibility that State University could come into New York and have a College Fair and have 5,000 students show up in the course of a day. The University's position is that there is a shortfall in the number of students graduating and an increase in the number of students with an average of over 80% going into the senior colleges. He expressed concern about the possibility of State University taking away some of the students who might have gone to City University. The Chancellor replied that these College Fairs are organized from time to time all over the City, and colleges, both public and private, are present and set up booths. The City University participates as well. It is essentially a free market situation. The City University actually has much greater entry into the New York City public schools than any other college or university in the State, public or private, and that is used. Every student who graduates from high school in New York City is already a prime candidate for CUNY. They have brochures and applications. The best test of the University's success is that even though demographics suggest that the pool of high school graduates keeps decreasing - the total number of students in the New York City public schools has actually gone down from about 1 million eight years ago to 930,000 this year - and the number of people graduating is shrinking correspondingly, the actual percentage of those graduating and coming to the University is increasing. He was not concerned about the University's ability to compete. Usually that decision is an economic decision, and, increasingly, it is more and more difficult for middle class families, which are a shrinking group, having gone from about 39% to about 34% of the population in the last eight years, to send their students elsewhere, assuming that the University's costs remain fixed.

The Chairperson stated that the enrollment picture is a very strong one and it is clear that the trend will continue and pointed out that his statement was in the context of the severe fiscal picture.

Mr. Howard stated that it would be interesting to look at the numbers, broken down in a way that it can be understood where the students are coming from. He suspected that a great number of minority students are entering the University, and the interest of both the Governor and the Mayor is lessened because of who they are. He would be interested to see how many of the students are from the various communities and then ask the Governor if this is really what he had in mind. He had not commented on the budget because the Chancellor had asked everyone to work with him in the last two or three months. He stated, however, that with 1,050 people scheduled to be laid off at some point in the future, there will have to be an alternative plan, and he hoped that whoever is on the Chancellor's staff to organize this alternative plan is doing it with some sensitivity. There will be many problems, but as a Board Member, Mr. Howard suggested and hoped that there would be some Committee of the Board to watch that very carefully as to how it is done, who is doing it, and when it will be done. It is important that it be done with some sensitivity and correctly and not based on the internal politics of City University.

The Chairperson stated that the Long-Range Planning Committee had a meeting early in the process relating to the budget crisis. He gave assurance about the initiation of whatever is appropriate as the University gets further into the process - and he did not want to concede anything at this point. Mr. Howard agreed that he did not want to concede anything either. The Chairperson stated that it is a live item; it is in the hands of the Legislature. Any fundamental kind of decision that has to be made at the end of the process will be initiated on behalf of the Board through the Long-Range Planning Committee with the full Board participating and with the Chancellor helping to work through the situation so that appropriate actions that may have to be taken can be taken. This is a situation in which the Board has been and will continue to be central in any policy or decisions that have to be made.

Mrs. Everett stated that it is one thing to say that the faculty will have to be reduced, but what needs to happen is that the consequences of such an action must be more clearly drawn. The expectation of the dismissal of a large number of people needs to be explicitly stated because the pain of that eventually is not understood. It must be stated that class size will have to be increased dramatically; the size of the University will have to be reduced and the people we are concerned about might have to be refused admission. These points are not adequately well made, and they are important to say. Personnel are fundamental to the structure of the University.
Mr. Howard pointed out that if it is not done correctly, the best people could be lost.

The Chairperson stated that nothing should be conceded at this time. Problems have been laid out. It is clear from the letter read by the Chancellor what the implications are of a major reduction in staff. They mean fewer choices, fewer classrooms, more crowded facilities, and less support services for students. However, he did not want to plan the demise or restructuring of the University at this time. The focus has to be on maximizing resources, and that is critical.

Mr. Howard differed in part. He pointed out that he has had some personal conversations with the Mayor and with people close to the Governor, and their position is that if the Institution was managed more correctly, they would be more supportive. He requested that the Board not wait to the last minute to come up with a total plan and not with one side of the plan to try to influence the legislators and not, the other hand, have some alternative plan as to how to run the University if, in fact, the additional money required is not provided. Someone should be thinking through and working on a plan now. He was not giving up, but he encouraged the Board to have a plan in mind that everyone could live with.

The Chairperson pointed out that the management issue is one that has been raised with respect to SUNY and other State agencies. It is not unique to City University, and it is part of the rhetoric in defense of the Governor’s Budget to a large extent. The efforts at the present time have to be on maximizing resources. If the University is left with a major shortfall in terms of what the University’s perceived needs are, that will be with respect to a fiscal or academic year that begins some months in the future. Assuming that a Budget is approved by March 31 and the University comes up very short, there will be sufficient time to do what has to be done. The Presidents know what the worst case scenario is, and the Board ought to expect that every manager in the University is planning what he or she will have to do if the worst or half the worst happens.

Dr. Jacobs stated that since the majority of the students come from the public school system, there should be more news coverage and perhaps money spent for advertising, to get the public to write - the public school students, the high school students, their parents - because they are the ones involved. New York citizens should be concerned about not being able to take advantage of City University. Discussion of CUNY politics and poor management are out of order at this particular time.

Mr. Howard stated that was his opinion, and the Chairperson pointed out that Mr. Howard was reporting what he had heard.

Dr. Bernstein expressed agreement with what Mr. Howard said. She agreed that the Board should not at this point give up and believe it would not get all or most of the money requested, but at the same time, she felt that the Long-Range Planning Committee or another Committee established for the purpose, should begin thinking about what the University would do if it did not receive all the money or some percentage of it. It is both easy and dreadful to say that a large number of people will be cut, but possibly, there are some alternatives, and it is these possible alternatives that the Board should be thinking about so that whatever the cut is, and some cut will surely be put forth, the University will not be left in the position of just having to cut a large number of people. Time should not be lost in getting at this.

The Chancellor stated that it is worthwhile pointing out that the process followed is to take the Budget after the 30-day amendment and allocate the cuts to the colleges. The Presidents then determine how they are going to operate their Institutions with those cuts and report back. Scenarios are then painted as to how the various colleges intend to implement the reductions and then see how University policy is to be pursued. The Board has already had the 1983 Retrenchment Guidelines, which are in place now and which will be looked at again. The processes that are appropriate in going through that are in place. The University will proceed if the occasion requires it. Other kinds of cuts or other ways of managing cannot be mandated centrally because each individual college, except in the broadest way, is managed according to its own traditions and its own history and its own practices. There ought to be some agreed to understanding that at some point different scenarios will be brought to the appropriate Board Committees and to the Board in whatever fashion the Board’s Long-Range Planning Committee decides to operate, and the University’s policies will be put in place.
Dr. Bernstein stated that she was disturbed by this because in effect what has been said is that at this point it appears to be a heavy cut and so the colleges should be prepared to cut. She said that there ought to be some central consideration of whether there are any alternative ways of dealing with the situation. The Chancellor replied that at any particular point in time, the University knows that x number of dollars will be available to it as a result of the Executive Budget and the amendments made in the 30-day period. The Presidents cannot be expected to wait until the final Budget is approved to begin to accommodate to what the reality of their budget will be. They are entitled to know and do know, and the Central Administration works very closely with them on a weekly basis, exactly where they will know where they are likely to be when the process comes to an end. No one knows where this will come out and will not know until the results of the efforts to secure more funding are known. At the same time, the University cannot act blindly. Everyone has to be told what the consequences of a $58 million cut will be. And that is what has been done. It is true that what has been emphasized largely is what it means in terms of payroll, but 80% of the money spent is directly related to personnel costs. It is not possible under any scenario to save the amount of money the University may be obliged to save by cutting out something other than personnel. Personnel will have to be adversely affected if the Budget as currently constituted is put in place. It is hoped that this will not be the budget at the beginning of the next fiscal year, but it is likely that the University will have to do what has been suggested. It may have to do, namely, live with less than it had this current year. If that is the case, the President will have to look at the totality of expenditures in his institution and report the things he will have to do in order to live with less. That picture will be put together and presented to the Board.

Dr. Bernstein stated that if that is the way it will be done, it will be without ever thinking of a way other than asking the colleges to cut faculty and to cut some OTPS.

Dr. Baard stated that he was heartened by the enrollment figures, which indicate that the University is attracting more and better students. This is one of many measures that can be used of managerial success. With respect to the letter that will go out to the constituencies served, he suggested that the human consequences be amplified so that they may be brought home, perhaps in the last paragraph. Based on the University's experience in 1976, this could mean losing thousands of students. That is easier for someone to relate to. The students could perhaps be described in a bit of a profile as ambitious New York students. He presumed that prior to closure on the budget, the Trustees would be turned to as a full body and not be restricted to the Long-Range Planning Committee since ideas are not confined to that Committee.

The Chairperson replied that the Long-Range Planning Committee would be used initially. The last time everyone was invited to the Committee meeting. The other practical part that he saw with respect to reducing classes and increasing class size and having to cap the size of the class, given the nature of the subject, was that this does have a negative impact on enrollment and revenue. Perhaps that could be emphasized in the letter.

Dr. Canino stated that she had not seen the 1983 Retrenchment Guidelines and urged that a copy of those Guidelines be provided to the Trustees as soon as possible. She was told that that would be done. She indicated that the Governor should be targeted in the onslaught, and she would like to see a sentiment on the part of the Board although she commended the Chancellor's letter. The past should have taught about the pain of the retrenchment experience. She was particularly disturbed about the people who will be impacted most, and was speaking of women and Blacks and Latinos and HEO's - the people most vulnerable who are the most needy in the University. The Trustees are not unmindful of that, but the Governor may be. She would like to have the Board presented to it at the March Board meeting, whether through the Long-Range Planning Committee or the Chairperson, a statement that would reflect that kind of concern and urgency and that would incorporate the kind of impact statement with more detail that Mrs. Everett was alluding to. The Board should become as aggressive and assertive as the Chancellor and his staff.

The Chairperson stated that he would have no problem signing the letter with the Chancellor. He would look upon the letter read by the Chancellor as a letter that was being written on behalf of the Board and not simply on behalf of the Board's staff, which is what the Chancellor is. He would also be willing with whomever on the Board to draft a supplemental statement if that were appropriate.
Mrs. Everett pointed out that there is a kind of hypocrisy that comes from Albany when, on the one hand, the Governor speaks about Liberty Scholarships, and assuring every high school graduate that he or she will be able to go to college, and then pulls the rug out from underneath the college system. Those points have to be made if the statements are made glibly that the population deserves education and at the same time, the budget is cut. That is why the pain of the implications of this cut needs to be made plain. It refers to students, the population, support services. The University has not yet recovered from the cut of guidance counselors. The students require support, and yet there are ratios of one counselor for 800 students. It is hypocritical to talk about education and then not deliver, and this should be stated clearly.

Dr. Jacobs asked if the Law School is a drain on the University’s budget, and if the State will make up the difference, and also asked about funding for the Medical School. The Chancellor stated that every school is a drain on the budget, and once a school is created, it is created. The Law School is funded as a separate item in the State Budget, as was the Sophie Davis program and the additions in the Sophie Davis program to underwrite the M.D. degree. The University has taken the position throughout in conjunction with Pres. Harleston and City College that there is no circumstance under which any expenditures will be made out of the base budget of the colleges in the University for this enterprise; in fact, if anything, the reverse. But if there is no funding, and there is at this time no funding for the M.D. program, the last two years of the seven-year program, there will be no expenditures made for that.

Mr. Howard asked whether there would be an opportunity to meet with the Governor when the Trustees go to Albany. The reason that Mr. Howard felt that the Board should have some alternatives as a Board was that the last time there was a problem, was several months ago, when the Chancellor’s staff were in Albany and were essentially told that there had to be a tuition increase on out-of-State students. The Board could not turn that around, no matter what it did. The Board should not wait for the Governor to state that he is not going to adjust the budget; the Assembly and the Senate, if they are not able to do that, will then put the Board in the position of having at the last minute to make plans for the entire institution. He did not believe that the Trustees should sit around when they are looking at a deficit of close to $50 million, which involves about 20 Institutions and 1,000 employees and wait until the last minute to have the Chancellor say that these are the alternatives. It is not prudent for the Board to do that. He mentioned the lawsuit brought by certain districts in New Jersey that are suing the State with respect to sharing the revenues across the State. There have to some alternatives where the Board can make the difference, and the Board should start looking in those directions. He suspected that the $50 million would not be forthcoming from the Governor, the Assembly, and the State Senate, and the Board should not wait for that to happen but should take the initiative and do what it has to do. Ultimately, it will be the Trustees who are embarrassed, not the Chancellor and not his staff. Mr. Howard asked if the unions are on board with this effort, agreeable to the plan that will be put in place on the day that the Governor or the State Assembly or the Senate legislators say that they do not have the funds to run this institution as it was run.

The Chancellor replied that the Governor is normally requested to visit with the Trustees when they go to Albany, but he has not done that since 1982. It is hoped that perhaps this year he will. Much of the issues raised by Mr. Howard should be discussed by the Long-Range Planning Committee since they are fairly complicated and detailed as to how the State proceeds when it alters the University’s budget with the expectation that it will generate additional revenues. The Chancellor gave assurances that the unions have been the University’s principal allies in this problem. Union leadership has spoken both to the Governor and to the chairmen of the various committees in the Legislature, and if there is any constituency in the State that has been wholly in support of City University’s efforts, it has been the unions.

Dr. Canino asked when the next meeting of the Long-Range Committee would be held, at which this discussion could be pursued. The Chairperson said that he had no problem in scheduling a meeting of that Committee but stated for the record that he felt that the emphasis at this time should be on maximizing resources. The easiest part of the process is to figure out how not to spend money that the University will not have. He did not want the Board distracted at this point from pursuing real opportunities. The Legislature is very upset about this. He was interested to hear what the legislators will have to say about this.
Following discussion, it was agreed that the Long-Range Planning Committee would meet on March 16 at 3 P.M. and all Trustees would be invited.

Dr. Canino agreed that it was a good suggestion that the Chairperson co-sign the letter with the Chancellor. She asked if it was necessary to draft something on behalf of the Board or wait until the Long-Range Planning Committee meets, and the Chairperson replied that something should be drafted that would be informed by the visit to Albany and sent out on March 16. The Board's statement would supplement the Chancellor's and state what the Board wishes to say. The focus with the legislators would be the need to maximize resources. The legislative process may go well into April in view of the holidays in March. The Board will then be in a position to look at some of the alternatives and articulate concerns very explicitly.

Mr. Gribetz agreed with the statement that the University has not been in a position like this since 1976. It seemed to him that the Board might be well advised to take unusual action. In that regard he supported the suggestions made by Mr. Howard and Dr. Bernstein, taking into account the unusual aspects of the situation and planning for the future. Mr. Howard's remarks should not be characterized as throwing in the towel. To do one is not to abandon the other. Prudence would dictate that some serious consideration be given to the suggestions made by Mr. Howard and Dr. Bernstein.

NO. 3. APPROVAL OF MINUTES: RESOLVED, That the minutes of the Board meeting of January 30, 1989 be approved.

NO. 4. AD HOC COMMITTEE ON THE CITY UNIVERSITY SCHOOL OF LAW AT QUEENS COLLEGE: RESOLVED, That the following item be approved:

A. LAW SCHOOL GOVERNANCE PLAN REVISION: In moving the resolution, the Chairperson made the following statement:

"I am pleased to present, on behalf of the Ad Hoc Committee on The City University School of Law at Queens College, a revised Law School Governance Plan. As Members of the Board are aware, the discussion of revision of the Law School Governance Plans has been underway for sometime. The present interim dual Law School Governance Plans were initially adopted by the Board of Trustees in 1983 and in 1985. The Committee had asked several years ago that the governance structure be reviewed, but the review was postponed pending the search for and appointment of a new Dean. At its February, 1988, meeting, the Law School Committee directed the Chancellor to make recommendations for amendments to the Governance Plans. There is almost universal agreement that the current two plans are no longer workable to meet the needs of the Law School.

"The recommendations presented to the Law School Committee on January 11, 1989 were the result of extensive discussions among the President of Queens College, the Dean of the Law School, and the Chancellor, represented by Vice-Chancellor Ira Bloom. After extensive discussion at the Committee meeting, it was unanimously agreed that the plan presented would be approved for submission to the Board for information only in January, and in February for action, with the further understanding that there would be an informal hearing at the Law School, as well as the Board's regular Public Hearing in February prior to Board action. As many Members of the Board are aware, an informal hearing was held at the Law School on February 8, 1989, at which many faculty, students, and administrators from the Law School spoke, and a formal Public Hearing of the Board was held here on February 14, at which some 40 people spoke.

"After these hearings, the Dean of the Law School, the President of Queens, and Vice-Chancellor Bloom on behalf of the Chancellor, met again to consider the views expressed at both hearings. They agreed upon a number of modifications in the Plan, and they agreed to recommend to the Board the adoption of the document that is now before you as Attachment A - Revised.

"The Plan, as it is now before you, fixes a fixed period of five years, through June 30, 1994, during which this Plan would be effective. The revision significantly enhances student participation in the governance process in a number of areas, enhances the role of the faculty in personnel matters, and also enhances the role of the Dean in several key areas."
"I am very pleased that the hearings and the discussion have resulted in agreement among the Chancellor, the President, and the Dean of the Law School regarding the plan. I am pleased to bring the revised Attachment A forward for your consideration."

The resolution was seconded by Mrs. Everett.

Mr. Muhammad stated that the students had a problem with this item. He referred to a letter addressed to the Board of Trustees, which had been distributed, in which the Tenured and Tenure-Track Faculty of The City University of New York Law School at Queens College request that action on the proposed governance revision be deferred to allow time to work on resolving remaining issues. Mr. Muhammad was glad to see that because the students also have a problem with respect to the Governance Plan. As a Trustee, Mr. Muhammad stated that he had another major problem.

Mr. Muhammad stated that he had never received the final revision of the Governance Plan so that he could examine it. He understood that there were some major changes that were made which change the whole document and give the impression that this is a new document, not the one that was proposed from the onset in January. Mr. Muhammad had come to the last Ad Hoc Committee meeting and had no notification of another meeting since January on the revisions made and neither had his student representative. The students at the Law School have some major problems because they are being eliminated from the process. There is talk of a kinder and gentler budget, but there is no kinder and gentler governance plan that would include students, much less the faculty. Some of the issues that the students have not been addressed. In Section III.A.1. with respect to the responsibility of the Dean and the Faculty for formulating and administering the program of the school, the students are not included as part of the final decision-making body of the Law School. In Section III.B., with respect to the Faculty Search and Appointments Committees, the students again are not included. In Section III.B., with respect to Faculty Reappointment, Promotion and Tenure Review Procedures, the review process of the students is only considered on the higher level, that of the Dean, instead of the other two levels, which include the Faculty. One of the problems is that the students should participate at all stages of the process. The forty people heard at the Public Hearing were asking to be part of the due process at the Law School, and Mr. Muhammad could not understand how a document could be produced that did not take into serious consideration the needs and aspirations of the Faculty and the students, who requested to be part of the participatory process of governance.

Mr. Muhammad, therefore, requested that the Board at least defer action so that a meeting can be held with the people who are being disenfranchised and some of the recommendations they have made can be included, and so that all the Trustees can receive the minutes and the changes and the revised governance plan, and so that Mr. Muhammad can go back to the students and inform them as to the substance or lack of substance in the changes, based on meetings between the Dean, the President, and the Chancellor at which some kind of deals were cut. Mr. Muhammad understood that there were two negotiation sessions held between Pres. Kenny, Dean Burns, and Vice-Chancellor Bloom. The students requested participation in a letter to Vice-Chancellor Bloom, but no students were invited to those sessions. The document before the Board contains so many major changes that it is not the document that was initially presented at the beginning and that time is needed to review these revisions again so that all can feel that they are part of the due process and part of the process, so that, even if they find things that they do not like, they will know that they have participated fully and were able to sit down at the same table with those who were making the changes that will affect the lives of the students at the CUNY Law School and so that they can be part of the process. He hoped the Board would take this into serious consideration and defer action at least until the students and the Faculty can feel that they have input into it.

Vice-Chancellor Bloom stated that after the hearings that were held both at Central Headquarters and at the Law School and the subsequent meetings that were held among the Dean, the President, and himself, a number of changes were made to respond to the comments that were made at the hearings, particularly with respect to student membership on a number of committees and doubling the number of students in the Assembly.

The Chairperson pointed out that the Revised Governance Plan doubles student participation on the Admissions, Scholastic Standards, and Library Committees, and in the Assembly; triples student participation on the Curriculum and Quality of Life Committees; and increases student representation and eliminates alumni representation on the Dean's Search and Review Committees.
Mr. Muhammad replied that the Chairperson was explaining things that were changed that only a few people knew about. The students had no way of knowing about any changes or given a chance to respond to the changes. Mr. Muhammad added that he had quoted certain sections in which he wanted to see the inclusion of student participation addressed. What had just been given was a generality. He asked if the students are included on matters of faculty selection, retention, promotion, and tenure.

Vice-Chancellor Bloom replied that the issue was discussed at the Law School Committee meeting in January. One of the purposes of the revised document is to make the Faculty more directly responsible for areas that are traditionally faculty responsibilities. The students, in accordance with long-standing Board policy, will have a role in participating in the systematic evaluation of faculty. The primary responsibility for recruiting new faculty is with the Dean and the faculty committees involved. The issues that were raised by the students at the hearings have been addressed in the revised document.

Mr. Muhammad stated that he had, from the Working Committee of the Ad Hoc Student Union at CUNY Law School, a statement dated February 14. If what Vice-Chancellor Bloom claimed was so, he would not have that statement before him. There was no consideration of certain sections. What was the need to have faculty and students testify, if minds were already made up that only certain minimal changes would be made and their testimony would have no weight or effect or consideration.

The Chairperson stated that changes in all of the areas in which he indicated students are participating have in fact taken place with very dramatically increased numbers. He asked if students participate in the traditional P & B function, and Vice-Chancellor Bloom replied that the students participate in some cases and not in others, but generally they do not vote. The Chairperson asked if it was inappropriate to give the students at the Law School a role if there is precedent elsewhere in the University with respect to that function, and Vice-Chancellor Bloom replied that the document before the Board is the result of extensive discussions among the Dean, the President, and himself, and accommodates what they would recommend as being appropriate in increasing the responsibilities of the Faculty for the areas traditionally their responsibilities. The Chairperson asked if it would be inappropriate to ask the Dean and the President and Vice-Chancellor Bloom to revisit this issue and that the Board adopt the Plan before it with that proviso.

Dean Burns stated that he was prepared to accept the Chair's suggestion that this matter be revisited, if that was the Chair's recommendation. He would certainly work with the Vice-Chancellor and the President in that regard.

Mrs. White spoke of the efforts of Dean Burns, Pres. Kenny, and Vice-Chancellor Bloom over the past months to come up with a plan that would serve the interests of the Law School. She also understood that the Plan before the Board leaves room for questions and leaves room for more work as regards the participation of students, the role of faculty, and as regards the definition of tenure standards in the University. She advised and cautioned the Board to remember what its mission and its purpose are in the Law School and that is lawyering in the public interest, preparing individuals to be lawyers in the public interest, with an approach that is unique and that combines the traditional as well as the non-traditional. The governance plan must reflect this, and if the Board is not at a point where it can comfortably and in good conscience approve a plan that incorporates the traditional and the non-traditional and makes the Law School work, then she is not prepared to go forward with it. If there is some way that the Board can approve the plan before it with a mind towards revising in those areas that are of concern, then she would be prepared to go forward with that. She hoped that if the Board does adopt the Plan, that, as regards tenure standards, the Board would not make the same mistake - and she did consider it a mistake - to allow talented and qualified individuals serving on the faculty to slip through their fingers. She felt strongly that this has happened because of a very flawed process in the past governance plan. It was a mistake, and it was a flawed process. If there are individuals that are being grabbed up by other established, accredited legal institutions, such as Columbia, the University of Maryland, Northeastern -- other Institutions that recognize the contribution that CUNY Law School is making to the legal profession -- it is clearly the loss of the CUNY Law School, and the governance plan must be strong enough and stable enough to reflect the goals, the mission, and the purpose, and to allow the School to retain those individuals who will bring the Law School into its own and help it to assume its rightful place in the legal arena.
Ms. Carrion stated that she had read the letter from the Faculty and was unclear as to what their position is on the modifications in the new proposed plan as to the committee that was formed to advise Pres. Kenny on the issues of tenure, and asked Dean Burns for clarification. Dean Burns replied that the persons who authored the letter are probably the best ones to explain it, but he would try to be responsive to the extent possible. The objections expressed in the letter are with respect to the tenure standards, the failure to include specifically the Law School tenure standards in the present document. There is also an overriding concern about the lack of faculty responsibility, as perceived by the authors of the letter, in the present governance plan. The other aspect of the letter is that for these two reasons, the authors did not feel they could back the proposed plan. They do support strongly the other aspects of what was done and the efforts that were being made to bring the Plan to this point. Ms. Carrion asked the committee that has been formed addresses at all any of the concerns about the application of the tenure standards at the President's level. Dean Burns stated that it was contemplated that there was something that that committee would do since it was an advisory committee to the President. It is the Faculty's view, as he understood it, as it was communicated to him, that they would at this point prefer not to have such a committee, and he was prepared to revisit that question as well. In reply to another question from Ms. Carrion with respect to whether the Faculty would prefer not to have such a committee, Dean Burns replied that although that is not in the letter, it is what has been communicated to him as the view of the majority of the Faculty. Ms. Carrion stated that when she learned that there was a negotiated agreement, she was ecstatic. She is no longer as ecstatic because she was concerned that the Plan does not have the support of some tenured faculty and tenure-track faculty, and that the issue of tenure still remains a very unresolved issue. She expressed another problem and that was with the fact that there are attachments of the letters from Dean McKay and Dean White. Dean White seemed to indicate that the Accreditation Committee would like to revisit the issue of tenure. He seemed to indicate that he was not too sure that the Board was doing the right thing and that he would like to have some consultation on that. Dean McKay, who was Ms. Carrion's Dean at law school and for whom she had tremendous respect, seemed to have some reservations about it, too. At one point Ms. Carrion had asked the Chairperson if anyone outside the immediate community had been consulted -- some legal scholars and people respected in the field -- and was assured that that was done early in the process. She was, therefore, surprised to see the letter from Dean McKay. Ms. Carrion stated that she had some reservations about moving the agreement as it is now formulated.

The Chairperson stated that there was another letter from Dean White clarifying his views. Ms. Carrion stated that the issues stressed by Dean McKay are not resolved by the revisions in the governance plan.

Vice-Chancellor Bloom then read into the record the following letter, dated February 27, 1989, and addressed to him by Dean White:

"I am writing confirming our telephone conversation of today.

"As I stated in my letter of February 7, 1989, addressed to Dean Haywood Burns, the Accreditation Committee, at its January 20-22, 1989 meeting, referred the proposed governance plan for the City University of New York Law School at Queen's College for review by the American Bar Association site team scheduled to visit the City University of New York Law School at Queen's College on May 3-6, 1989.

"I further wrote Dean Burns on February 13, 1989. In that letter, I stated,

'The Accreditation Committee in no way wishes to impose any policy upon the Law School, Queen's College or the University. Rather, it asks that the site team review the pending proposal in light of the Standards for Approval of Law Schools by the American Bar Association.'

"My letter and the Committee's statement were not intended to suggest that the Board should not act prior to the site team visit.
"It is my understanding that the Trustees of the City University of New York may act on this proposed plan prior to the scheduled site visit. It is my further understanding that this action, like any action of a university board, is always subject to review."

Vice-Chancellor Bloom stated that the point is that when the site evaluation committee comes in April, it may have recommendations, which will thereafter be presented to the Law School Committee with whatever recommendations appear to be appropriate at that time.

Ms. Carrion asked if there was confidence that this proposal meets with the Standards set forth by the Accreditation Committee and was told that the Dean, the President, and Vice-Chancellor Bloom believe that it does.

The Chairperson stated that although the document was not perfect, there is a situation where, on a timely basis, after much travail, while the Board is in the process of trying to see the Law School continue -- and as was stated at the hearings, there is no reason why this Law School could not be the finest in the country -- and in order to make sure that one of the long-standing problems is resolved, it would be appropriate that the Board adopt the revised governance plan which was presented with the unanimous recommendation of the Dean, the President, and the Chancellor. Areas have been identified for further review and discussion. The Chairperson suggested that the document be adopted, and that the Dean and the President and the Vice-Chancellor continue to review these other items. It is singular that several weeks ago it seemed as though there might not be an appropriate resolution of this matter and that it would be ongoing and would be something that would work to the disadvantage of a very important enterprise in the University, its Law School at Queens College. Now, having had two extensive hearings and having had consultation and having had the three individuals working assiduously over many hours, consulting outside sources as had been promised, it would be appropriate for the Board to seize this opportunity to bring real stability to the Law School, with the clear understanding that there are still items and matters that have to be addressed. He urged the Board to bring the matter to a vote.

Dean Burns stated that, from the point of view of one who had been involved in the process from the outset, it was clear from what had been said and if it was not clear, he would reiterate that he supported this document because he thought that at this juncture, it would be in the best interests of the Law School, the College, and the University. There were substantial changes that were made subsequent to the last hearings in many significant areas, and what occurred in reaching this new plateau was a new working relationship and level of cooperation that should be a model in the future as a relationship between the College, the Law School, and the University. It is something that should be held on to and be respected. To put this in a full context in order to have full understanding, Dean Burns stated that it is not necessarily a document where everybody agrees with everything in it. The Vice-Chancellor, the President, and Dean Burns all understood that this is a document which is subject to further review because as the custodian of the Law School, the Dean stated that he wanted to have it accredited. The College and the University also want that. Knowing that all are of the view that if there are issues or problems that come up, including those alluded to, with the Accreditation Committee in the spring, it will be necessary to come back to the Board and address those problems. With that in mind, Dean Burns stated that he supported the document. Obviously, if the A.B.A. and the Accreditation Committee have another view about some aspects of it, consistent with the views of Vice-Chancellor Bloom, Pres. Kenny, and the Dean, it will have to be looked at again. Dean Burns wanted to make this clear because the previous letter from Dean White was one in which he did indicate that he did not want any final action of the Board. The A.B.A. is not in the business of telling university boards what to do. Clearly, this cannot be a closed matter because it does impinge upon the School's accreditation.

Mr. Muhammad stated that he was glad to see that the Dean, the President, and Vice-Chancellor Bloom have been able to coordinate their efforts, but sometimes there is a tendency to forget that he was representing 188,000 students. These are the people who are the recipients of the educational values being taught so that they can move on into society. At the same time, the average age of the students being discussed is 27 and above. Those especially who reach the Law School are very mature and feel they want to be part of the due process and part of the lifestyles that they will make for themselves in making selections. Mr. Muhammad stated that when he reads a Section referring to the Dean and the Faculty, and when the larger body of the constituencies are the ones who are being taught and upon whom the employment of the Dean and the Faculty depend, he felt that the Section should
Include the students as well as the Dean and the Faculty. The students want to be part of the process. The students had to fight for many years to have a vote on the Board so that they could be part of the process so that the Board could hear their concerns. Many times the Board has taken the concerns of the students to heart and made changes to accommodate them. No document will be final. All they are requesting is that a certain larger group be represented on the search committee, the committee to recommend promotions and tenure. It would not harm the process to add one or two students to these committees and it would bring closer the student population that feels the impact and would awaken them to pass the bar.

Mr. Muhammad concluded that this was a good document which has been moved from a far apart situation to a good close situation. He asked the same people who fought for a good document to remember the student body and include them in the process. The students are part of some of the committees, but they want a vote like the vote on the Board. One vote among many will not hurt, and there will be no danger of the students outvoting the others. They just want to be heard and be part of the process. The students have been standing beside the University in fighting for the budget and have been holding back on disagreements that they have because they have one common goal as a family. Gov. Cuomo was shocked to see 1500 students, and he will hear the pleas again when they go up on CUNY Day because they are part of the process. If they are eliminated from the process now, the students will take it as a sign of a closed door policy, and no one would want that.

The Chairperson suggested that the document be adopted, with the understanding that the Dean, the President, and Vice-Chancellor Bloom be requested to consider the issue of the students on the P & B Committee.

The following resolution was adopted:

RESOLVED, That the revised Governance Plan of The City University of New York School of Law at Queens College be approved.

EXPLANATION: The revised Governance Plan supersedes and consolidates into one document the "Bylaws of The City University School of Law at Queens College" ("Law School Bylaws"), adopted by the Board of Trustees at its meeting of June 27, 1983, and the "Internal Governance Plan of The City University Law School at Queens College" ("Internal Governance Plan") approved by the Board of Trustees at its meeting of January 22, 1985.

During the discussion of Law School governance at its February 16, 1988 meeting, the Board of Trustees' Ad Hoc Committee on The City University School of Law at Queens College requested that the Chancellor undertake a review of the Law School's governance structure. The Chancellor advised the Committee that he would confer with the President of Queens College and the Dean of the Law School regarding the governance of the Law School and then present recommendations to the Committee for its consideration. In the light of the consensus that the 1983 "Law School Bylaws" and the 1985 "Internal Governance Plan" are now inadequate to meet the needs of the Law School, and after discussion and consultation with the Dean of the Law School and the President of Queens College, the Chancellor concluded that a substantially revised governance plan should be recommended for the Law School. Following consideration of the recommendations of the Law School's Governance Committee and consultation with the Dean of the Law School and the President of Queens College, a revised Governance Plan has been recommended by the Chancellor.

The Chancellor also plans to recommend amendments to the Bylaws of the Board of Trustees establishing a Law School faculty title series. Pending the adoption of such Bylaw amendments, the existing Law School faculty titles, as presently included in Article VIII, Section 3.A and 3.B 1-4 and 7 of the "Law School Bylaws," will be continued as an Addendum to the revised Governance Plan.

The revised governance plan is at the end of the February 27, 1989 minutes.

Mr. Muhammad voted NO.

At this point Mr. Howard left the meeting.
NO. 5. COMMITTEE ON FACULTY, STAFF, AND ADMINISTRATION: RESOLVED, That the following item be approved:

A. CODE OF CONDUCT FOR MEMBERS OF THE BOARD OF TRUSTEES: In moving the resolution, Dr. Jacobs made the following statement:

"In an advisory opinion, issued on December 30, 1988, the New York State Ethics Commission found certain ambiguities in the Section of the Ethics in Government Act regarding business and professional activities by State officers, and determined that it would suspend the enforcement of the Section as it applies to members of unpaid State boards and commissions, such as the Board of Trustees of The City University of New York, initially until March 1, 1989. The suspension would continue through June 30, 1989, if the Board adopts its own Code of Conduct in accordance with guidelines set forth in the advisory opinion. The Commission also recommended to the Governor and the Legislature that this Section of the Statute be clarified to make clear if it is intended to apply to unpaid State boards and commissions.

"The Code of Conduct which the Committee, after thorough review, recommends be adopted, builds upon a resolution regarding 'Functions and Duties of Board Members' adopted by the Board of Higher Education on May 13, 1971, and incorporates the concepts that the Ethics Committee recommends be included. The Code moves from the broad statement of ethics set forth in the Board's 1971 statement to specific aspects of conduct. It also provides a process for enforcement.

"The Committee discussed the proposed Code of Conduct at length. It made changes, which are reflected in the revised document. In addition, a few clarifying changes, including the addition of the second paragraph of the Explanation, were made following the public hearing on February 21. The Committee recommends approval of the Code of Conduct. Action at this meeting of the Board is essential because of the March 1 Ethics Commission deadline."

The resolution was seconded by Dr. Baard.

The following resolution was adopted.

RESOLVED, That the following Code of Conduct for Members of the Board of Trustees of The City University of New York be adopted:

CODE OF CONDUCT:

The Board of Trustees of The City University of New York is composed of 17 members - ten of whom are appointed by the Governor, five by the Mayor, one who is the chair of the University Student Senate, elected by the University Student Senate, and one who is the chair of the University Faculty Senate, elected by the University Faculty Senate. Members of the Board of Trustees accept their responsibilities as a public service, without compensation. The Board of Trustees has significant and broad de jure powers and responsibilities. The Board exercises its powers as a Board acting in concert, not through its individual members acting unilaterally. A Trustee has no individual authority; his or her powers can only be exercised in meetings of the Board or its committees.

The de jure powers of the Board must be used wisely and with restraint. In large and complex institutions such as The City University many powers and responsibilities must de facto be delegated, especially in matters requiring professional competence such as determining faculty qualifications. The Board of Trustees, of course, must retain ultimate responsibility and exercises it through its powers of final approval.

The basic function of the Board of Trustees of The City University of New York is to assure that the purposes of the institution are carried out. In a public institution, the Trustees must also represent the interest of the public-at-large which the institution serves. Among the Board's principal tasks are the development of broad policies and long-range planning objectives; the appointment of the executive officers who will implement the policies and plans; and oversight to assure that its executive officers do so effectively and efficiently. The Board should not undertake administrative functions, either individually or as a group, but should work through the executive officers charged with these responsibilities.
There is no definitive catalogue of proper conduct for a Trustee. Apart from obvious legal and ethical restrictions, a Trustee's conduct must be controlled by a sensible awareness of his or her responsibilities.

Nevertheless, some examples of conduct that are clearly improper can be described. If a Trustee uses the position to further his or her own objectives as distinct from or opposed to the Board's objectives; if a Trustee seeks to use the position to do favors or to promote some vested or special interest rather than the larger public interest; if a Trustee has a financial interest, direct or indirect, in University matters; if a Trustee interferes in any degree with the freedom to teach and to learn; or if a Trustee intervenes in the affairs of a college at any level without the knowledge and consent of the President, the Trustee is acting improperly.

Consequently, a Trustee shall not appear or practice before or against the Board of Trustees, The City University, or any of the colleges of the University, or receive compensation for any services rendered by him or her for any person, firm, corporation, or association regarding such an appearance or practice. No Trustee, or firm or associate of which a Trustee is a member, or corporation, ten per cent or more of the stock of which is owned or controlled directly or indirectly by the Trustee, shall sell goods or services having a value in excess of twenty-five dollars to The City University, unless through an award or contract let after public notice and competitive bidding.

In addition, a Trustee shall not, within a period of two years after the conclusion of his or her service as a Trustee, appear or practice before or against the Board of Trustees, The City University, or any of the colleges of the University, or receive compensation for any services rendered by him or her for any person, firm, corporation, or association, regarding such appearance or practice involving any matter in which the Trustee personally participated during the period of his or her service as a Trustee. Further, a Trustee shall not accept employment or engage in any business or professional activity that would require the Trustee to disclose confidential information that he or she gained by reason of his or her official position or authority.

During the period of a Trustee's service and for a period of two years thereafter, a Trustee shall not, except for the ex-officio faculty and student trustees, accept employment with The City University.

A Trustee should not by his or her conduct give reasonable basis for the impression that any person can improperly influence him or her or unduly enjoy his or her favor in the performance of his or her official duties, or that he or she is affected by the kinship, rank, position, or influence of any person.

Complaints of violations of this Code of Ethics may be filed with the General Counsel of the Board of Trustees. The General Counsel of the Board shall review the complaint and if the General Counsel finds that there is some basis for further review, the General Counsel shall then forward the complaint to the Members of the Board and to the appropriate appointing authority (i.e., the Governor, the Mayor, the University Student Senate, or the University Faculty Senate). The Board shall have the authority to make such investigation of the complaint as it deems necessary.

The Board of Trustees shall have the authority to take one or both of the following actions by a majority vote: (a) declare its disapproval of a Board Member's action as being in violation of the Code of Conduct; (b) recommend further action by the appropriate appointing authority.

EXPLANATION: In an Advisory Opinion, issued on December 30, 1988, the New York State Ethics Commission determined, in view of certain ambiguities in the Ethics in Government Act (Section 73 of the Public Officers Law), regarding business and professional activities by State officers, that it would suspend the enforcement of Section 73 as it applies to members of unpaid State Boards and Commissions, such as the Board of Trustees of The City University of New York, until March 1, 1989. The Commission provided for a further suspension from March 1, 1989, until June 30, 1989, if the Board adopts its own Code of Conduct in accordance with guidelines set forth in the Advisory Opinion. The Commission also recommended to the Governor and the Legislature that Section 73 of the Statute be clarified to make clear if it is intended to apply to unpaid State Boards and Commissions. The Code of Conduct builds upon a resolution regarding "Functions and Duties of Board Members" adopted by the Board of Higher Education on May 13, 1971 (Cal. No. 13).
This Code of Conduct should not be read to limit the right of Trustees to advocate positions, including the rights of the ex-officio Faculty and Student Trustees to advocate the positions of their constituencies.

Mr. Muhammad abstained.

**ADDED ITEM**

NO. 6. COMMITTEE ON PUBLIC AFFAIRS: RESOLVED, That the following item be approved and reports noted:

A. NATIONAL COMMUNITY SERVICE PROGRAMS: In moving the resolution, Mrs. Bloom made the following statement:

"At a special meeting of the Committee on Public Affairs, the Committee Members reviewed a number of proposals under consideration by Congress to establish national community service programs. One of the bills, prepared by Senator Nunn, would establish a corporation to administer a program of voluntary national service and the eligibility for Pell Grants and other Federal student aid and loan programs to such 'voluntary service.' Some of the other plans, such as one proposed by Congresswoman Mikulski and one proposed by Senator Dodd, would establish community service programs and funding to supplement the availability of existing student aid. Other proposals from Senator Pell and Senator Kennedy are expected.

"The Committee Members strongly believe that, as a matter of public policy, student eligibility for Federal student assistance programs should not be linked to 'voluntary' community service. Such a requirement would be unfair to poor students and certainly could not be considered 'voluntary' by any stretch of rhetoric. At the same time, the Committee also felt strongly that, since there are several important proposals under consideration, it is likely that some legislation would be adopted. It is, therefore essential that public hearings be held, including at least one in New York City. This would provide a full opportunity for input and comment. The City University of New York plays an important national leadership role in these kinds of issues. I am, therefore, pleased to move this resolution."

The resolution was seconded by Mr. Muhammad.

Mr. Muhammad commended Chancellor Murphy for his testimony before Sen. Nunn, referring to what happened in the State some years back and the comparison to national service. Mr. Muhammad will be seeing Sen. Nunn in March when the students will be lobbying the legislators in an attempt to kill not just this bill but companion bills. He was glad to see the type of initiative that The City University is taking on this matter because this is a serious bill in terms of community service. It would cut the enrollment rate of City University because students will not participate in this type of service to receive grants. A stand was taken on all these bills in the United States Student Association, rejecting this type of national service bill.

Dr. Bernstein stated that she was not in accord with the resolution. She stated that it was not very well drafted. The proposal indicates that a person doing two years of national service will be paid at the rate of $5,000 a year, which is the minimum rate, and will then receive a voucher for $20,000, which can be used to pay for education or as a deposit on a home. In fact, the person would be getting $15,000 a year, and this would be for a person just graduating from high school and doing a job. If that bill were to pass in more or less its present form, Dr. Bernstein suspected that middle class students would rush to do the two years of national service and pick up $20,000 for a college education. There are a number of such bills in Congress. All have not been read, and some may be preferred to others. Dr. Bernstein did not think any resolution is required at this time, and this particular one was not very well drafted or useful.

Mrs. Bloom pointed out that there are thousands of students in The City University who are female and who are mothers and are in no position to handle the kind of jobs which the Congress people are discussing. That is why the current program must be maintained.
The following resolution was adopted:

WHEREAS, The United States Congress is considering legislation to establish national community service programs; and

WHEREAS, Some of the proposals provide funding for educational benefits to only those participants in national community service programs; and

WHEREAS, Those proposals are in fact penalties which punish those students who are poor;

THEREFORE BE IT RESOLVED, That the Board of Trustees urges Congress to maintain our current federal student aid programs without establishing participation in national community service programs as a requirement for eligibility for student financial assistance; and

BE IT FURTHER RESOLVED, That the Board urges the appropriate congressional committees to hold public hearings on the proposals, including at least one in New York City, in order to assure that a full opportunity for input and comment is provided.

Dr. Bernstein voted NO.

B. REPORTS: Mrs. Bloom presented the following reports:

(1) The Committee reviewed in great detail the current University budget situation as it relates to the encouragement of support for legislative restorations. A number of activities were discussed, most of which were mentioned by the Chancellor in his report. Mrs. Bloom reminded the Board of the importance of participation in the upcoming Trustee trip to Albany, scheduled for March 13 and 14, and emphasized the importance of communications with legislators, including letter writing and district office visits. The Committee Members all received copies of the breakdown of student and faculty representation in each legislative district. It is essential that all public officials be reminded by their constituencies of the values of City University.

(2) On February 22, a borough-wide hearing was held in Staten Island, chaired by Trustee Louis Cencil and attended by Trustee Shirley Wedeen, Mrs. Bloom, the Chancellor, Pres. Volpe, and senior administrative staff. Some issues were raised that have been worked on in the past, and additional needs were addressed. Mrs. Bloom commended the residents of Staten Island for their excellent presentations and assured the Board that appropriate follow-up will take place.

(3) March is Women’s History Month, and all of the Board Members will receive information about various activities planned throughout the University to celebrate this important occasion. They will also receive information about a special University exhibit and reception.

(4) Mrs. Bloom requested that all attend the March 8 reception, at 5:30 P.M., welcoming Dr. Neil Foley, the new President of the Higher Education Services Corporation. He is now the highest-ranking CUNY alumnus in the Executive Branch of the State Government.

Upon motions duly made, seconded and carried, the meeting was adjourned at 6:40 P.M.

SECRETARY MARTIN J. WARMBRAND
Minutes of Proceedings, February 27, 1989

GOVERNANCE PLAN
THE CITY UNIVERSITY OF NEW YORK SCHOOL OF LAW AT QUEENS COLLEGE

I. INTRODUCTION

A. PURPOSES

1. The central purpose of The City University School of Law at Queens College (the "Law School") is to create an educational program that will train students for the practice of law in the service of human needs and honor students' aspirations toward building a legal career that reflects their commitment toward justice, fairness, and equality. The organization of work and life at the Law School is designed to encourage students to think actively about their life choices, their evolving concept of professionalism, and the content and processes of the law itself, in ways that foster their capacity to practice law in a socially useful manner.

2. This Governance Plan is intended to provide a governance system for the Law School that facilitates the realization of this commitment. This Governance Plan should be read consistent with the Bylaws of the Board of Trustees of The City University of New York, and nothing, in this Plan should be read as inconsistent with the Bylaws of the Board of Trustees unless specifically so stated in this Governance Plan. The procedures that follow seek to encourage a spirit of relationship, trust, and community that operates within a framework of rules. The rules are designed to provide a framework within which people motivated by a sense of shared mission can operate in a manner that encourages responsibility and participation by all members of the Law School community.

3. In order to serve these ends, a governance system needs to respect both democratic modes of participation and an institutional authority that enables the Law School to maintain a coherent and coordinated expression of its purpose.

4. It is recognized that although the School has been operating since June 1982, and began its teaching program in September 1983, it will be in the process of developing for a significant further period of time which, for purposes of this Governance Plan, will continue until June 30, 1994. This Governance Plan refers to this period as the "developmental period." During this period, the Law School's emergent quality requires taking special care to encourage its academic growth through strengthening its ties to Queens College and providing for a continued sense of integrated purpose and ample room for experimentation. This Governance Plan shall be reviewed by the Chancellor of The City University of New York (the "Chancellor"), the President of Queens College (the "President"), and the Dean prior to the end of the developmental period. During the 1993-94 academic year, the Chancellor, upon appropriate consultation, including consultation with the Dean and the President, shall make such recommendations for changes in this Plan as he or she deems appropriate to the Board of Trustees for its consideration.

B. AFFILIATION WITH QUEENS COLLEGE

1. The City University School of Law at Queen College is a unit of The City University of New York ("The City University") affiliated with Queens College. Queens College shall supervise the operation and the management of the Law School and shall provide administrative services. The Law School is also a constituent element of The City University and shall have ties to all institutions within The City University.

C. RELATIONSHIP TO THE GRADUATE SCHOOL AND UNIVERSITY CENTER AND THE UNIVERSITY FACULTY SENATE

1. The Dean of the Law School and one other member of the Law School faculty, elected by the Law School faculty, shall be non-voting members of the Graduate Council of The Graduate School and University Center. The Graduate Council will not have responsibility for the Juris Doctor Program or other aspects of the operation of the Law School.
2. The Law School faculty shall be represented in the University Faculty Senate in accordance with the provisions of the Senate's Charter.

D. TITLES AND DEFINITIONS

1. The Board or Board of Trustees means the Board of Trustees of The City University of New York.

2. The authorization and definition of titles for faculty, permanent instructional staff, other instructional staff, and classified (non-instructional) staff at the Law School shall include only those titles authorized and defined in the Bylaws of the Board of Trustees.

3. Notices of reappointment at the Law School shall be handled in accordance with the Bylaws of the Board.

4. The term “administrative staff” or “administrators” shall mean full-time members of the Instructional staff within the meaning of Section 6.1 of the Board of Trustees’ Bylaws who are not members of the faculty.

5. The term “support staff” refers to persons, other than students enrolled at the Law School, who are working full-time at the School, or who have worked part-time, at least 10 hours per week, at the School for at least six months, and are not members of the Instructional staff.

6. The term “House” refers to a learning unit of students. A “Section” is a group of two Houses.

7. The term “developmental period” refers to the time prior to the award of full accreditation of the Law School by the American Bar Association and the achievement of tenure by a majority of the full-time faculty.

II. THE DEAN

A. AUTHORITY OF THE DEAN

1. The Dean of The City University School of Law at Queens College shall be the chief educational and administrative officer of the Law School. The Dean of the Law School shall consult with and report to the President of Queens College. He/she shall have such additional duties and responsibilities, in addition to those set forth in this Governance Plan, as may be assigned to the Dean by the President of Queens College, the Chancellor, or the Board of Trustees.

2. Between the periodic evaluations provided for below, the Dean may be removed by the Board upon the recommendation of the President of Queens College and the Chancellor after consultation with the faculty of the Law School.

The Dean of the Law School shall be a tenured member of the Law faculty.

3. The Dean of the Law School shall exercise all the responsibilities customarily exercised by law school deans. He/she shall consult with and report to the President of Queens College. He/she shall have the affirmative responsibility for developing the academic program, enhancing the educational standards, and assuring the academic excellence of the Law School. Such responsibility shall include but not be limited to the following duties:

a. to recommend, as stated in this Governance Plan, the appointment, promotion, and tenure of persons who will contribute to the improvement of the Law School program. These recommendations shall be consistent with the immediate and long range objectives of the Law School;

b. to advise the President of Queens College, the Chancellor and the Board of Trustees on matters concerning the program of the Law School;
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c. to provide advice concerning other law-related programs within The City University and to make recommendations on the development and operation of such programs;

d. to supervise and manage the work of the Law School faculty and employees, and to carry into effect the Bylaws, resolutions, and policies of the Board of Trustees;

e. to prepare and implement a long range plan for the Law School;

f. to act as chairperson of the faculty of the Law School and the Law School Committee on Personnel and Budget;

g. to review and recommend to the President of Queens College and other appropriate officials the actions of the Law School faculty on matters of curriculum and other matters falling under faculty jurisdiction;

h. to consult with appropriate faculty committees on matters of appointments, reappointments, and promotions, taking systematic student evaluations into account;

i. to develop Law School activities that enhance the Law School's involvement and reputation in the legal community;

j. to develop integrated courses of study with law-related disciplines;

k. to prepare and present an annual Law School budget to the President of Queens College.

B. APPOINTMENT AND REVIEW OF THE DEAN

1. When a vacancy occurs or is expected in the office of the Dean of the Law School, a Search Committee shall be established by the Chancellor with the following representation: Four members of the Committee shall be members of the Law School faculty. Two members shall be from the Law School student body. The Law School faculty and the student body shall each select from their respective groups those members whom they wish appointed to the Search Committee. Two members of the Committee shall be members of the Queens College faculty designated by the President. Two members of the Committee shall be faculty members of The City University designated by the Chancellor. Two members of the Committee shall be members of the Law School Board of Visitors designated by that body.

2. The Chancellor will select an additional member to be the Committee Chairperson, after consultation with the President of Queens College.

3. The Search Committee shall consult regularly with the Law faculty on the qualifications of candidates and take account of the faculty's views in making its recommendations. The Search Committee shall submit at least three recommendations to the President of Queens College. The President of Queens College shall recommend the three candidates to the Chancellor in rank-order. The Chancellor shall select a proposed Dean from among those names submitted by the President of Queens College or the Chancellor may require the Search Committee to reopen the search. The Chancellor shall recommend to the Board for appointment as Dean only a candidate who he/she is reasonably certain will contribute to the improvement of academic excellence at the Law School.

4. A committee which will be constituted in the same fashion as a Search Committee will be appointed at the beginning of every fourth year of a Dean's term to serve as a Review Committee to review the Dean's performance. This committee will make a report to the President of Queens College, the Chancellor and the Board.
BOARD OF TRUSTEES

III. THE FACULTY

A. ORGANIZATION AND DUTIES

1. The faculty of the Law School will meet on call of the Dean, and the Dean will preside at its meetings. Within general policies established by the Board of Trustees, through its Bylaws, resolutions, policies, rules, regulations, and this Governance Plan, the Dean and Faculty of the Law School shall have the responsibility for formulating and administering the program of the School, including such matters as faculty selection, retention, promotion and tenure; curriculum; methods of instruction; admission policies; and academic standards of retention, advancement and graduation of students.

2. The presence of a majority of the faculty shall constitute a quorum. A quorum shall be necessary for the transaction of any business. Business shall be conducted in accordance with Robert's Rules of Order, latest edition. Minutes shall be kept of all meetings. The faculty may adopt such additional procedures for the discharge of its responsibilities under this Governance Plan as it may deem necessary, subject to the approval of the Dean.

B. FACULTY COMMITTEES

1. The Personnel and Budget Committee

a. Except for the period defined, and as described, in sub-paragraph b. below, the Law School shall establish a Personnel and Budget Committee which shall be composed of five persons. Members of the Personnel and Budget Committee shall be Law School faculty members elected in accordance with the Bylaws and written policies of the Board of Trustees. The manner of constituting the committee, and the procedure to be followed by it, shall be subject to the approval of the Dean of the Law School and the President of Queens College. This committee shall review all recommendations for appointment and reappointment, with or without tenure, to the faculty, and promotion in rank, special salary increases and increments, and applications for fellowship and other leaves. It shall recommend action thereon to the Dean. The Dean of the Law School will be one of the five members of the Law School Personnel and Budget Committee and shall serve as Chair.

b. During the developmental period, the membership and responsibilities of the Personnel and Budget Committee shall be as set forth in this Governance Plan, the Bylaws and written policies of the Board of Trustees, except that: (i) the President of Queens College shall each year select, in consultation with the Dean, two additional members who are tenured members of the faculty at other accredited law schools; (ii) Section 9.1e of the Board of Trustees' Bylaws, and Section I (3) (a) of the Statement of the Board of Higher Education on Academic Personnel Practice (adopted September 22, 1975), relating to the election of tenured faculty to personnel and budget committees, shall become applicable to the Law School effective September 1, 1990, with elections to be held during May of 1990.

2. Faculty Search Committees and Faculty Appointments

a. The Dean, in consultation with the Personnel and Budget Committee, shall establish such Faculty Search Committees as are appropriate. All faculty Search Committees shall adopt and follow appropriate procedures in order to assure compliance with The City University Affirmative Action policies and procedures.

b. A Faculty Search Committee shall report its recommendations to the Dean. The Dean shall review the recommendations and make his or her own recommendation regarding each faculty appointment to the Personnel and Budget Committee.

c. The Personnel and Budget Committee shall review the recommendations of the Dean, consult with the full-time tenured and tenure-track faculty, and shall make its own recommendation regarding each faculty appointment to the Dean.
d. The Dean shall review the recommendations of the Personnel and Budget Committee and shall recommend to the President of Queens College for appointment, only those persons who he/she is reasonably certain will contribute to the improvement of the academic excellence of the Law School.

e. The President will review the Dean’s recommendations in accordance with Section C of this Article.

f. The President may designate a non-voting Queens College representative to the Law School’s faculty selection process.

3. Faculty Reappointment, Promotion, and Tenure Review Procedures

a. The Personnel and Budget Committee and all other committees charged with the review of faculty shall review all candidates’ qualifications under the policies and standards of The City University as set forth in the Bylaws, personnel policies, and resolutions of the Board of Trustees of The City University of New York.

b. The Dean shall review the affirmative recommendation(s) of the Personnel and Budget Committee and shall recommend to the President of Queens College for reappointment, promotion, and tenure only those persons who he/she is reasonably certain will contribute to the improvement of the academic excellence at the Law School.

c. The President shall review the Dean’s affirmative recommendations in accordance with Section C of this Article.

4. The Admissions Committee

a. The Admissions Committee shall include the director of Admissions, an Associate Dean designated by the Dean who shall chair the Committee, not fewer than three faculty, and two students who are members of the second or third year classes. Faculty appointments shall be for a term of two years.

b. No applicant may be admitted by the Law School except on the affirmative vote of the Admissions Committee. The Committee shall follow procedures that have been approved by the faculty and the Dean.

5. Scholastic Standards Committee

a. The membership of the Scholastic Standards Committee shall include an Associate Dean, who shall chair the Committee, four faculty members, and two third-year students.

b. The Committee shall review policies and procedures concerning scholastic standards.

The Committee shall apply the academic standards of the Law School to individual students from the time of admission until the granting of the Juris Doctor. The Committee will receive and act upon, in consultation with the appropriate faculty members, student appeals relating to academic matters. It shall report its actions to the Dean.

6. The Curriculum Committee

a. The Curriculum Committee shall be composed of not fewer than four faculty and three student members. The Dean shall designate the chair of the Committee from among the members of the Committee. The term of all faculty members shall be two years.

b. The Curriculum Committee shall have authority to consider all proposals to review, modify, or develop the course of study for each of the three years, and all proposals relating to the educational program, including, but not limited to, evaluation of student work and scheduling.
C. APPOINTMENTS AND REAPPOINTMENTS TO, AND PROMOTIONS WITHIN, THE INSTRUCTIONAL STAFF - PROCEDURE

1. All appointments and reappointments, including reappointments with tenure, to, and promotions within the Instructional staff, except where otherwise provided, shall be recommended to the Dean who shall review the recommendations and recommend to the President of Queens College only those persons who he/she is reasonably certain will contribute to the academic excellence of the Law School.

2. The President of Queens College shall review the affirmative recommendation(s) of the Dean. The President shall, after consultation with the Dean, designate three senior tenured faculty of other, accredited law schools with whom the President will consult regarding recommendations before him/her for faculty promotion and tenure.

3. The President shall recommend to the Chancellor for appointment, reappointment, promotion, and tenure only those persons who he/she is reasonably certain will contribute to the improvement of the academic excellence at the Law School.

4. The Chancellor shall review the President's affirmative recommendations and shall recommend to the Board of Trustees for appointment, reappointment, promotion, and/or tenure only those persons who he/she is reasonably certain will contribute to the improvement of the academic excellence at the Law School.

D. APPEALS

1. A Faculty member may appeal a negative decision of the Personnel and Budget Committee regarding his or her candidacy to the Dean, who shall consider, decide, and notify the candidate regarding the appeal.

2. A faculty member may appeal a negative decision of the Dean regarding his or her candidacy to the President of Queens College, who shall consider, decide, and notify the candidate regarding the appeal.

IV. THE ASSEMBLY

A. COMPOSITION

1. The forum for discussion of matters affecting the Law School community as a whole shall be the Assembly. Its membership shall consist of members of the faculty and administrative staff; five regular members and one alternate member of the support staff; and one student from each House. The Dean shall preside at meetings of the Assembly. The Dean and Faculty shall take Assembly discussions into account in making their decisions regarding policy matters.

2. The presence of a majority shall constitute a quorum. A quorum shall be necessary for the transaction of any business. Business shall be conducted in accordance with Robert's Rules of Order, latest edition. Minutes shall be kept of all meetings.

3. All members of the support staff shall be eligible to participate, according to procedures determined by them, in the selection of the regular and alternate members of the Assembly. The alternate member shall be authorized to participate in all discussion, and to participate in any vote that is taken at a meeting held on a day that one or more of the regular members are not present. Such members shall be chosen for a period of one year.

4. Unless provided otherwise in Bylaws adopted by the student body, the student members of each House shall select one of their number to participate in a panel, which in turn shall select the student members of the Assembly, who may be members of the panel, for a term of one year.

5. Meetings of the Assembly are open to members of the Law School community. Non-members of the Assembly who are members of committees whose work is to be discussed at a meeting may attend that meeting and participate in discussion. Other non-members of the Assembly may attend meetings as observers.
B. RESPONSIBILITIES

1. The Assembly may consider matters affecting the educational program, or the carrying on of the work of the Law School. It shall not consider any individual personnel matters. It shall meet at regularly stated intervals, at the call of the Dean, or on the written request of twenty percent of its members. The Dean shall circulate a proposed agenda to the members of the Assembly at least one week before each meeting. Persons desiring to raise questions for discussion or action at a meeting shall so advise the Dean, sufficiently in advance of the meeting to give notice of that intention to members of the Assembly, and in sufficient detail to facilitate informed discussion. A matter within the jurisdiction of a committee shall ordinarily be raised in the Assembly only after the committee in question has considered it.

2. The Dean or any committee having jurisdiction over a matter raising significant policy questions shall advise the members of the Assembly of proposed actions regarding such matter and shall give the fullest consideration to the views of the Assembly prior to implementing the proposed action in the event that the matter is promptly raised in the Assembly for discussion. The Assembly shall use the procedures stated above, in Article IV Section A (2), in its consideration of the matters raised.

C. ASSEMBLY COMMITTEES

1. Committees are the basic working units of the Law School governance process. Committee members, therefore, have the responsibility for investigating, assessing, and, subject to the reviewing authority of the Assembly, recommending matters within the committee's charge. For the committees' work to be carried on consonant with the School's mission, respect must be given to both the responsibility of the committees to inform and to listen to the other members of the Law School community about matters that fall within their charge, and the responsibility of the members of the Law School community to accord the committees the discretion necessary to enable them to carry out their functions.

2. The Assembly committees shall be those specified below and those created by action of the Assembly or the Dean. The Assembly shall not establish any committee with jurisdiction over any personnel matter, or any individual student scholastic standing or admissions matter.

3. The Dean, after consulting with its members, shall designate one member of each Assembly committee to serve as chairperson, subject to the principle that committees traditionally deemed central to the articulation of educational policy, such as the committees on admissions policy, and the library, shall ordinarily be chaired by a person who holds a professorial appointment. No person, other than the Dean, shall chair more than one committee.

4. A Committee on Committees shall be constituted prior to the end of the spring semester of each year, consisting of the Dean and two persons, at least one of whom shall be a member of the faculty, selected by the Assembly. It shall decide, except with respect to committees that consider personnel matters and where specified in this Governance Plan or the Bylaws of the Board of Trustees, how many, if any, members of the faculty, administrative staff, support staff, and student body shall be appointed to each committee. It shall also select the members of each Assembly committee, subject to the following limitations:

   a. It shall consult members of the Assembly regarding their own and others' membership on committees;

   b. Student members of committees shall be selected according to procedures adopted by the student body, or, if the student body has not adopted any such procedures, by the panel referred to in Article IV Section A (4) above;

   c. Support staff members shall be selected by the support staff according to procedures that they adopt; and

   d. The members of the faculty and administrative staffs, respectively, may disapprove, at a meeting called for the purpose, of the selections from those groups, and recommit the matter to the Committee for reselection.

5. The Law School supports the principle that students and staff should participate in governance through the work of its committees, and that such participation should be structured in a way that facilitates the assumption of responsibility on the part of committee members to become informed and experienced regarding the task involved.
Except as specified below or, in the case of newly created committees, at the time of their creation, committee membership shall be for a renewable term of one year. The terms of committee members shall begin on September 1, except that the terms of first-year students shall begin on January 1. All persons agreeing to serve on committees undertake thereby to serve for the term of their selection. Vacancies occurring by reason of resignation of student members may be filled only if more than two thirds of the term remains. Other vacancies shall be filled in the same manner as the vacant position was filled.

6. The Admissions Policy Committee

a. The Admissions Policy Committee shall include the Director of Admissions, an Associate Dean designated by the Dean who shall chair the Committee, not fewer than three faculty, and two students who are members of the second or third year classes. Faculty appointments shall be for a term of two years.

b. All proposals regarding admissions policy shall be referred to the Admissions Policy Committee for deliberation and recommendation, subject to the approval of the Faculty, the Dean, and the President of Queens College.

7. Resources Committee

a. The membership of the Resources Committee shall be composed of not fewer than three faculty members, two student members, one member of the administrative staff, and one member of the support staff.

b. The Resources Committee is charged with reviewing the fiscal impact of all program changes or developments and working with the Dean and Associate Deans to recommend proposed priorities for the allocation of resources, and to develop proposed standards for the allocation of funds. Decisions regarding resource allocation shall be made by the Dean, subject to the general oversight of the President of Queens College.

8. Library Committee

a. The membership of the Library Committee shall include the Chief Law Librarian, not fewer than three classroom teaching faculty, two student members, and one person holding a professorial library title. The Dean shall consult with the Chief Law Librarian in the selection of committee members.

b. The Library Committee is charged with reviewing the library development plan proposed by the Chief Law Librarian, and overseeing the development of policies and services.

9. Quality of Life Committee

a. The membership of the Quality of Life Committee shall include not fewer than three faculty, three student members, one member of the administrative staff, and one member of the support staff.

b. The Committee may consider questions involving relationships among faculty, administrators, staff, and students, and questions affecting the quality of life at the School and its effect on the educational program.

V. APPOINTMENT AND REAPPOINTMENT OF EXECUTIVES AND ADMINISTRATORS

A. DEAN

The Dean shall be appointed and reviewed in accordance with Article II of this Governance Plan.

B. ASSOCIATE AND ASSISTANT DEANS

1. Position Definition:

a. The Associate and Assistant Deans shall assume such administrative and academic responsibilities as the Dean shall assign. Appointments to these titles shall be made in accordance with this Governance Plan and the Bylaws and written policies of the Board of Trustees. Such appointments are to be recommended by the Dean to the President of Queens College. Remuneration for service as an Associate Dean or an Assistant Dean shall be included...
In the recommendation of the Dean. The President of Queens College shall recommend to the Chancellor only those persons he/she is reasonably certain will contribute to the academic excellence at the Law School. The Chancellor shall recommend to the Board for appointment only those persons he/she is reasonably certain will contribute to the academic excellence at the Law School.

b. Associate and Assistant Deans shall share responsibility for the development of the Law School program and for its efficient operation. The Dean may recommend the appointment of candidates, including members of the Instructional staff, to serve as Associate Deans or Assistant Deans, to the President of Queens College in accordance with Section B 1 (a.) or this Article of the Governance Plan. Associate Deans may be removed in accordance with the Executive Compensation Plan policies established by the Board of Trustees. Assistant Deans serve at the pleasure of the Dean, and may be removed by the Dean, after consultation with the President of Queens College, in accordance with Board of Trustees and University policies.

2. Qualifications: Associate and Assistant Deans shall have, in addition to those qualifications of the Instructional title held, if any, such other qualifications as the Dean, after consultation with the President and the Chancellor, may prescribe.

C. INITIAL PROCESS FOR APPOINTMENT AND REAPPOINTMENT OF ADMINISTRATORS OTHER THEN THOSE IN DECANAL TITLES

1. Proposed appointments, other than acting or substitute appointments, to positions on the administrative staff shall be reviewed initially, after a search, by the Dean.

There shall be an Administrative Screening and Review Committee. The Dean shall make his/her recommendations to the Administrative Screening and Review Committee. The members of the Administrative Screening and Review Committee shall be appointed by the Dean and shall consist of no fewer than three members, at least one of whom must hold a professorial appointment, and a majority of whom must be administrators. An Associate Dean shall chair the Administrative Screening and Review Committee.

2. The Committee will review proposed appointments and reappointments, and proposed title and salary recommendations, for administrative positions to assure that the applicable University standards have been met, and that rates of pay for members of the Law School administrative staff take into account comparable rates at metropolitan area law schools and other institutions In The City University and, to the extent practicable, are commensurate for those with comparable tasks and comparable experience within The City University. The Committee shall make its recommendation to the Dean. The Dean shall review these recommendations in making his/her own recommendation to the President of Queens College for appointment or reappointment.

D. EVALUATION OF ADMINISTRATORS OTHER THAN THOSE IN DECANAL TITLES

Evaluation of the work of persons on the administrative staff is ultimately the responsibility of the Dean. The Dean, in consultation with the Administrative Screening and Review Committee as outlined in Section C above, may recommend for appointment or reappointment persons holding such titles in accordance with established University procedures to the President of Queens College.

E. APPOINTMENT OF PERSONS HOLDING PROFESSORIAL TITLES TO ADMINISTRATIVE DUTIES OTHER THAN THOSE IN DECANAL TITLES

1. The Administrative Screening and Review Committee of the Law School may recommend to the Dean that an administrative position be filled by an individual whose title is law school Instructor, law school assistant professor, law school associate professor, law school professor, or law school lecturer. Such recommendation may, but need not, include a recommendation that the person receive a change in remuneration for work in that title.

2. If the Dean concurs with their recommendation he/she may make such a recommendation to the President of Queens College in accordance with the procedures for appointments to the Instructional staff.
F. APPEALS

1. An administrator may appeal a negative decision of the Administrative Screening and Review Committee regarding his or her candidacy to the Dean, who shall consider, decide, and notify the candidate regarding the appeal.

2. An administrator may appeal a negative decision of the Dean regarding his or her candidacy to the President of Queens College who shall consider, decide, and notify the candidate regarding the appeal. The President may designate a vice president or full dean to review the appeal and make a recommendation regarding its resolution to the President.

VI. LAW SCHOOL BUDGET

The Law School budget shall be presented as a separate line in The City University budget, under the Queens College budget. The Law School budget will be prepared under the direction of the Dean of the Law School and submitted to the President of Queens College for his/her review and comment.

VII. DISCIPLINARY ACTION

A. Disciplinary matters involving Law School employees shall be handled in accordance with applicable Board of Trustees Bylaws and policies, and collective bargaining agreements, if applicable. The President in fulfilling his or her role shall act on the recommendation of, and, throughout the process, in consultation with the Dean.

B. The Law School shall have a Faculty/Student Disciplinary Committee in accordance with the Board's Bylaws.

VIII. BOARD OF VISITORS

A. There shall be a Board of Visitors for The City University School of Law at Queens College appointed by the Chancellor. The Board of Visitors shall be made up of distinguished jurists, lawyers, scholars, and other interested persons. Its role will be to advise the Law School about its academic program, its role in the community, placement of graduates, and the like. It shall assist the Dean, the President, the Chancellor and the Board of Trustees in all aspects of the Law School's development efforts. It shall serve as a liaison between the Law School, the legal profession, and the public and private groups which are served by the legal profession and participate in the legal process.

B. Members of the Board of Visitors will be appointed for three-year terms upon the recommendation of the President of Queens College and the Dean of the Law School, with the concurrence of the Chancellor.

C. The membership of the Board of Visitors should reflect the Law School's role in the Borough of Queens, in the City, the State, and the Nation. The Board of Visitors shall be governed by Bylaws promulgated by the Board of Visitors.

IX. AMENDMENTS

A. AMENDMENTS MADE DURING THE DEVELOPMENTAL PERIOD

1. Amendments to this Governance Plan may be recommended by the Assembly, the Faculty, the Dean, the President of Queens College, or the Chancellor.

Any recommendations which originate in the Law School Assembly or Faculty must be first submitted to the Dean for consideration. The Dean shall review the Assembly or Faculty recommendation(s). Any recommendation in whole or in part approved by the Dean or any modification thereof that the Dean determines to be in the best interests of the Law School shall be recommended to the President of Queens College for further consideration.

2. The President shall review the Dean's recommendations. Any recommendation in whole or in part approved by the President or any modification thereof that the President determines to be in the best interests of the Law School shall be recommended to the Chancellor for further consideration.
3. The Chancellor shall review the President's recommendations. Any recommendation in whole or in part approved by the Chancellor or any modification thereof that the Chancellor determines to be in the best interests of the Law School shall be recommended to the Board for approval.

4. No change in this Governance Plan shall be implemented until it has been adopted by the Board.

B. REVIEW OF THE GOVERNANCE PLAN AT THE END OF THE DEVELOPMENTAL PERIOD

1. At the end of the developmental period, a Governance Plan Revision Committee shall be appointed to consider the question of amending this Governance Plan. The committee shall be appointed by the Dean in consultation with the Faculty and the Assembly.

2. Amendments proposed according to the procedures set forth above, shall not be implemented unless they have been approved under the procedure outlined in Section IX. A. 2-4 of this Article.

ADDENDUM

DUTIES AND QUALIFICATIONS OF THE LAW SCHOOL FACULTY

A. LAW SCHOOL INSTRUCTORS, LAW SCHOOL ASSISTANT PROFESSORS, LAW SCHOOL ASSOCIATE PROFESSORS, LAW SCHOOL PROFESSORS, LAW SCHOOL LIBRARY ASSISTANT PROFESSORS, LAW SCHOOL LIBRARY ASSOCIATE PROFESSORS, LAW SCHOOL LIBRARY PROFESSORS

1. Position Definition: It shall be the responsibility of Law School Instructors, Law School assistant professors, Law School associate professors and Law School professors to perform teaching, research, professional and guidance duties. Their teaching responsibilities may include supervision of students in legal practice or other law-related activity. They shall also be responsible for committee assignments and such administrative, supervisory, and other functions as may be assigned by the Dean of the Law School. Law School associate professors and professors shall be responsible for continual peer evaluations of teaching members of the instructional staff, with special local attention to their diligence in teaching and their professional growth. Senior faculty will be responsible for orienting their junior and newly appointed colleagues. Senior faculty shall be available for such consultation and assistance in problems of scholarship, professional activity, and teaching as the junior faculty may require.

2. Qualifications: a. LAW SCHOOL INSTRUCTOR: For appointment as a Law School Instructor, the candidate must have demonstrated satisfactory qualities of personality, character, and legal ability. He/she must show potential as a faculty and an interest in productive scholarship, local work, or law-related work. He/she must show willingness to cooperate with others for the good of the Institution. He/she must have a J.D. or LL.B. from an accredited law school, unless the Dean of the Law School recommends to the President of Queens College for recommendation to the Chancellor and to the Board the appointment of an exceptional candidate despite the fact that he/she has not received a J.D. or LL.B.

   b. LAW SCHOOL ASSISTANT PROFESSOR: For appointment as a Law School assistant professor, the candidate must have demonstrated satisfactory qualities of personality, character, and legal ability. He/she must demonstrate or promise evidence of significant success as a faculty, interest in productive scholarship, legal work, or law-related work, and a willingness to cooperate with others for the good of the Institution. He/she must also have a J.D. or LL.B., or a Ph.D. in a law-related discipline.

For appointment as Law School library assistant professor, the candidate must, in addition to the requirements of Instructor, have completed an M.L.S. unless the Dean of the Law School recommends to the President of Queens College for recommendation to the Chancellor and to the Board appointment of such person without such qualifications.
c. LAW SCHOOL ASSOCIATE PROFESSOR: For promotion or appointment to the rank of Law School associate professor, the candidate must possess the qualifications for a Law School assistant professor, and must possess a record of significant achievement in the legal field or some directly relevant and applicable law-related field. There shall be evidence that his/her professional and intellectual achievement is respected outside his/her own immediate academic or legal community. There shall be evidence of his/her continued growth and continued effectiveness in teaching. Longevity and seniority alone shall not be sufficient for promotion.

For promotion to or appointment as Law School library associate professor, the candidate must, in addition to the requirements set forth for assistant professors in the law library, possess a record of significant achievement in his/her profession. There shall be evidence that his/her competence and achievements are recognized and respected outside his/her own immediate academic or legal community.

d. LAW SCHOOL PROFESSOR: For promotion or appointment to the rank of Law School professor, the candidate must possess the qualifications for a Law School associate professor and, in addition, a record of exceptional intellectual, educational, and professional achievement and an established reputation for excellence in the field of law or some relevant law-related field. There shall be evidence of his/her continued growth, and the judgment on promotion shall consider primarily evidence of achievement in teaching and in scholarship or professional work following the most recent promotion. Longevity and seniority alone shall not be sufficient for promotion.

For promotion to or appointment as Law School Library Professor, the candidate must, in addition to the requirements set forth for associate professors in the law library, possess a record of exceptional achievement in his/her profession. There shall be evidence of his/her continued growth, and the judgment on promotion shall consider primarily evidence of achievements recognized and respected outside his/her own immediate academic or legal community following the most recent promotion. Longevity and seniority alone shall not be sufficient for promotion.

B. LAW SCHOOL ADJUNCT INSTRUCTORS, LAW SCHOOL ADJUNCT ASSISTANT PROFESSORS, LAW SCHOOL ADJUNCT ASSOCIATE PROFESSORS, LAW SCHOOL ADJUNCT PROFESSORS

1. Position Definition: Persons employed in this adjunct series shall be assigned to teach part-time or perform related duties part-time.

2. Qualifications: For appointment as Law School adjunct Instructor, Law School adjunct assistant professor, Law School adjunct associate professor, or Law School adjunct professor, a person must have those qualifications or professional achievements and training comparable to those faculty members in the corresponding ranks of Law School Instructor, Law School assistant professor, Law School associate professor, and Law School professor. The Dean of the Law School may recommend to the President of Queens College for recommendation to the Chancellor and to the Board the appointment to one of these positions someone who is exceptionally qualified without meeting every criterion specified.