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

HELD

MAY 21, 1990

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

The Chairperson called the meeting to order at 4:45 P.M.

There were present:

James P. Murphy, Chairperson
Edith B. Everett, Vice Chairperson
Blanche Bernstein
Sylvia Bloom
Gladys Carrion
Louis C. Cencl
Stanley Fink

Robert A. Picken, ex officio

Robert E. Diaz, General Counsel and Vice Chancellor for Legal Affairs

Chancellor Joseph S. Murphy
Deputy Chancellor Laurence F. Mucciolo
President Milton G. Bassin
President Raymond C. Bowen
President Matthew Goldstein
President Bernard W. Harleston
President Edison O. Jackson
President Augusta Souza Kappner
President Shirley Strum Kenny
President Paul LeClerc
President Leonard Lief
President Charles W. Merlith

President Harold M. Proshansky
President Isaura S. Santiago
President Kurt R. Schmelller
President Joel Segall
Sr. Vice Chancellor Donal E. Farley
Vice Chancellor Ira Bloom
Vice Chancellor Jay Hershenson
Acting Vice Chancellor Richard F. Rothbard
Dean Haywood Burns
Dean Stanford A. Roman
Ms. Stella Cortijo
Ms. Rhoda Gerber

The absence of Mr. Del Giudice, Ms. White and Mr. Mayers was excused.
A. SECRETARY OF THE BOARD: The Chairperson reported that the Secretary of the Board, Martin Warmbrand, who had open heart surgery several weeks ago, is recovering and doing well and is expected back in the not too distant future. Ms. Stella Cortijo was ably substituting for him at the meeting. On behalf of the Board, he extended best wishes to Mr. Warmbrand.

B. GENERAL COUNSEL AND VICE-CHANCELLOR FOR LEGAL AFFAIRS: The Chairperson welcomed Mr. Diaz to his first meeting as General Counsel and Vice-Chancellor for Legal Affairs and extended best wishes to him.

C. EX OFFICIO TRUSTEE: The Chairperson called on Prof. Shirley Wedeen to introduce Prof. Robert Picken, the new ex officio Trustee and Chair of the University Faculty Senate.

Prof. Wedeen stated that Prof. Picken has been active in the Senate for many years. He has been on the Executive Committee, its Secretary, its Treasurer. He is well versed in the ways of the University and is a very respected scholar from Queens College and chairman of its Department of Modern Languages.

Prof. Picken stated that he was greatly honored to have the opportunity of representing the faculty on the Board of Trustees. During the next two years he will be proud to speak on behalf of the some 15,000 talented and dedicated men and women who teach in various units of the University. He indicated that he already knew and has worked with a number of Members of the Board. He has always admired their generous public-spiritedness, their fair-mindedness, and their concern for the University. He looked forward to getting to know all the Members. His major objective would be to try to bridge the gulf of misapprehension and misunderstanding which has sometimes separated the Board from the faculty. The University will not prosper and certainly will not accomplish its mission unless the Board and the faculty can work harmoniously together, each in its own area of competence.

The Chairperson stated that the Board looked forward to working with Prof. Picken and to continuing to work and have a good dialogue and hear faculty concerns through the Committee system as well as with the Board as a whole.

On behalf of the Board, the Chairperson acknowledged publicly the work of Prof. Shirley Wedeen. It was wonderful to work and reason with her, and she ably represented the Faculty Senate during her four years on the Board. He thanked her for her selfless and always gracious and pleasant collegial participation and wished her well as she goes forward in her academic career and her career as an activist on behalf of the faculty.

D. PRESIDENTIAL HONOR: The Chairperson reported that Pres. Leonard Lief of Lehman College has received an honorary Doctor of Humane Letters degree from the College of Mount Saint Vincent.

E. FACULTY HONORS: The Chairperson reported the following honors accorded members of the University faculty:

(1) Marie Ponsot, professor of English at Queens College, received the Delmore Schwartz Memorial Poetry Award.

(2) Zvi Yavetz, Distinguished Professor of History at Queens College, has received the Israel Prize for his achievements in the field of historical research and ancient history.
(3) Sandi E. Cooper, professor of history at The College of Staten Island, has been invited by the Institute of General History of the Soviet Academy of Sciences to participate in a conference from June 23-30 on "Ideas of Peace in History," which will lead to a joint U.S.-U.S.S.R. documentary survey history for use in Soviet, and possibly U.S., university courses.

(4) Maude E. Robinson, lecturer in the Department of Academic Skills at Hunter College, received the 1990 National Sojourner Truth Award from the East New York Chapter of the National Negro Business and Professional Women's Association for her community service and work to advance the status of women.

F. STUDENT HONORS: The Chairperson reported the following honors accorded University students:

(1) The National Science Foundation has announced the award of 150 fellowships to minority students of outstanding ability for graduate study in the sciences, mathematics, and engineering. Of these, five are going to Hunter College students.

(2) Robin Kearse, a student at LaGuardia Community College, has been selected as a National Finalist in the National Distinguished Student Scholar Program.

G. ALUMNA HONOR: The Chairperson reported that Gertrude B. Elion, a Hunter College alumna and recent Nobel Laureate, has been elected to the National Academy of Sciences in recognition of her distinguished and continuing achievements in original research.

H. 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) $175,008 from the Ford Foundation to Prof. Kathleen McCarthy for an International Project on Voluntary Sector Activities.

(b) $113,234 from Teachers College, Columbia University to Prof. Sylvia Scribner for Cognitive Skills Acquisition at Work.

(2) The City University Medical School has received a grant of $99,486 from the National Institutes of Health to T. Myers for Microcirculation in Diabetes Mellitus.

(3) Brooklyn College has received a continuation grant of $109,537 from the U.S. Dept. of Education to Lionel Forstall, Educational Services Dept., for the Brooklyn College Talent Search Program.

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

(a) $158,452 from the National Science Foundation to B. Sakita, Physics Dept., for Problems in Strong and Weak Interactions.

(b) $130,000 from the Department of Energy to H. Cummins, Physics Dept., for Dynamics and Pattern Selection at the Crystal Melt Interface.
(c) $109,760 from the National Science Foundation to J. Guyden, Biology Dept., for T Cell Development Studies in Vivo and in Organ Culture.

(d) $91,967 from the National Science Foundation to S. Cowin, Mechanical Engineering Dept., for Prediction of the Evolution of Bony Architecture.

(e) $73,649 from the National Science Foundation to R. Alfano, Physics Dept., for Quantum Transport of Femtosecond Photoexcited Carriers in Semiconductors.

(f) $53,519 from the Brookhaven National Laboratory to C. Miller, Civil Engineering Dept., for Safety Review of DOE and NRC Facilities.

(g) $52,000 from Theresa Caplan to establish the Frank and Theresa Caplan Fund for Earliest Childhood and Parenting Education. The purpose of the fund is to provide for special programs that reflect the needs of parents and caregivers of children from birth to age three.

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

(a) $240,000 from the Aaron Diamond Foundation to Elaine Walsh, Urban Affairs Dept., for the Public Service Scholars Program.

(b) $225,012 from the National Cancer Institute to Maria Tomasz, Chemistry Dept., for Adducts of Mitomycin C with Nucleotides.

(c) $100,000 from an Anonymous Grantor to Rose Dobrof, Brookdale Center on Aging, for Support for Law Institute, Minority Programs, and Program Administration.

(d) $80,000 from U.S. Education Dept. to Lester Mann and Marsha Lupi, Special Education Dept., for Training Special Education Teachers/Evaluators of Limited English Proficient Handicapped Students of Chinese Origin.

(e) $60,000 from the Aaron Diamond Foundation to Adrian DeWind, Anthropology Dept., for Human Rights Internship Program.

(f) $58,000 from the Aaron Diamond Foundation to Janet Natapoff, School of Nursing for Increasing Professional Licensure Examination Pass Rates.

(6) New York City Technical College: New York City Technical College has received the following grants:

(a) $146,289 from N.Y.S. Education Dept., Vocational Education Act, to Dean Judith Walter for the Adult Center for Comprehensive Education and Support Services.

(b) $277,486 from the U.S. Dept. of Education to Joyce Palmer for Special Services for Disadvantaged Students Program.

(c) $110,376 from the U.S. Dept. of Health and Human Services to Dean Barbara Kostroff for the Health Careers Opportunity Program.
(d) $50,000 from N.Y.S. Education Dept., Vocational Education Act, to Joel Mason for Art and Advertising Design Program Improvement, Innovation and Expansion.

(7) Borough of Manhattan Community College: Borough of Manhattan Community College has received the following grants:

(a) $88,000 from the Regional Education Center, an ESSTG grant, for the expansion of activities related to the Managing Growth Program.

(b) $71,200 from N.Y.S. Education Dept., an ESSTG grant, to Cynthia Murphy, Office of Adult and Continuing Education, for an office automation project and for a seminar series on developing entrepreneurial skills for the Asian community.

(c) $66,500 from the Regional Education Center to John Montanez, Office of Adult and Continuing Education, for the development of an OJT Program for the construction industry.

I. PRESENTATION BY DEAN HAYWOOD BURNS: Dean Burns gave a short presentation on activities at The City University School of Law at Queens College:

Dean Burns gave an update on the progress of the Law School to date. The Law School was opened in 1983. On September 1, 1990, he will complete his third year as Dean of the Law School. The fifth class will be graduating on Friday, May 25, and 132 people will be receiving the J.D. degree. The speaker will be Prof. Derek Bell of the Harvard University School of Law.

In terms of the state of progress, the Board approved as the mission of the School a mission that speaks to the issues of diversity and access, a mission that speaks to public service as well as to curriculum innovation. He went on to give some sense with respect to each of these areas.

With regard to diversity, he reported that the School has to date 468 students enrolled in the Law School. Of this number, 56.2% are women and 33.6% are racial minorities. This makes the School one of the national leaders in terms of diversity of student population in American law schools. Aside from historically Black law schools and the University of Hawaii, no school is doing better in this particular area. The School is also a leader nationally in terms of the number of minority faculty, and is No. 1 in terms of the number of Asian Americans who are either tenured or on the tenure track law faculty.

With respect to the issue of public service and public interest, he shared with the Board some recent figures. He stated that he had figures for all of the graduating classes, but they are comparable to last year's graduating class, in which 37% of the graduates went into public interest work. Another 17% went into government service. A total of 15% went into private practice, and 13% into federal and state courts as law clerks, and 18% into other lines of work. To give a basis of comparison, Dean Burns stated that in a recent year Columbia University had 1.2% going into public interest work; N.Y.U. Law School had 3.0%. The National Association of Public Interest Law Placement indicates that the CUNY Law School is No. 1 in the State of New York in placement of its graduates in public interest work, and probably in the nation, although national statistics are not available. Graduates have been placed throughout the public interest sector including in the office of the staff of Governor Cuomo, Queens Borough President Shulman, the Corporation Counsel's Office, and the office of Chief Judge Sol Wachtler of the Court of Appeals.

With respect to the third area, curriculum innovation, the Law School has been regarded as making some of the most major changes in the form of legal education since the case book method was introduced at Harvard in the 1880's. The School is known as an innovator while trying to hold on to the traditional that it is felt necessary to
This fall a whole wing of the Law School given over to clinical legal education was opened. The clinic will serve the people of the community with the students acting as counsels, under the supervision of professors, operating in actual cases, not simulated cases, but real cases representing people and for different clinics. By the fall of this year 72 students will be enrolled in clinical programs in the areas of immigration law, criminal defense, women's defense, and there will also be a clinic on small law offices, indicating to students ways in which they can operate in small practices.

There has been a great deal of private sector support for the Law School's curriculum and innovations and major grants have been received from the Revson Foundation, the Diamond Foundation, and other major foundations. Nationally, the Department of Education has a program called the Patricia Roberts Harris Scholarship Program, which is a program for graduate and professional education of minorities. They offer a limited number of these scholarships per year. Last year 31 were offered nationally. Only 17 schools received even one. The CUNY Law School received five. The School is a leader this year for these scholarships. The School is a finalist this year for a grant from the Fund for Improvement of Postsecondary Education for the publication of simulations, curriculum models that have been developed by the School. The School has just won a national competition to have the International Law Students Association journal housed at the Law School, and beginning next year that prestigious journal will be published at the CUNY Law School.

Dean Burns also reported on the status of performance on the bar examination. The School is still not performing with respect to the first time results on a level that is satisfactory to the Dean or the faculty. He was pleased to report that in the short time that he has been Dean, there has been an increase in performance with respect to first time taking, and when multiple time takers over time as opposed to first time takers are considered, the School has a creditable performance. For multiple test takers for whom data is available, the rate is a passing rate of 69.2%; the first class is now somewhere between 80 and 85% with respect to passing the New York State Bar.

Dean Burns reported that the Law School received provisional accreditation from the A.B.A. in 1985, two years after the opening of the School. That is exceedingly fast in terms of that process. The School has been working since that time to achieve full accreditation, and he hoped to be able to report that to the Board very shortly. In a very propitious bit of timing, Dean Burns had just received the last report from the most recent Site Visit Team, a confidential report going to the A.B.A. with respect to their findings. He presented copies to the Chairperson and the Chancellor. It is a favorable report, and Dean Burns hoped to have more good news the next time he had an opportunity to address the Board. He thanked the Board for its support.

The Chairperson stated that the Board cherishes the Law School. Dean Burns' report was comprehensive and forthright. As chair of the Ad Hoc Committee on the Law School, the Chairperson stated that the Committee has been working with the Dean over the last year and a half and was appreciative of the response of the faculty and the administration of the Law School to concerns articulated by the Ad Hoc Committee focusing on bar pass in the context of curriculum content and student support services, etc. It is hoped and anticipated that there will be continued improvement in the first time pass rate without compromising the very important mission that the Law School has and its relevance to the immediate region of the country as well as to places outside this region. The Chairperson was not asking that there be the kind of article and letters to the editor that have been in recent Issues of The New York Times Magazine with respect to a distinguished law school to the north on the Charles River in Cambridge. The CUNY Law School does not need that kind of notoriety. What are needed are the good kind of positive things with respect to the real effect of the School.
Upon motions duly made, seconded and carried, the following resolutions were adopted or action was taken as noted: (Calendar Nos. 1 through 13)

NO. 1 UNIVERSITY REPORT: RESOLVED, That the University Report for May 21, 1990 (including Addendum Items) be approved as revised as follows:

(a) ADDENDUM: Add the following:


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(b) Central Office - Action Effecting a Legal Order, Arbitrator's Award or Settlement Agreement (Instructional Staff: Item withdrawn for consideration in Executive Session.

(c) 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.

NO. 2. CHANCELLOR’S REPORT: RESOLVED, That the Chancellor’s Report for May 21, 1990 (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.

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

(a) On behalf of the Presidents, the Chancellor welcomed Prof. Robert Picken, the new chair of the University Faculty Senate and thanked Prof. Shirley Ullman Wedeen for her dedication and untiring devotion during the four years that she served as chair of the University Faculty Senate.

(b) There is at this point general agreement on the State budget, and there are a few outstanding items yet to be resolved. In the main, the senior college budget totals $853 million as opposed to $828 million during the current year, or roughly a 3% increase consisting largely of mandatory salary annualization and the John Jay lease payment. The community college State aid is $102 million, up from $98 million or a 3.6% increase. There is no tuition increase proposed, and there is an early retirement program funded by some $3.2 million in the budget, with passage expected that day by the Senate. The University has secured the early retirement program, but all the details are not yet available. Senior college cuts have totaled some $23 million, and they are only partially offset by some gains in the Executive Budget. Most of the gains are earmarked and total about $11 million, but
roughly half of that is for student services, freshman year initiatives, and the Board of Education Partnership. Of those cuts that originally appeared, the two cuts, $9 million and then $13 million plus an additional million in change, are only partially offset, leaving the University with substantial numbers of dollars to be saved in the course of the coming year through what are euphemistically referred to as management savings. Obviously, the next step in the process will be to meet with the Board to begin to discuss ways in which these cuts will be permitted to impact on the operating budget of the University.

(c) It was just learned that an agreement has been reached with respect to the New York City Technical College and John Jay problem, which has plagued the University since the January presentation of the Executive Budget, in which some $20 million, normally a State responsibility, was allocated to the City. MAC funds will be used for New York City Technical College and John Jay this year. This looks as though it is a single event, and it will have to be analyzed by the Board and the University since it seems to entail a diminished responsibility by the State for New York City Technical College and John Jay. It is believed that some announcement will be made about the MAC surplus funds some time during the near future.

(d) As to the City budget, meetings have been held with the Budget Director, Mr. Michaels. The good news is that it appears as though PEG reductions in the budget will be calculated both currently and perhaps in the near future as well against the City contribution rather than against the whole part of the community college budget. This means for next year, at any rate, reduction in the cut from some $9 million to a little under $3 million. If it constitutes a precedent, it will mean that the University has managed to persuade somebody of the rightness of the argument, an argument that has not been won in the past, that reductions in the budget be calculated only against the City portion of the budget. The City budget assumes a State aid increase of $5.5 million. The University will receive slightly less than that at $50 per FTE from the State. The City is committed to making up that difference. All of this with regard to the City budget remains unofficial since the Mayor's Budget will not come out until May 24.

In short, so far as can be told at this point, the operating budget for the senior colleges for next year will be a difficult one but not an impossible one. The City budget now looks in better shape than it did at any point during the process of negotiations during the last six months although some difficult decisions will still be entailed.

(e) Finally, the Chancellor expressed the collective and deep regret and sadness at the passing of Mr. Joseph Wells, whom many knew and who worked as Director of Government Relations under the late Chancellor, Robert Kibbee, and prior to that as the Executive Assistant to the former Chancellor, Albert Bowker.

NO. 3. APPROVAL OF MINUTES: RESOLVED, That the minutes of the regular Board meeting and of the Executive Session of April 23, 1990 be approved.

NO. 4. BOARD MEETING DATES FOR 1990–91 ACADEMIC YEAR: RESOLVED, That the following schedule of meeting dates be approved for the academic year 1990–91, with the understanding that a meeting will also be held in December if the need arises:

Monday, October 22, 1990  Monday, April 29, 1991
Monday, November 26, 1990  Tuesday, May 28, 1991
Monday, February 25, 1991
NO. 5. HONORARY DEGREES: RESOLVED, That the following honorary degrees, approved by the appropriate faculty bodies and recommended by the Chancellor, be presented at the commencement exercises as specified.

**BARUCH COLLEGE**
- Harriet Michel: Doctor of Humane Letters
- Jerzy Czylatynsky: Doctor of Laws
- Michel Sotiris: Doctor of Laws

**JOHN JAY COLLEGE OF CRIMINAL JUSTICE**
- Lucy Dawidowicz: Doctor of Humane Letters
- Archibald K. Murray: Doctor of Laws
- Lloyd H. Rolger: Doctor of Humane Letters
- Hans Zeisel: Doctor of Laws

**QUEENS COLLEGE**
- Milton Glaser: Doctor of Humane Letters

Mr. Pressley stated that Baruch and John Jay Colleges are doing a much better job in terms of their selection of honorary degree recipients.

NO. 6. SALK SCHOLARSHIPS: RESOLVED, That the Board approve the award of the Jonas E. Salk Scholarships to the following graduates who have been recommended by the Chancellor:

**WITH STIPEND**
- Maureen Andreassi
- Emad Gharavi
- Irina Iordanescu
- Paul S. Issack
- Paul J. Lee
- Yi Ri
- Doris R. Stair
- Attagracia Tolentins

**COLLEGE**
- Hunter College
- The City College
- Hunter College
- Brooklyn College
- The City College
- Brooklyn College
- Queens College
- Queens College

**HONORARY (in order selected)**
- Benllian Soohoo
- Lean Verkhousky
- Sydney Hughes
- Barak Greenfield
- Sharon L. Griffith
- Reza Seirafi
- Norman Harrison

**COLLEGE**
- The City College
- Hunter College
- The City College
- Queens College
- Brooklyn College
- Hunter College
- York College

NO. 6A. MEDGAR EVERS PRESIDENTIAL INAUGURATION: The Chairperson reported on the inauguration last week of Dr. Edison Jackson as President of Medgar Evers College. He congratulated the President and wished him well.
NO. 7. COMMITTEE ON FISCAL AFFAIRS, FACILITIES AND CONTRACT REVIEW: RESOLVED, That the following items be approved:

A. BRONX COMMUNITY COLLEGE - BRONX EDUCATIONAL OPPORTUNITY CENTER, LEASE OF SPACE:

RESOLVED, That the Board approve a twenty-five year lease for approximately 40,000 square feet of space in a building located on Block 2920 in the Bathgate Industrial Park in the Bronx for use by the Bronx Educational Opportunity Center administered by Bronx Community College, and funded by the State University of New York, and be it further

RESOLVED, That the Board authorize the Secretary of the Board of Trustees to execute the appropriate lease agreement after it has been approved as to form by the General Counsel and Vice Chancellor for Legal Affairs.

EXPLANATION: The Bronx EOC currently is housed in temporary quarters at 1508 Webster Avenue.

The Bathgate Industrial Park is owned and operated by the Port Authority pursuant to a land lease with the City of New York. Under the terms of the proposed lease, the Port Authority will lease approximately 40,400 square feet of classroom and office space on Block 2920 to The City University of New York for use by the Bronx EOC for a period of 25 years to commence upon substantial completion of construction work at the premises.

The Port Authority will renovate said space pursuant to plans and specifications approved by the Bronx EOC. The total project cost is expected to be $4.6 million of which the Port Authority will provide financing for up to $3 million.

Upon occupancy, the Bronx EOC will pay rent to the Port Authority pursuant to the following schedule:

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*If the Port Authority's cost is less than $3 million, then the above rent schedule will be reduced proportionately.

In addition, to the above schedule the Bronx EOC will pay to the Port Authority an annual land use fee. The annual fee for the period starting with the commencement date until February 22, 2007 will be $4,660. For the period commencing on February 23, 2007 and continuing for the balance of the lease term the annual land use fee will be equivalent to 50% of the annual amount paid by the Port Authority to the City for Block 2920.

The Bronx EOC will maintain and operate the demised premise at its own cost.

All tenant costs under the lease will be funded by the State University of New York.
On June 26, 1989 this Board approved a resolution (Cal. No. 4.H.) authorizing this lease; however, the rent schedule was based upon a 25 year amortization of construction costs. Upon further negotiations with the Port Authority it was agreed to amortize such construction costs over the first 15 years of the lease. Because of this change, the tenant will pay a substantially lower aggregate rent over the lease period.

In response to a question from Dr. Jacobs, Sr. Vice-Chancellor Farley stated that the resolution was an amendment to a lease approved several months ago which restructured the amortization of the capital investment. The Educational Opportunity Centers are fully State funded through the budget of the State University. In this case Bronx Community College administers the Center. In the lease that was finally negotiated this University assumes no financial liability.

B. BARUCH COLLEGE - AMENDMENT TO RESOLUTION FOR SKYLIGHT REPLACEMENT:

RESOLVED, That the Board of Trustees of The City University of New York approve an amendment to the resolution adopted by the Board on November 28, 1988 (Cal. No. 4D) to increase the estimated cost from $125,000 to $153,100 (the low bid amount) for furnishing all labor, materials and equipment required for the replacement of skylights at the 17 Lexington Avenue and 137 East 22 Street building of Baruch College, Project No. BA003-087.

EXPLANATION: The original resolution approving the contract documents was approved in November of 1988 at which time a budget freeze was imposed and bidding was deferred. When bids were taken, four were received: $153,100, $190,000, $228,000, and $332,578. In view of the number and range of bids received and after a review and revision of the initial estimate, it is recommended that the approved estimate be increased to the amount of the lowest bid.

C. HUNTER COLLEGE - BROOKDALE HEALTH SCIENCE CENTER, EQUIPMENT REPAIR:

RESOLVED, That the Board of Trustees of The City University of New York approve the contract documents and specifications and authorize Hunter College to award a contract to the lowest responsible bidder for pump replacement, electrical upgrading and air conditioning repair/maintenance at the Brookdale Health Science Center at 425 East 25th Street, New York, N.Y. 10010 at an estimated cost of $200,000 including contingency chargeable to the Capital Budget or any other funds available to the College subject to financial ability.

EXPLANATION: In order to maintain properly the Brookdale Health Science Center of Hunter College, miscellaneous repairs are required on equipment and other mechanical systems. These include replacement of domestic water, condensate and sewage ejector pumps which are either burned out or failing; repair, cleaning and balancing of the air conditioning in the Speech and Hearing Clinic; insulation of existing air conditioning ductwork; repair/replacement of heating units in the Cafeteria; replacement of heating and ventilation units in the East Building; and upgrading the electrical service in the North Building.

D. HUNTER COLLEGE - BROOKDALE CAMPUS, SWIMMING POOL, REMOVAL OF ASBESTOS:

RESOLVED, That the Board of Trustees of The City University of New York authorize Hunter College to award a contract to the lowest responsible bidder for asbestos removal/abatement and air monitoring/project management for the ceiling area of the Brookdale Campus Swimming Pool, First Floor - West Building at 425 East 25th Street, New York, New York 10010 at an estimated cost of $150,000 chargeable to the Capital Budget or any other funds available to the College subject to financial ability.

EXPLANATION: The Swimming Pool is now closed due to asbestos contamination. This asbestos abatement project requires that all asbestos be removed from the ceiling area, be bagged and disposed of according to New York City Department of Environmental Protection regulations.
E. BARUCH COLLEGE - ELEVATOR MAINTENANCE SERVICES:

RESOLVED, That the Board of Trustees of The City University of New York authorize Baruch College to advertise for, receive and open bids, and award a contract to the lowest responsible bidder for elevator maintenance service at Baruch College's 17 Lexington Avenue, 155 East 24th Street, 135 East 22nd Street, and 137 East 22nd Street buildings for the period May 1, 1990 to June 30, 1991 with the option to renew for two (2) consecutive one (1) year periods at an estimated yearly cost of $118,000. Chargeable to expense code 70050-176-9001-806-2-21770-14-60 and/or such other funds as may be available, subject to financial ability.

EXPLANATION: This will enable the college to continue elevator maintenance services as provided in the past. The current contract was the last year for which an option to renew was available.

F. BOROUGH OF MANHATTAN COMMUNITY COLLEGE - GUARD SERVICE 1990-91:

RESOLVED, That the Board of Trustees of The City University of New York approve the contract documents and specifications, and authorize the Borough of Manhattan Community College to advertise for, receive, open and award a contract to lowest responsible bidder for furnishing guard service for the period July 1, 1990 to June 30, 1991 with a one (1) year renewal option at an estimated cost of $1,100,000, chargeable to code 2-34801-419 and/or other such funds as may be available.

EXPLANATION: The present contract expires June 30, 1990 and continued service is required.

G. CENTRAL OFFICE - UNIVERSITY APPLICATION PROCESSING CENTER, UPGRADE OF CENTRAL PROCESSING UNIT AND PERIPHERALS:

RESOLVED, That the Board of Trustees approve the specification and contract documents, and authorize The City University to purchase from IBM and have installed at the University Application Processing Center an upgrade of its existing 3090-160E to a 3090 200-J at a net purchase price of $2,672,834.

EXPLANATION: The University Application Processing Center has negotiated an upgrade of its 3090-160E to a 200J including increased memory and expanded storage for a purchase price of $2,672,834 under the State Contract between IBM and the Office of General Services of the State of New York. This price represents a 23.5% discount from the list price of this equipment and is substantially less than it would cost from any other vendor. Purchase of this upgrade will not necessitate any increase in University Management annual budgetary support.

The University Application Processing Center (UAPC) and the University Computer Center (UCC) provide administrative data processing support to the University's Central Office as well as to its various colleges. In accordance with the University's internal control procedures and recommendations, both UAPC and UCC should provide mutual backup services for critical applications in case of a local disaster. The purchase of this upgrade will provide the machine capacity in the most cost effective manner and further position UAPC to act as a limited backup to UCC in the event of a disastrous failure and will ensure that crucial University functions are continued.

In addition UAPC furnishes contracted data processing services to the Board of Education's High School Division thereby playing a major role in implementing the collaborative programs between the University and the public school system. UAPC's provision of a single unified data processing system for the high schools has permitted senior administrators to collect and analyze data so as to fashion policies and procedures more effectively to educate the City's high school age population better.
This upgrade will also allow UAPC to take full advantage of the MVS/ESA operating system, which is the most advanced available system utilizing a comparable mainframe environment. MVS/ESA will permit fuller exploitation of data base applications for the University and the Board of Education which would otherwise outstrip current machine capacity.

H. THE CITY COLLEGE - GRADUATE AND UNDERGRADUATE BULLETINS FOR 1990-91:

RESOLVED, That the Board of Trustees of The City University of New York authorize The City College to award contract to the lowest responsible bidder for composition, printing, binding and delivery of the 1990-1992 City College Graduate and Undergraduate Bulletins after advertising and public bidding pursuant to law and the University purchasing regulations after approval of such contract by the General Counsel and Vice Chancellor for Legal Affairs at an estimated cost of $150,000. The code to be charged is 70020-176-9101-606-2-23790-12-00 or other such available funds.

EXPLANATION: The City College Bulletins are required for recruitment and the printing of these is a normal operational expense of the College.

I. LAGUARDIA COMMUNITY COLLEGE - PURCHASE OF BOND PAPER:

RESOLVED, That the Board of Trustees of The City University of New York approve the contract documents and specifications, and authorize F. H. LaGuardia Community College to advertise for open bids and award a contract to the lowest responsible bidder for the purchase of bond paper for the College's Print Shop for the period July 1, 1990 to June 30, 1991 at an estimated cost of $200,000 chargeable to Budget Code 229601200, with the option to renew for three (3) consecutive one (1) year periods.

EXPLANATION: Bond paper is a necessary and required supply used for forms, books, examinations, course materials, and other items essential for classroom and administrative operations of the College.

J. NEW YORK CITY TECHNICAL COLLEGE - SUPPLIES, EQUIPMENT AND RELATED SERVICES:

RESOLVED, That the Board of Trustees of The City University of New York authorize the expenditure of a sum not to exceed $600,000 of income from the Voorhees Endowment Fund, for the purchase of educational supplies and expenses; equipment and Temporary Services to support the Technical and Industrial educational programs of the New York City Technical College during the fiscal year 1990-91.

EXPLANATION: The 1990/91 Budget will not provide the required level of funding to support the academic programs of this college due to the budgetary reduction because of the State shortfall in projected revenue. It is, therefore, necessary to continue the use of the interest earned from the Voorhees Endowment Fund for this purpose. Under the terms of the court order which transferred the assets of the Voorhees Technical Institute to the Board of Higher Education, ... "income from the Endowment Fund, ... shall be used by the Board of Higher Education to support the Technical and Industrial educational programs in such areas as Library Resources, Educational Equipment, Supplies and Materials, Student Financial Aid, Facilities Renovation and other such items that will improve Technical and Educational programs."

K. NEW YORK CITY TECHNICAL COLLEGE - AFFILIATION CONTRACT:

RESOLVED, That the Board of Trustees of The City University of New York authorize New York City Technical College to enter into an affiliation contract, subject to approval by General Counsel as to form, with the New York State Science and Technology Foundation so as to receive from the Foundation an amount not to exceed $1,000,000 towards support of the N.Y.C.T.C. Academy for Science and Technology.
EXPLANATION: The New York State Legislature in the fiscal year 1988-89 budget appropriated $600,000 "for services and expenses related to the New York City Technical College Academy for Science and Math," to be administered through the New York State Science and Technology Foundation. It is expected that a new appropriation will be made by the Legislature for the continuation of the N.Y.C.T.C. Academy for Science and Technology commencing July 1, 1990.

L. INVESTMENTS IN TOBACCO COMPANIES:

Mr. Howard stated that at the last meeting of the Committee, the Vice-Chairperson of the Board was present. This item was not on the Committee agenda. The Committee had asked the Investment bankers to come in on several occasions regarding tobacco and cigarette companies and consider several different ways to disinvest any of the funds in the portfolios that are in cigarettes. On this occasion the Vice-Chairperson put a motion on the floor to do this. Mr. Howard stated that he had no difficulties in the removal of any of the Investments in companies that manufacture cigarettes, but he had a problem with the fact of whether it is the Chairperson or the Vice-Chairperson because they are ex officio members of the standing committees, coming to the meeting of the Fiscal Affairs Committee and putting motions on the floor when an item is not on the agenda, only because they are recognized. Mr. Howard stated, that in the future, this will not happen in his meetings again. He also stated that he felt it is not prudent to disinvest immediately in companies that manufacture cigarettes. One of the things that the Committee considered was that the manufacture of cigarettes may be only 1% of the business of some companies. He stated that it would be wrong to do this. He had agreed to bring the motion to the floor. He recommended the motion and stated that he would abide by the outcome.

Mrs. Everett stated that it is a common misunderstanding that cigarette manufacturing is only 1% of the output of some companies. Although some companies are conglomerates, they derive at least half of their bottom line income from the production and sale of tobacco. She indicated that she has been in the Investment business for 29 years and has never bought a share of tobacco stock and has some very satisfied clients.

She stated that the small space taken by this item on the agenda is in Inverse proportion to the significant attention the subject of smoking and health is receiving. The City University is in good company. The Surgeon General of the United States, the U.S. Secretary of Health and Human Services, the Congress of the United States, the New York State Legislature, and the New York City Council have all either spoken out unequivocally against the companies that produce cigarettes, their methods of distribution and advertising, or passed legislation limiting places where tobacco could be used. The question of tobacco companies and health is unique and cannot be compared with any other. First, according to the Surgeon General, approximately 400,000 Americans die annually of smoking-related diseases, more than 1,000 deaths every single day. Second, tobacco is known to be the single greatest cause of preventable disease in the United States. Third, again, according to Dr. Sullivan and Dr. Koop, tobacco, the only legal product which, when used as directed, is likely to cause illness and death, is also one of the most addictive substances available, even more than cocaine. While it is true that illegal drugs have taken a terrible toll on our society, more people die annually from tobacco use than the combination of all of the following: automobile accidents, suicides, homicides, and illegal drug consumption. Despite the evidence of over 100,000 scientific experiments linking tobacco to illness and death, the companies refuse to acknowledge that smoking is harmful to health even while they print warning labels on their packages. One company that owns both a cigarette and life insurance division, remarkable as it may seem, insists on the one hand that smoking is harmless, and on the other, cuts its life insurance premiums in half if you do not smoke. They know how to play the odds. As smoking has decreased among men and individuals with more education, the tobacco companies have focused their attention on trying to increase the number of women, minorities and children who smoke. Dr. Louis Sullivan publicly expressed his outrage against R.J.R. and forced the withdrawal from the market of a new brand called Uptown, designed especially to appeal to the Black community. Reverend Butts, distressed by billboards on every corner in his neighborhood aimed at inducing minorities to smoke, has been painting them over in an effort to force their removal. The City Council is expected to pass a bill very soon, outlawing distribution of free
cigarette sampling and limiting or eliminating cigarette vending machines because cigarettes often find their way into the hands of children by these methods. As Dr. Sullivan said in a TV interview yesterday, the tobacco companies continue to deny what all other observers know, that since 90% of all smokers begin their habit before their 18th birthday, these companies are doing everything possible to attract children to their product. Knowing all we do about tobacco companies, it is hard to imagine that the University, an educational institution of national prominence, can continue to feel comfortable owning shares in these, to use Dr. Koop’s language, “sleazy, drug pushing companies.” Owning stock in a company makes one a partner in that company. She submitted that ownership in a company whose purpose it is to addict to a lethal drug as many young people as possible calls educational leadership into question. The American Medical Association some years ago, recognizing the hypocrisy of a health organization owning shares in a tobacco company, divested. The Advisory Investment Committee at Harvard University is drafting a recommendation to its President and Board to adopt a divestment policy. Hospitals, colleges, and other institutions around the country are considering divestment or have already done so. She urged the Board to join this growing number, to be in the forefront, and to vote affirmatively on the motion.

Mr. Fink stated that he had no problem supporting the concept of asking the University to divest from cigarette companies. He asked if this was the total resolution, or if something further would be presented, informing the portfolio managers how quickly they have to do this or under what circumstances they can take a loss, etc.

Mrs. Everett replied that this was not discussed at the Committee meeting, but speaking personally, she stated that there are three companies involved and they have heavy daily trading. Without losing anything or jeopardizing the position in the market, the University could accomplish divestment in days. It is not a significant thing in terms of divesting. She stated there would not be a loss.

Mr. Fink asked whether the portfolio managers would be given unfettered authority to sell at a time and in a manner that they deem appropriate, and if they deem it appropriate to hold on to the shares for a period of time, or whether there would be an indication by the Board with respect to how long they may hold on to these shares or leave it up to the sponsors of the resolution to determine this. Mrs. Everett replied that the portfolio managers would be requested to do this in a good faith manner in compliance with the tone of the resolution. She did not expect them to put 30,000 shares on the market in one second. Mr. Fink asked if that the portfolio managers would be given this discretion, should the Board adopt the resolution. Mrs. Everett stated that her purpose was to come up with a policy, and it could be accomplished in an orderly manner. Mr. Fink stated that the Board was not involved in a morality question but in a fiduciary question. Mr. Fink asked whether it was the understanding of Mrs. Everett and the other Members of the Board that the portfolio managers will be given the authority to use their judgment in an attempt to protect the Board, which has a fiduciary responsibility, and that there will be no pressure placed on the portfolio managers to divest the University of such stocks other than at a time which they consider to be in the best fiduciary interests. If that is understood, he would have no objection. Mrs. Everett agreed that it would be at a reasonable time.

Mr. Howard stated that Mrs. Everett could not dictate the motion and added that as long as he is the chair of the Fiscal Affairs Committee, he would not go on the assumption that this is what is being said. If he is not given clearcut instructions from the Board, it will not be done. In addition to the fiduciary responsibility, Mr. Howard indicated that Mrs. Everett continued to mention a number of Federal names, one of which was that of Dr. Sullivan. It is fair to say that Pres. Bush will allow Dr. Sullivan to back up on the export of cigarettes, but domestically, he let him stand strong. Mrs. Everett’s statement contained some confusion as to Dr. Sullivan’s position, which is one way for one group of people and another way for the other. With respect to one set of cigarettes for minorities, such as Uptown, Mr. Howard asked Mrs. Everett not to be concerned about the cigarettes but to make sure that the people uptown are educated and then to allow them to make their own choices. That is what the University is here for. Mr. Howard stated that the best place for all of this is either in the City Council or in the State and not with the Board. As long as he is chair of the Fiscal Affairs Committee, this motion only directs him to remove the investments. And if there are no other motions on the floor to give Fiscal Affairs some clear instructions, it will not be done. He will not take Mrs. Everett’s word for it, and he will not do it.
Mrs. Everett stated that the full Board has the right at any time to amend or adjust or explain. Mr. Howard continued to ask for clear instructions from the Board. Mrs. Everett stated that there could be an amendment to whatever is written on the agenda.

Mr. Pressley moved that the item be referred back to Committee. The motion was seconded. The Chairperson asked for advice as to whether the motion was debatable. Mr. Pressley asked for a point of personal privilege, which was granted by the Chairperson. Mr. Pressley asked that the item be referred back to Committee so that all the details might be straightened out that were requested by Mr. Fink and by Mrs. Everett so that the concerns of the Committee Chairperson might be addressed. The Board Chairperson ruled that a motion to refer back to Committee is a debatable item and asked Mr. Pressley to continue to state the reasons why he wished to have the item referred back to Committee. Mr. Pressley stated that he agreed with Mrs. Everett's moral position although at the time when he discussed the item with her, he told her that he would abstain. He has the responsibility for an institution that has not been successful in getting that issue adjusted. But feeling his continuing attempts to do so might not have been successful, he still felt that he might perhaps have changed his mind and now wanted to support the motion, but he did want the details of the resolution to reflect the attitude and the sentiments of the Board.

Dr. Tam stated that support or disapproval of the motion was being expressed by Members of the Board. There is a motion on the floor. Mr. Fink has aired his opinion. There should be enough grounds for making a decision at this meeting. There is a pretty good sense about the issues relating to the motion.

In response to a question from the Chairperson, Dr. Tam stated that he was speaking against the motion to refer the item back to the Committee.

Dr. Bernstein stated that she would like to see the item referred back to Committee so that the issues that Mr. Howard brought up could be addressed and written into the resolution. She did not like the present resolution, and she doubted that she would like the revised resolution, but she thought there should be a revised resolution. The resolution has to be clarified with respect to the points that have been raised by Mr. Fink and Mr. Howard, who is unwilling, understandably so, to write the resolution as the Board goes along. The Committee should rewrite the resolution.

Mr. Fink stated that his questions with respect to what the sponsor of the resolution expected were satisfied by her response. He did not think the item had to go back to Committee.

The Chairperson noted that all discussion relevant to a motion of this nature is relevant to its interpretation and implementation.

Ms. Carlton stated that she did not see why this needed to be deferred. If there are still any lingering doubts as to what the intent of this motion is, she was sure that the sponsor is amenable to friendly amendment.

The motion to refer back to Committee failed of adoption, with three Trustees voting in favor of the motion and eight Trustees voting against the motion.

Dr. Bernstein stated that anyone who wanted to make campaigns underlining the dangers of smoking should do so, and to some extent they have been successful because there has been some decrease in smoking in the United States. But since this is still a legal product, she doubted that there ought to be any national legislation, such as prohibition. When one moves from trying to persuade people to stop smoking to asking for divestment in tobacco companies, you are moving toward trying to prohibit the production of cigarettes and cigars because if the University is to divest, it is really asking everyone else to divest. The problem arises in other areas where particular groups of people have very strong views as to whether something is good for people or not. There are large groups of people opposed to family planning, and some of those groups have urged that telephone users not
use A.T.&T. because A.T.&T. contributes to Planned Parenthood. Dr. Bernstein stated that she finds that efforts to influence companies whether they are providing telephone service or tobacco or chewing gum, which is also bad for the teeth, should be left to individuals to make their decision in the light of education and information. It should not be up to the Board to force the issue by urging others to follow suit.

Mrs. Everett stated that tobacco is sui generis. It cannot be compared to any other product on the market. It is more lethal, more addictive, more harmful. There was testimony at the public hearing that was from people from all walks of life, physicians, philanthropists, a whole spectrum of people, and unfortunately, a lung cancer victim who spoke about her travail and her problem. It stands alone, and that is why it is so easy to isolate. As educators, the Board has an obligation not only to say what is wanted but do what is wanted and to be an example. If the Board thinks this is bad for young people, the Board has to indicate it by example, and the Board can indicate it only by its vote. She urged her colleagues to vote in favor of the resolution.

Mr. Fink raised the possibility of offering an amendment and asked whether Mrs. Everett would accept an amendment to read: "Such divestiture shall take place at a time and in such quantities of securities as the portfolio advisors to the University shall deem fiscally sound and prudent." Mrs. Everett agreed to the amendment. Dr. Jacobs suggested the addition of a sentence to the effect that the University would not lose money as a result, and Mrs. Everett stated that that was covered by the expression "prudent" in Mr. Fink's amendment.

The following resolution was adopted.

RESOLVED, That the University, in all portfolios, remove investments in all companies that manufacture cigarettes. Such divestiture shall take place at a time and in such quantities of securities as the portfolio advisors to the University shall deem fiscally sound and prudent.

Dr. Bernstein and Mr. Howard voted NO.

Mr. Howard stated that there was still an issue on the floor. He wanted to make it very clear that in future, he would not accept motions in his Committee meeting that were not on the agenda. Items will have to be placed on the agenda beforehand.

NO. 8. COMMITTEE ON FACULTY, STAFF, AND ADMINISTRATION: RESOLVED, That the following items be approved or action taken as noted:

A. CITY UNIVERSITY OF NEW YORK CIVIL SERVICE COMMISSION: The resolution was moved and seconded.

Mr. Fink asked if there would be a hiatus in the ability of the City University of New York Civil Service Commission to function if the Commissioners were named by the new Chancellor for a term of six years rather than by the outgoing Chancellor. Vice-Chancellor Bloom stated that the positions of two Commissioners would be vacated, leaving only one on the Commission, and two are needed for the Commission to be able to function. In response to another question from Mr. Fink, Vice-Chancellor Bloom stated that there is no provision for a temporary appointment. The length of the time is provided by law and under University regulations. Mr. Fink asked if the University regulations could be amended to make the term a shorter term. The Board was told that the Civil Service Law provides for the staggered six-year terms and so it would not be possible to amend the term at this meeting. Mr. Fink asked if the item could be laid over to the next meeting to ascertain whether such an amendment could be made, and Vice-Chancellor Bloom stated that Mr. Karetzky's term expires on May 31, and so the University might be without a functioning Commission and indicated that Mr. Karetzky's appointment is a renewal of his current appointment. Mr. Fink stated that he did not know the people involved but was just trying to secure information so that he could determine how he would vote, and if he could not secure that information, he would like this item to be laid over to the next meeting. Mr. Fink moved to table the item. The motion was seconded by Mr. Howard. The motion to table failed of adoption.
The resolution failed of adoption for lack of nine votes, with Dr. Bernstein, Mrs. Bloom, Ms. Carrion, Mr. Cenci, Dr. Jacoba, Dr. Tam, Mrs. Everett, and Mr. Murphy voting YES, and Mr. Fink, Mr. Howard, and Mr. Pressley voting NO.

B. BARUCH COLLEGE - ESTABLISHMENT OF THE EXECUTIVE PROGRAMS PROFESSORSHIP:

RESOLVED, That the Board of Trustees of The City University of New York approve the establishment of the Executive Programs Professorship at Baruch College.

EXPLANATION: The School of Business and Public Administration of Baruch College has created an endowment, supported on a continuing basis by corporate and individual contributions, to establish the Executive Programs Professorship. The purpose of this professorship is to attract or retain superior faculty in the highly competitive disciplines of School of Business and Public Administration.

Criteria for selection, in addition to the appropriate academic credentials, will include a significant scholarly publication record in business administration.

After appointment through normal Personnel and Budget Committee procedures, the recipient shall be designated by the President of the College, upon the recommendation of the Dean of the School of Business and Public Administration. The Professorship will be awarded for a one-year term and the incumbent may be a candidate for renewal.

The income from the endowment shall be used at the discretion of the President to provide an annual salary supplement and/or funds for research support, equipment, or supplies.

C. BARUCH COLLEGE - ESTABLISHMENT OF THE CORPORATE ASSOCIATES PROFESSORSHIP:

RESOLVED, That the Board of Trustees of The City University of New York approve the establishment of the Corporate Associates Professorship at Baruch College.

EXPLANATION: The School of Business and Public Administration of Baruch College has created an endowment, supported on a continuing basis by corporate and individual contributions, to establish the Corporate Associates Professorship. The purpose of this professorship is to attract or retain superior faculty in the highly competitive disciplines of School of Business and Public Administration.

Criteria for selection, in addition to the appropriate academic credentials, will include a significant scholarly publication record in business administration.

After appointment through normal Personnel and Budget Committee procedures, the recipient shall be designated by the President of the College, upon the recommendation of the Dean of the School of Business and Public Administration. The Professorship will be awarded for a one-year term and the incumbent may be a candidate for renewal.

The income from the endowment shall be used at the discretion of the President to provide an annual salary supplement and/or funds for research support, equipment, or supplies.

D. AMENDMENT OF BOARD OF TRUSTEES COMMITTEE STRUCTURE RESOLUTION: The resolution was moved and seconded:

Dr. Bernstein stated that she had one remaining question with respect to this Item. In referring to the wording which specifies that if a Committee quorum is not present, and the Chair determines that it is important not to delay Board action, and the Committee is polled with a majority, including two Trustees, approving the Item, the
Item may be placed on the Board calendar, Dr. Bernstein suggested that it read that the item shall be placed on the Board calendar because she felt that too much authority should not be placed on the Chair to determine whether or not the item will come to the Board. She also suggested that another change should read "with a notation of the manner in which the item has been forwarded to the Board."

The Chairperson stated that the word "may" really means "shall." Otherwise, it would have no meaning.

Vice-Chancellor Bloom stated that the "may" was intended to mean that if there is no quorum, in unusual circumstances where there is a pressing issue and the Chair followed the procedures, the Chair may at his or her discretion place it on the calendar. The understanding was that in ordinary circumstances this would not occur. The issues come up at some June Committee meetings when there have been actions that need to be adopted before the beginning of the next semester, and even if there is no quorum at the Committee meeting, it is important to move the matters forward. That was the genesis of this resolution.

Mr. Fink indicated that it was meant to mean that "may" referred to poll, and that then it "shall" be placed on the calendar.

The Chairperson stated that to him in this context "may" means "shall." The option is with the Chair to make a determination as to the importance of the issue.

Mr. Fink stated that it was clear that "may" means "shall."

The Chairperson stated that if the item is adopted, the minutes would reflect the discussion.

The following resolution was adopted.

RESOLVED, That the resolution regarding Board of Trustees Committee Structure adopted by the Board of Trustees on October 27, 1980, Calendar No. 10, and amended on May 24, 1986, Cal. No. 10.D., and April 23, 1990, Calendar No. 6.D., be further amended as follows:

(1) Each standing committee shall consist of six or fewer Trustee members, with a minimum of four Trustee members and one Faculty and one Student representative, appointed in accordance with paragraph 2 below. The Committee for Long-Range Planning, a special committee, shall include the Chairperson of the Board as Chair, the Vice Chairperson of the Board as Vice Chair, the Chairperson of the five Standing Committees, and the Chairpersons of the University Faculty Senate and University Student Senate as ex officio members of the Committee.

(2) The members of the standing committees of the Board and the chairperson and vice chairperson of each such committee shall be designated by the Chairperson of the Board. Each Trustee appointed to a committee of the Board shall be entitled to vote on the matters before the Committee. In addition, each year the Chairperson of the Board shall appoint one faculty member after consultation with the Chairperson of the University Faculty Senate and one City University student after consultation with the Chairperson of the University Student Senate to sit with and serve as members of each of the five standing committees. When the Chairperson of the Faculty Senate or Chairperson of the University Student Senate is appointed to a standing committee, such Chairperson shall constitute the respective faculty or student member of the committee. Each committee member shall individually and without power of substitution or delegation, during the term of his or her appointment, be entitled to vote on the matters before the committee. In addition, the Chairperson of the Board may appoint one alternate faculty member, after consultation with the Chairperson of the University Faculty Senate, and one alternate City University student, after consultation with the Chairperson of the University Student Senate, to sit with and serve as members of each of the standing committees in the absence of the designated faculty or student members, respectively, and accordingly be entitled to vote and be counted for purpose of a quorum in any vote of such
committee. In the event the faculty or student member of a committee resigns or is otherwise unable to serve, the alternate faculty or student member, respectively, shall not automatically succeed to the position of faculty or student member. Students must satisfy the Board's "Eligibility Guidelines for the University Student Senate" to be appointed and continue to serve as member or alternate member of a Board committee.

(3) A majority of the members of the Committee shall constitute a quorum for the conduct of the work of the Committee, provided, however, that at least 3 Trustee members shall participate in any vote of the Committee. A majority of the Committee members rather than a majority of the quorum shall be required for an action of a Committee to be forwarded to the Board for approval. If a quorum of the Committee is present, and a resolution, which does not receive a vote of the majority of the members of the Committee, receives a vote of the majority of those present and voting, including at least two Trustee members, it shall be forwarded to the Board with a notation that the resolution is recommended by a majority of the members of the Committee present at the meeting of the Committee, including at least two Trustee members, but not by a majority of the Committee members. If a quorum is not present at a Committee meeting and if the Chair determines that it is important for Board action not to be delayed, the Chair of the Committee may poll the Committee members, and if a majority of the Committee members, including at least two Trustee members, support the resolution, it may be placed on the Board calendar, with a notation that it is placed on the calendar at the request of the Chair.

(4) The Chairperson of the Board, and Vice-Chairperson of the Board in the absence of the Chairperson of the Board, shall be a member ex officio of all standing committees, and accordingly shall be entitled to vote and be counted for purpose of a quorum in any vote of such committee.

(5) All actions of Board Committees shall be advisory and subject to review and approval by the Board.

NOTE: Matter underlined is new.

EXPLANATION: The resolution clarifies the authority of the Chair of a Committee to place a resolution on the Board calendar - even though a quorum was not present at the Committee meeting - if the Chair has determined that it is important that Board action not be delayed, and if a poll of the Committee members reveals that a majority of the Committee members, including at least two Trustee members, support the resolution. There have been occasions when important items have been on a Committee agenda and have had the support of Committee members, but could not be formally voted upon because of the lack of a quorum.

NO. 9. COMMITTEE ON ACADEMIC POLICY, PROGRAM, AND RESEARCH: RESOLVED, That the following item be approved:

A. BARUCH COLLEGE - B.A. IN ELEMENTARY AND EARLY CHILDHOOD EDUCATION:

RESOLVED, That the program in Elementary and Early Childhood Education leading to the Bachelor of Arts to be offered at Baruch College be approved, effective September 1990, subject to financial ability.

EXPLANATION: The proposed program is designed to meet the educational needs of students who seek to qualify for the State Education Department requirements for provisional certification as Elementary and Early Childhood teachers. The program is intended to serve the multicultural population of New York City by preparing prospective teachers who value differences among people. In addition, these prospective teachers will be provided the professional knowledge to enable them to apply their understanding of the liberal arts and of cultural pluralism to learning in the elementary and early childhood education classroom. The proposed curriculum is comprised of existing courses that are currently offered on a regular basis at the College and qualified faculty are already in place to offer all the courses in the program.
The program has been developed as a result of the College's efforts to revise its elementary teacher preparation program in accordance with recommendations made by the Board of Trustees' Task Force on Education Programs and Curriculum Impact which were endorsed by the Board of Trustees on March 21, 1988.

NO.10. COMMITTEE ON PUBLIC AFFAIRS: RESOLVED, That the following reports be noted:

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

(1) On May 17, the Robert J. Kibbee Award Committee met and identified several finalists for consideration. The Committee will meet again on May 29 and, after consultation with the Chancellor, recommend the 1990 recipient.

(2) The Committee on Public Affairs held a special meeting to review recent campus events and to consider the public policy implications of State and City budget issues. The Committee will continue to monitor the situation and report to the Board as appropriate.

(3) On May 8, the Board of Trustees held a breakfast for the City Council. It was well attended and the statements by the Council leadership at the event were encouraging. Hopefully, the statements will be "redeemable" at the City's budget bank.

(4) The annual Salk Scholarship award ceremony will be held on Tuesday, June 5, 1990, at 9:30 A.M. to 11:30 A.M. at the Graduate Center in Room 1700. Mrs. Bloom urged all to attend this important event.

The Chairperson acknowledged the efforts of the Public Affairs Committee in the successful funding through MAC monies of the John Jay gap and the City Tech gap in the University budget, as previously announced by the Chancellor.

NO. 11. JOHN JAY COLLEGE OF CRIMINAL JUSTICE: Ms. Carrion made the following statement with respect to the situation at John Jay College.

She stated that all are aware of the situation at John Jay College. The Board has been briefed about this. Ms. Carrion had been asked on behalf of a number of educators from the College community to read a statement on their behalf, and she proceeded to do so.

"We, the undersigned concerned Dominican educators hereby express our dismay at the current fiscal crisis of New York which has compelled many minority and working class students to engage in acts of civil disobedience throughout The City University of New York. We support the initiative of student demonstrators all over CUNY and particularly the courageous actions of those at John Jay College of Criminal Justice. They have taken the leadership In combatting the economic war currently being waged against minority and working class people in the City, especially those wishing to attain a college education to which they are entitled. Consequently, we deplore the violent and oppressive measures with which the Administration at John Jay chose to address the protest on May 8, 9, 10 of 1990, when the police were called and many of the children of our community were brutalized and sustained serious injury and all suffered incarceration. We should not dwell on the cruelty and tyranny of these measures. We shall mention only their thoughtlessness, for such action clearly exhibits the Administration's perception that the student demonstrators are the problem and that the problem's solution lies In restraining them at all costs even through the use of violence. But such a perception fails to see the obvious, namely, that our children are merely reacting to a problem that affects all of us in the City and which a show of force will do nothing to resolve. The proposed budget cuts and the resulting reduction In instructional support services plus the hike In tuition throughout CUNY threatens to close the doors of the University to working class and minority students. Should this be allowed, It would constitute a shameless return to a time when a college education was the exclusive privilege of the affluent. In choosing to avert this disastrous historical regression, the student demonstrators at John Jay are only seeking to rescue the promise of an education which our professed democracy makes to all its members. When the demands of the student demonstrators are met, when they succeed in their struggle, they will not be the only beneficiaries of their initiative. We all shall have something to gain. We all
shall feel safer in a City where all our children, including the children of police officers who charged against
our student demonstrators on May 8, 9, and 10, can continue to enjoy the opportunity of a college education. At
the same time, in a very real sense, these student demonstrators are protecting more than just the promise of
access to higher education. They are fighting also to safeguard the entire CUNY community's employment. In a
fiscal crisis like the one our City is currently facing, nobody is safe from adverse employment consequences, not
even tenured faculty or the permanent staff. As the cancer of economic crisis spreads, the number of those
affected by it grows. Not even the wellbeing of college deans and presidents, who are clearly less at risk, is
wholly invulnerable to this cancer. It should be borne in mind that neither the students at John Jay nor those
engaged in comparable acts of civil disobedience elsewhere in CUNY are acting recklessly. They are not irrational
beings. They are not troublemakers. They are not unruly youngsters. They are acting under the compulsion of
historical imperative. They have understood the consequences of proposed budgetary restrictions to the future of
their community. They have realized that it is their responsibility to take a stand, and they have risen to the
occasion. In that respect they have become the voice of their community and are responsibly exercising the right
to dissent. We are certain that the student demonstrators at John Jay would much rather be home, guarded by the
protective atmosphere of their abodes than confine themselves to a college building surrounded often by
administrators and conservative faculty. They would rather be outside eating well, enjoying the free life that
youngsters are naturally attracted to than deprive themselves of basic comforts and endanger the physical and
mental wellbeing in their chosen entrenchment. They would rather sleep in the domestic warmth of their own beds
than in the inhospitable coldness of classrooms and hallways. Yet they have chosen to sacrifice themselves in this
way in order to save the CUNY community from impending doom and in that have shown the capacity for selfless
action. We are humbled by the determination of these student demonstrators, their sage vision, and their
commitment to ridding our society of inequities. We applaud their maturity and civility as manifested in their
effective care of the campus areas that they have so far seized. We celebrate their efforts to maintain an
attitude of open negotiations, to keep their discourse at a humanistic level, and to seek to engage in dialogue
with the Administration. Therefore, on behalf of the Dominican community of New York and in view of the larger
number of Dominican and other Latino students who attend the John Jay College of Criminal Justice, we are urging
you to use all the power vested in you to ensure that negotiations at the College follow a democratically
acceptable course, recalling your long distinguished record of support of just causes, to persuade the
Administration at John Jay that talks must continue and under no circumstances should the use of force be deemed a
viable option. We have the safety of our children in your hands. We hope you succeed in preventing irrationality
from having its way. The community will not suffer any more of its children to be injured by the precipitous
decisions of college administrators who, seemingly out of touch with CUNY's historical mission as a public
institution of higher education, tend to perceive the students who demonstrate, not the crisis which compels them
to demonstrate, as the enemy of the University."

It is respectfully signed by eight members of faculty from various colleges within the University.

NO. 12. FORMER TRUSTEE MARIA CANINO: The Chairperson stated that Maria Canino regrets that she will not
be attending any future Board meetings. She had intended to continue through the end of the academic year. Her
decision to establish immediate residency in New Jersey has required that she resign effective immediately. She
remains committed to CUNY and ready to serve the interests of the University whenever she finds it possible. The
Board will find a suitable opportunity to honor former Trustee Maria Canino at a time in the near future.

NO. 13. ACTING COUNSEL MICHAEL SOLOMON: The Chairperson acknowledged the great work of Michael Solomon,
performed when he was Acting Counsel for a number of months.

The Chairperson asked that the public meeting be adjourned in memory of a former Vice-Chair of the Board, Franklin
Williams, who died the day of the meeting. He was a very distinguished public servant.

Upon motions duly made, seconded and carried, the Board went into executive session to consider personnel
matters. The public meeting was adjourned at 6:15 P.M.

ACTING SECRETARY ETTA G. GRASS
MINUTES OF THE EXECUTIVE SESSION OF THE BOARD OF
TRUSTEES OF THE CITY UNIVERSITY OF NEW YORK
HELD
MAY 21, 1990
AT THE BOARD HEADQUARTERS BUILDING
535 EAST 80TH STREET – BOROUGH OF MANHATTAN

The Chairperson called the Executive Session to order at 6:22 P.M.

There were present:

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

Blanche Bernstein
Sylvia Bloom
Gladys Carrion
Louis C. Concl
Stanley Fink

William R. Howard
Harold M. Jacobs
Calvin O. Pressley
Thomas Tam

Robert A. Picken, ex officio

Robert E. Díaz, General Counsel and Vice Chancellor for Legal Affairs

Chancellor Joseph S. Murphy
Deputy Chancellor Laurence F. Muccillo
Vice Chancellor Ira Bloom
Ms. Stella Cortijo

The absence of Mr. Del Giudice, Mrs. White, and Mr. Mayers was excused.
Upon motions duly made, seconded and carried, the following item was adopted:

**NO. E1. CENTRAL OFFICE - ACTION AFFECTING A LEGAL ORDER, ARBITRATOR'S AWARD OR SETTLEMENT AGREEMENT (INSTRUCTIONAL STAFF):**

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Appointment pursuant to Section 13.3B of PSC/CUNY Agreement as per a settlement agreement. Not subject to annual reappointment.

Dr. Bernstein and Mr. Fink voted NO.

Upon motions duly made, seconded and carried, the Executive Session was adjourned at 6:50 P.M.

**ACTING SECRETARY ETTA G. GRASS**