Minutes of Proceedings, February 24, 1992

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

HELD

FEBRUARY 24, 1992

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

The Chairperson called the meeting to order at 4:40 P.M.

There were present:

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

Herman Badillo
Blanche Bernstein
Sylvia Bloom
Louis C. Cencl

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

Jean C. LaMarre, ex officio

Robert A. Picken, ex officio

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

Chancellor W. Ann Reynolds
Deputy Chancellor Laurence F. Muccillo
President Raymond C. Bowen
President Roscoe C. Brown, Jr.
President Josephine Dunbar Davis
President Leon M. Goldstein
President Matthew Goldstein
President Bernard W. Harleston
President Frances Degen Horowitz
President Edison O. Jackson
President Augusta Souza Kappner
President Shirley Strum Kenny
President Paul LeClerc
Acting President James N. Loughran

President Gerald W. Lynch
President Charles E. Merideth
President Isaura S. Santiago
President Kurt R. Schmeller
President Edmond L. Volpe
Sr. Vice Chancellor Donal E. Farley
Vice Chancellor Ira Bloom
Vice Chancellor Joyce F. Brown
Acting Vice Chancellor Allan H. Clark
Vice Chancellor Jay Hershenson
Acting Vice Chancellor Marcia V. Kelz
Vice Chancellor Richard F. Rothbard
Dean Haywood Burns
Dean Stanford R. Roman, Jr.

The absence of Ms. Carrion, Mr. Del Giudice, and Mr. Fink was excused.
A. CONDOLENCES - CHANCELLOR EMERITUS ALBERT H. BOWKER: The Chairman announced with regret the passing on February 1, 1992, of the wife of Chancellor Emeritus Albert H. Bowker, Rosedith Sitgraves Bowker, who was a statistician and taught for many years at Stanford and Columbia. She will be missed. The Chairman, Chancellor, and several other present and former members of the University community attended a memorial service for her in Washington, D.C., on February 15.

B. CONDOLENCES - PRESIDENT SHIRLEY STRUM KENNY: The Chairman announced with regret the passing of the father of President Shirley Kenny, Marcus Leon Strum, on February 20. He extended the Board's condolences and best wishes to President Kenny and her family.

C. PRESIDENTIAL HONOR - BRONX COMMUNITY COLLEGE: President Roscoe C. Brown, Jr., received the Intrepid Sea-Air-Space Museum's Meritorious Achievement Award during a salute to Black Military Pioneers of WWII. President Brown, who commanded the 100th Fighter Squadron of the Tuskegee Airmen, is credited with being the first U.S. pilot to down a Nazi jet.

D. ALUMNI HONORS - THE CITY UNIVERSITY SCHOOL OF LAW AT QUEENS COLLEGE: Sandra J. Lowe, a 1987 CUNY Law graduate, has been appointed Director of the Governor's Office for Lesbian and Gay Concerns by Governor Mario Cuomo.

E. FACULTY HONORS: 1) President Arpad Goncz has bestowed the Commemorative Medal of 1956 on Professor of Geology Stephen Lakatos of York College for his courageous role against the Hungarian Communist regime in the fall of 1956.

2) Nancy G. Siraisi, Distinguished Professor of History at Hunter College, whose book Medieval and Early Renaissance Medicine was named the outstanding book in the history of science directed toward the general public by the History of Science Society.

3) Daniel D. McCracken, Professor of Computer Sciences at City College, has been selected to receive the 1992 SIGCSE (Special Interest Group on Computer Science Education) Award for Outstanding Contributions to Computer Science Education.

4) Marsha A. Martin, Associate Professor of Social Work at Hunter College, has been named Chief Advisor to Mayor Dinkins on issues affecting homeless women.

5) Michael Parker, Director of the Adult Literacy Program at Borough of Manhattan Community College, received the 1991 Outstanding Student Research Award presented by the National Reading Conference.

6) Camille Stoney Bodden, Assistant Professor of Nursing at Queensborough Community College, was recently named to the American Heart Associate Council on Nursing.

7) CUNY Law School Professor Merrick T. Rossein has been appointed Commissioner on the New York City Equal Employment Practices Commission. Governor Cuomo has appointed him to the New York State Sexual Harassment Task Force.

F. STUDENT HONORS - THE CITY UNIVERSITY SCHOOL OF LAW AT QUEENS COLLEGE: Lori Nessel, a third-year student graduating in May, 1992, has won the prestigious Skadden Arps Public Interest Fellowship. Only 25 fellowship awards are given nationally.

G. GRANTS: Chairman Murphy presented for inclusion in the record the following report of Grants $100,000 or above received by the University since the last Board meeting:

**Baruch College:**

a. $158,651  **U.S Department of Education to Associate Provost Herminio Martinez, School of Education and Educational Services, for Educational Personnel Training Program: Project BETA.**

b. $470,000  **New York State Department of Social Services to Professor H. Jack Shapiro, Center for Management, for Child Support Enforcement Training and Video.**
Minutes of Proceedings, February 24, 1992

Borough of Manhattan Community College:

a. $900,384 New York State Educational Department to Sandra Poster for VATEA/Post Secondary.

The City College:

a. $129,703 DOE to A. Acrivos, Levich Institute, for "The Rheology of Concentrated Suspensions."

b. $100,000 AFSOR to R. Alfano, Physics, for "Nonlinear Photon Localization for High Intensity Laser Projection Systems for Photodetectors and the Eyes."

c. $132,263 New York State Education Department to M. Marin, Education Administration, for "The Skills and Language Development Program."

d. $140,085 Triborough Bridge TA to R. Paaswell, Transportation, for "Optimal Tolls for Triborough Bridge and Tunnel Authority."

e. $155,440 ONR to D. Weiss, Earth, Atmospheric Science, for "Marine & Atmospheric Sciences Opportunities for Socially or Economically Disadvantaged Scholars."

The College of Staten Island:

a. $139,906 NIGMS to Fred Naider for Peptide Cell Interactions in Saccharomyces Cerevisiae.

b. $123,730 NIH to Andrzej Wieraszko for Role of ATP in Neurotransmission.

LaGuardia Community College:

a. $254,262 NYC to Robert Rosa, Continuing Education Division, for New York City Fire Department CPR Training Program.

b. $123,654 NYC to Shirley Miller, Continuing Education Division, for the Correctional Consortium Program.

New York City Technical College:

a. $116,067 United States Department of Health and Human Services to Professor Shirley Tyson for Gerontological Nursing.

b. $123,194 NYS Education Department to Director Janice Rimler for Programs for Deaf and Hearing Impaired Students.

c. $186,909 NYS Education Department, Vocational Education Act to Director Vernon Charms for Brooklyn Educational Opportunity Center.

d. $206,464 NYS Education Department to Director Karen Shaffol for Adult Learning Center.

e. $350,000 NYS Division of Social Services to Director Maria Grieco for Public Assistance Comprehensive Employment Program.

York College:

a. $311,782 NYS Department of Education to V.P. James Hall/Mr. Ronald Thomas, Adult and Continuing Education, for NYS Adult Literacy Initiative.

b. $175,000 U.S. Small Business Administration/RF-SUNY to V.P. James Hall/Mr. James Heyliger, Adult & Continuing Education, for NYS Small Business Development Center.
H. BROOKLYN COLLEGE: Chairman Murphy introduced Acting President James Loughran and welcomed him.

I. ORAL REPORT OF THE CHANCELLOR: The Chancellor joined with Chairman Murphy and the Board of Trustees in expressing deepest sympathies to President Ricardo Fernandez on the passing of his father this past week.

Chancellor Reynolds pointed out that Phase One Admissions data for the Fall 1992 semester are even higher than were preliminarily reported. Completed data indicate that admissions CUNY-wide are up 9.2% overall. Enrollment was up 14.9% at the community colleges and 7.3% at the senior colleges last fall. CUNY continues to be a highly sought after institution and she complimented the presidents for taking on the challenge of increased enrollments in the face of a very difficult budget situation.

She noted that the Governor's 30-day amendment period is now completed. Copies of the University's testimony before the Assembly Ways and Means and Senate Finance Committees were sent to the Trustees.

She reminded the Trustees that the University's major priorities in the current legislative session for the senior colleges are the following: the State has administered a $52.7 million cut that is to be compensated for by a $500 tuition increase. The University is also appealing that the State restore the lump sum reduction of $24.5 million that was bestowed upon the senior colleges. The New York City Technical College/John Jay College problem continues to be handed off by the State to the City in the amount now of $13.1 million.

The University is appealing this item most strongly. The Administration has been working with President Jackson on a transitional plan to restore Medgar Evers College to senior college status that would have no cost to the City this year and in which the campus would reach certain goals. Costs would be phased in for the State to defer them until the State's financial situation improves. The Administration must press for clarification as to whether that has been agreed to by the State. The University is seriously concerned about the Aid for Part-Time Students Program. We need $3 million more in that program plus a match for federal student aid. In order to qualify for federal student aid for our needy students the University needs another $900,000. To fulfill various parts of the PSC contract, and to deal with Other than Personnel Services inflation the University needs a $12 million restoration.

Something that is not very glamorous but is terribly important, CUNY has opened several new buildings this past year, (the new building at LaGuardia, the music building at Queens, etc.) for which the University received no staffing money to maintain, clean or care for these buildings. This item requires $7.5 million. The University Security Initiatives requires $3 million. The PSC Research Awards were suddenly and unexpectedly cut out at the end of last year's budget and the University is requesting a restoration of $1.4 million. The Einstein/Schweitzer Chairs, in which reside some of the University's most distinguished faculty, were cut $500,000 and the University urgently believes they need to be restored. She said this is not a big item in money but it is very important with respect to the academic quality of CUNY.

At the community college level there is a community college base aid cut of $80 per FTE student for a total of $4.3 million. The University very much needs that money restored as it is on very, very thin ice with respect to overall community college funding right now. The University is determined to get restoration of its categorical programs including part-time student needs, instructional equipment, youth internship programs and other programs such as this.

The Chancellor noted that she has mentioned to the Board before about the Article VII bills that attempt to make CUNY no longer the fine University it is but instead a State agency. Those are completely unacceptable to this Board. Lay government is very, very important in the management and oversight of the City University of New York. If enacted, these bills would basically cut deeply into the authority that this Board has to oversee the City University of New York. The Administration's activities are ongoing and many people in the room are involved in them.

She has had very productive meetings with Stanley Hill, the president of D.C. 37 and PSC president Irwin Polishook and his officers. On Friday she had a very productive two-hour meeting with student government leaders from all of the campuses as well as their deans of students to discuss strategy and to obtain their cooperation in the letter-writing drive, visits to legislators, and voter registration. The University is putting together a coalition of key labor, business, and civic groups and working with the student leadership to point out how the University provides a very real economic benefit when it is funded and can take all of the students who want to come to it. She commended the college presidents who are working very hard, along with faculty leaders, and who are helping the Administration keep in constant touch with key legislators. She and the Administration are also working with the State University of New York and the private colleges both personally and through their lobbying organizations to present a unified front.
Chancellor Reynolds mentioned that the University has taken a somewhat unusual process this year in order to assess better the impact on the campuses of the Governor's budget. To this end, Vice Chancellor Rothbard got the tentative budget numbers out to all of the campuses a week ago, and the presidents quite heroically responded by Friday of last week. The presidents were reporting on what the budgets for the campuses would be if there were no restorations in the Governor's or City budgets. Colleges were requested to respond with detailed indications of the steps they would have to take if they had to implement these way too small allocations. The responses back from the campuses are grim, particularly with respect to full-time staff. Although the responses have not been fully analyzed a quick analysis indicates that at the senior colleges 589 full-time positions would have to be eliminated through attrition, non-reappointment, or layoff. At the community colleges as many as 219 full-time positions would have to be cut. Such losses would affect all aspects of operations from classroom teaching to custodial services. In addition to position cuts, vast amounts of adjunct teachers and hourly staff would lose their jobs, and expenditures on supplies, equipment, library books and contractual services would be radically reduced.

Finally, Chancellor Reynolds noted that she had announced at the last Board meeting that she was putting together a committee to advise on Academic Program Planning. The results of this committee's work will be brought to the Board's Committee on Fiscal Affairs, Facilities and Contract Review to contemplate as the University moves through this difficult fiscal time but equally importantly contemplate what the Board and the Administration want the University to be like in the 1990's. As this process moves along the recommendations emanating from the Fiscal Affairs Committee will come to the entire Board. The Academic Program Planning will be chaired by President Leon M. Goldstein. The members are Distinguished Professors Abraham Ascher, Robert Callender, Roy DeCarava, N. John Hall, Katherine Harris, and Jane Connor Marcus. The additional presidents serving on the committee are Presidents Fernandez, Horowitz and Meredith. Chancellor Reynolds added that the results of the Committee on Academic Program Planning needed also to be presented to the Board's Committee on Academic Policy, Programs, and Research and that a bifurcated arrangement would be created.

Upon motions duly made, seconded and carried, the following resolutions were adopted (Calendar Nos. 1 through 7)

NO. 1. UNIVERSITY REPORT: RESOLVED, That the University Report for February 24, 1992 (including Addendum Items) be approved, as revised as follows:

(a) ADDENDUM: Revise the following:

D.9. YORK COLLEGE - PROMOTION IN COLLEGE LABORATORY TECHNICIAN SERIES: The entry for Ching-See Chan is withdrawn.

(b) PART AA: Revise the following:

AA.3 THE CITY COLLEGE - PERSONNEL ACTION - APPOINTMENT WITH WAIVER OF THE BYLAWS (COMMITTEE APPROVAL NOT REQUIRED) APPROVAL BY OFSR: The salary rate for Marilyn Santomauro is revised to read $44,246.

(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 February 24, 1992 (including Addendum Items) be approved, as revised as follows:

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

ERRATA - Add the following:

THE CENTRAL OFFICE

Page BOO1 REVISION OF PREVIOUS ACTION TAKEN BY THE BOARD (INSTRUCTIONAL STAFF - ANNUAL): The functional title for Michael Puglisi is revised to read Acting Director of University Contracting.
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. 3. APPROVAL OF MINUTES: RESOLVED, That the minutes of the regular Board meeting and executive session of January 27, 1992 be approved.

NO. 4. COMMITTEE ON FISCAL AFFAIRS, FACILITIES AND CONTRACT REVIEW: RESOLVED, That the following items be approved, and report noted:

A. YORK COLLEGE - UNIFORMED GUARD SERVICE:

RESOLVED, That the Board of Trustees of The City University of New York authorize the Secretary of the Board to execute a contract on behalf of York College to purchase Uniformed Guard Service. The contract shall be awarded to the lowest responsible bidder after public advertisement and sealed bidding by the College pursuant to law and University Regulations. Such purchase shall not exceed a total estimated cost of $1,250,100. for the annual period from July 1992 to June 30, 1993, chargeable to FAS Code 70080-176-9201-806-2-348-01430. The contract shall include up to four annual options for the College to renew in its best interest with provision for escalation reflecting increases as permitted by law but in no event to exceed 10% per annum. The contract shall be subject to approval as to form by the University Office of General Counsel.

EXPLANATION: The Uniformed Guard Service is essential to the security of the College.

B. HOSTOS COMMUNITY COLLEGE - INTERACTIVE MICRO LEARNING LABORATORY:

RESOLVED, That the Board of Trustees of The City University of New York authorize the Secretary to execute a contract or contracts on behalf of Hostos Community College for the acquisition and installation of equipment for an Interactive Micro Learning Laboratory with the lowest responsible bidder or bidders after advertisement and public bidding by the College pursuant to law and University regulations, or to purchase the same through existing, State, City or Board of Education of the City of New York contracts, in either event the total cost of such purchases shall not exceed a total estimated cost of $100,000 chargeable to Capital Project HN-X001 (CUNY Project HS020-990, CP# 31546).

EXPLANATION: Capital Project HN-X001 provides the sum of $100,000 for the acquisition and installation of equipment to establish an Interactive Micro Learning Laboratory which will be primarily dedicated for the instruction of students requiring strengthening in basic and linguistic skills.

C. HOSTOS COMMUNITY COLLEGE - ADVANCED COMPUTER TECHNOLOGY CLASSROOM:

RESOLVED, That the Board of Trustees of The City University of New York authorize the Secretary to execute a contract or contracts on behalf of Hostos Community College for the acquisition and installation of computer equipment for an Advanced Computer Technology Classroom with the lowest responsible bidder or bidders after advertisement and public bidding by the College pursuant to law and University Regulations, or to purchase the same through existing, State, City or Board of Education of the City of New York contracts, in either event the total cost of such purchases shall not exceed a total estimated cost of $125,000 chargeable to Capital Project HN-X001 (CUNY Project HS019-990, CP# 31549).

EXPLANATION: Capital Project HN-X001 provides the sum of $125,000 for the acquisition and installation of equipment to establish an IBM Advanced Computer Technology Laboratory which will enable the college to support instructional efforts through the teaching of test taking skills, which are critical to student success, particularly in the Allied Health Sciences where students who are often Spanish dominant must pass licensing exams which are designed for the English dominant.

D. LAGUARDIA COMMUNITY COLLEGE - CLEANING SERVICES:

RESOLVED, That the Board of Trustees of The City University of New York authorize the Secretary of the Board to execute a contract for Cleaning Services on behalf of LaGuardia Community College. The contract shall be awarded to the lowest responsible bidder after public advertisement and sealed bidding by the College pursuant to law and University regulations, the cost of such purchase not
Minutes of Proceedings, February 24, 1992

exceeding a total estimated cost of $1,650,000 chargeable to code 217801404 for the period July 1, 1992 thru June 30, 1993 or such other funds as may be available; said contract contains up to four (4) annual options by the College to renew at the same cost, plus escalations not to exceed 10% per annum. The contract shall be subject to approval as to form by the University Office of General Counsel.

EXPLANATION: Cleaning services are essential to insure the safety and health of faculty, staff and students at the College.

E. NEW YORK CITY TECHNICAL COLLEGE - CONTRACT FOR ELEVATOR MAINTENANCE SERVICE:

RESOLVED, That the Board of Trustees of The City University of New York authorize the Secretary to execute a contract or contracts on behalf of New York City Technical College for elevator maintenance with the lowest responsible bidder or bidders after advertisement and public bidding by the College pursuant to law and University regulations for the period July 1, 1992, to June 30, 1993, at a total cost of $183,292 chargeable to code 2-177-01-502 or such other funds as may be available, said contract to contain up to four (4) annual options by the college to renew at the same cost, plus escalations not to exceed 6% per annum.

EXPLANATION: These maintenance services are required for the elevators in all the locations of the College.

F. CENTRAL OFFICE - PLASTIC BAGS:

RESOLVED, That the Board of Trustees of The City University of New York authorize the Secretary of the Board to execute a contract on behalf of the senior and community colleges to purchase plastic bags. The contract shall be awarded to the lowest responsible bidder after public advertisement and sealed bidding by the University pursuant to law and University regulations. Such purchase shall not exceed a total estimated cost of $205,000 for the annual period from July 1, 1992 to June 30, 1993, chargeable to the appropriate college FAS codes. The contract shall include up to four annual renewals which the University may choose to exercise at its own option with provision for escalation reflecting increases as permitted by law but in no event to exceed 15% per annum. The contract shall be subject to approval as to form by the University Office of General Counsel.

EXPLANATION: This action will permit the writing of a University-wide contract to provide plastic bags to those colleges requiring them. It is anticipated that a University master contract will result in substantial savings when compared with the current practice of individual college purchases for this commodity.

G. CENTRAL OFFICE - PRINTING OF CLASS SCHEDULES:

RESOLVED, That the Board of Trustees of The City University of New York authorize the Secretary of the Board to execute a contract on behalf of the senior and community colleges to purchase the printing of class schedules. The contract shall be awarded to the lowest responsible bidder after public advertisement and sealed bidding by the University pursuant to law and University regulations. Such purchase shall not exceed a total estimated cost of $250,000 for the annual period from July 1, 1992 to June 30, 1993, chargeable to the appropriate college FAS codes. The contract shall include up to four annual renewals which the University may choose to exercise at its own option with provision for escalation reflecting increases as permitted by law but in no event to exceed 15% per annum. The contract shall be subject to approval as to form by the University Office of General Counsel.

EXPLANATION: This action will permit the writing of a University-wide contract to print semester class schedules for those colleges requiring this service. It is anticipated that a University master contract will result in substantial savings when compared with the current practice of individual college contracting.

H. CENTRAL OFFICE - AIR MANAGEMENT SYSTEMS MAINTENANCE:

RESOLVED, That the Board of Trustees of The City University of New York authorize the Secretary of the Board to execute a contract on behalf of the senior and community colleges to purchase air management maintenance service. The contract shall be awarded to the lowest responsible bidder after public advertisement and sealed bidding by the University pursuant to law and University regulations. Such purchase shall not exceed a total estimated cost of $965,000 for the annual period from July 1, 1992 to June 30, 1993, chargeable to the appropriate college FAS codes. The contract shall include up to four annual renewals which the University may choose to exercise at its own option with provision for escalation reflecting increases as permitted by law but in no event to exceed 15% per annum. The contract shall be subject to approval as to form by the University Office of General Counsel.
EXPLANATION: This action will permit the writing of a University-wide contract to maintain the automatic temperature control systems owned and operated by the individual colleges and units of the University. Contracted programmed maintenance is essential in order to make certain that this critical equipment operates at peak efficiency. It is anticipated that a University master contract will result in substantial savings when compared with the current practice of individual college contracting.

I. CENTRAL OFFICE - ARMORED CAR SERVICE:

RESOLVED, That the Board of Trustees of The City University of New York authorize the Secretary of the Board to execute a contract on behalf of the senior and community colleges to purchase armored car service. The contract shall be awarded to the lowest responsible bidder after public advertisement and sealed bidding by the University pursuant to law and University regulations. Such purchase shall not exceed a total estimated cost of $100,000 for the annual period from July 1, 1992 to June 30, 1993, chargeable to the appropriate college FAS codes. The contract shall include up to four annual renewals which the University may choose to exercise at its own option with provision for escalation reflecting increases as permitted by law but in no event to exceed 15% per annum. The contract shall be subject to approval as to form by the University Office of General Counsel.

EXPLANATION: This action will permit the writing of a University-wide contract to provide armored car service to those colleges of the University requiring it. Certain units require such service in order to transfer cash receipts to bank depositories in a secure and expeditious fashion. It is anticipated that a University master contract will result in substantial savings when compared with the current practice of individual college contracting.

J. CENTRAL OFFICE - HAZARDOUS WASTE REMOVAL SERVICE:

RESOLVED, That the Board of Trustees of The City University of New York authorize the Secretary of the Board to execute a contract on behalf of the senior and community colleges to purchase hazardous waste removal service. The contract shall be awarded to the lowest responsible bidder after public advertisement and sealed bidding by the University pursuant to law and University regulations. Such purchase shall not exceed a total estimated cost of $200,000 for the annual period from July 1, 1992 to June 30, 1993, chargeable to the appropriate college FAS codes. The contract shall include up to four annual renewals which the University may choose to exercise at its own option with provision for escalation reflecting increases as permitted by law but in no event to exceed 15% per annum. The contract shall be subject to approval as to form by the University Office of General Counsel.

EXPLANATION: This action will permit the writing of a University-wide contract to provide hazardous waste removal services to those colleges and units requiring it. It is anticipated that a University master contract will result in substantial savings when compared with the current practice of individual college contracting. This contract will cover waste from classrooms and laboratories. It does not include asbestos abatement, which is handled through the Capital Budget.

K. REPORT: Mr. Howard noted that the last five items involve University-wide contracts in a variety of areas. Essentially Vice Chancellor Rothbard has combined many of the contracts for the institutions to get better bids. He reported that at the last Committee meeting Vice Chancellor Rothbard briefed the members on the Internal Audit draft report on City College, and he hoped that by now all the Trustees have received a copy of the final report. At the suggestion of Mr. Badillo, Vice Chancellor Rothbard will be reviewing many of the other institutions over a period of time. He anticipates that over the next few months the Committee on Fiscal Affairs will have had an absolute review of all the institutions and the processes used to schedule events at the various institutions.

Mr. Howard further reported that he had met with Vice Chancellors Bloom, Rothbard and Clark regarding the Chancellor's committee on review of programs throughout the University. At the next Fiscal Affairs Committee meeting he is hoping that the Committee will encourage the Chancellor to continue on this path as quickly as possible. The Committee agrees that the Committee on Academic Policy, Programs, and Research should participate, perhaps with joint meetings to expedite the process.
Minutes of Proceedings, February 24, 1992

NO. 5. COMMITTEE ON PUBLIC AFFAIRS: RESOLVED, That the following item be approved, and report noted:

A. RESOLUTION OF SUPPORT FOR CHANGING THE BUDGET LAW:

WHEREAS, The budget law agreed to by the Congress and the President in 1990 creates three overall spending categories: defense, domestic, and International; and

WHEREAS, The budget law does not allow for moving funds from one category to another; and

WHEREAS, Considerable downsizing of the defense establishment is currently planned, and will result in large cuts in military spending; Therefore

BE IT FURTHER RESOLVED, That we urge all members of The New York Congressional Delegation to support changes in the budget law to allow increased domestic spending financed by cuts in defense spending; and

BE IT RESOLVED, That a copy of this resolution be forwarded to the offices of all members of the New York delegation.

B. REPORT: Mrs. Bloom reported that the University is celebrating Black History month and the two displays in the lobby are part of that tribute. March has both Women's History month and the Seventh annual Adult Literacy Recognition Program which will be held on March 25th 1992, at The Graduate School and University Center, Room 1700, at 9:00 A.M. Mrs. Joyce Dinkins will help honor adult literacy students selected from the University's campuses.

NO. 6. COMMITTEE ON STUDENT AFFAIRS, AND SPECIAL PROGRAMS: RESOLVED, That the following items be approved:

A. BYLAW AMENDMENT: Notice was served of the introduction of the amendments to Article XVI of the Bylaws of the Board with respect to Section 16.5, College Association. These amendments will come up for action at the March meeting of the Board of Trustees.

Dr. Bernstein asked if the previous item had any bearing on the issue of NYPIRG recently raised in the courts. Chancellor Reynolds said that was a different issue, recently ruled on in the courts, which said that NYPIRG funds have to be used on campuses. She has asked that Vice Chancellor Diaz review the matter and make sure the NYPIRG activities on CUNY campuses are in conformance with that Court of Appeals decision.

Mr. LaMarre noted that over 200 students had signed up to speak at the last public hearing and it is his estimation that more than half the people on that list wanted to address this particular item. To date this is the largest number he has seen request to speak on any particular item. Clearly this is something that concerns the University community, specifically students who pay the student activity fees and are interested to know how those monies are regulated. Chairman Murphy advised that the amendment to Bylaw Section 16 will be subject to a public hearing prior to the March meeting.

B. BYLAW AMENDMENT - STUDENT DISCIPLINARY PROCEDURES: The amendment was moved and seconded.

Mrs. Mounier noted that Committee Chair Carrion invited students to participate in a meeting at Hunter College in November. Subsequently the Committee met in December to hear input from students regarding the Student Disciplinary procedures. There were also two public hearings on this item, one in January and one in February.

Professor Picken Introduced an amendment to Section 15.5b and said the intent of this amendment was to clarify certain aspects of the composition of the faculty-student disciplinary committee. As the Board knows, the Bylaw as proposed was very widely opposed by the faculty. The University Faculty Senate, the Council of Campus Governance heads and the PSC all submitted statements in opposition to this Bylaw at the public hearing. This amendment is the result of protracted negotiations and goes a very long way toward satisfying the faculty's objections to the proposed bylaw. It is offered in the spirit of compromise and collegiality and in order to avoid confrontation on this issue.
Chancellor Reynolds indicated that she had had a long and productive conversation with Dr. Picken and the members of the executive committee of the University Faculty Senate and this amendment grew out of this conversation. She believes that it does help clarify the document that is in front of the Trustees. She also indicated as did Trustee Mounier that there have been several public hearings. She added that many changes evolved as this document moved along. First of all there was a presidential committee which took into account a lot of information and made a lot of changes in the original draft. It was next presented to the Council of Presidents and then to the Committee on Student Affairs. It is a much evolved document and we are supportive of the changes that Trustee Picken has offered here today.

Mrs. Everett stated that in listening very carefully to the students one of the concerns they express about the process is that students will not seriously be sought out in order to participate in the hearings. While she feels confident that the Administration will make every effort to bring students into the hearing process, to allay their fears and to be sure that the process is being carried out in the way everyone expects it will be, she would like to call for a review one year hence so that the Board can see what grievances have been filed at the various colleges and whether in fact students were participants in the grievance committees. If they were not included the Board would need to know what efforts were made to include them. Very serious efforts have to be made to involve the students, whether it's sending certified mail or telegrams or whatever it is to be certain that every effort is made so that the students participate in the grievance hearings.

Chancellor Reynolds said that she would be glad to do that and she is sure Acting Vice Chancellor Kelz and Trustee Carrion, who chairs the Committee on Student Affairs, would be very receptive to that kind of review process coming to that committee.

Mr. LaMarre stated that he for one is vehemently opposed to the proposed changes. He did not think that any one present would argue that due process begins when one is judged by a jury of one's peers. Under this new proposal it is theoretically conceivable that the students don't even have to be present in order for this trial supposedly to go on. With the president given the power to select the chairperson, that seems to him somewhat authoritarian and not in the spirit of democracy. If you are talking about due process then you have to talk about democracy. All the two hundred people who signed up to speak about this proposal at the public hearing were very, very concerned and very frustrated. Again as he stated from the onset he thinks the direction the Board is moving in is counterproductive. He is very much opposed to this proposal.

Mr. Howard stated that although he had no objection to the amendment he wondered why, after the Committee had worked long and hard on this matter, a substitute motion was being presented only now. He questioned the process and noted that he would have preferred to see the Committee review the substitute motion and sign off on it before it was presented to the Board.

Prof. Picken stated that the amendment is being offered in the spirit of compromise. For a very long time it looked like the faculty would not sign off on the disciplinary procedures but as a result of this compromise, which took a very long time to work out, it will.

Mrs. Everett added that as an ex-officio member of the Student Affairs Committee she too was concerned because the faculty representative on that committee had voiced his objections. As a general matter she thinks that if the Board is going to be responsive to suggestions and recommendations that are presented at the hearings which are held one week before a Board meeting and which would give members the impetus to make changes, the only place that that can be done without delaying the item for another month is at the Board meeting itself.

Dr. Tam stated that he thinks this is a substitute amendment and not a substitute motion. Although he was not at the public hearing he has studied the report quite studiously and thinks that some of the issues raised by faculty members and students who spoke need to be taken into consideration. He feels that the substitute amendment is important because it clearly addresses the peer group issue which he presumes to mean that it relates to on-campus students as well as the faculty members. It also addresses the issue of the need to resolve the conflict in an efficient manner. For these reasons he supports the substitute amendment.
Chancellor Reynolds stated that she had met and had a dialog with faculty just last week. She said this motion is more of a clarification amendment rather than any substantive change. She thinks actually the faculty wording improves on mutual intent. Their wording is consonant with the basic intent but makes it clearer that only as a last resort would a faculty member come from another campus. This clarification of the original intent of the presidents and the people preparing the documentation was very reassuring to the faculty.

The following resolution was adopted:

RESOLVED, That Sections 15.3 through 15.7. of the bylaws of the Board be amended as follows:

**Section 15.3 STUDENT DISCIPLINARY PROCEDURES.**

Complaint Procedures:

a. Any charge, accusation, or allegation which is to be presented against a student, and, which if proved, may subject a student to disciplinary action, must be submitted in writing in complete detail to the office of the dean of students promptly by the individual, organization or department making the charge.

b. Notice of the charge shall be personally delivered or sent by the dean of students to the student at the address appearing on the records of the college, by registered or certified mail and shall contain the following:

1. A complete and itemized statement of the charges being brought against the student including the rule, bylaw or regulation he is charged with violating, and the possible penalties for such violation.

2. The time, the date (which shall be as soon as practicable) and the place of meeting with a counselor from the office of the dean of students or a qualified faculty member designated by the dean of students.

3. The student shall be advised of his/her rights in the proceeding and possible consequences. Specifically the notice shall include:

A. A warning that anything he/she may say at this meeting may be used against him/her at a non-college hearing; therefore, he/she may have legal counsel present to advise him/her.

B. A statement of his/her right to remain silent without assumption of guilt.

C. A statement that the counselor is precluded from testifying in a college hearing regarding information received during the interview.

c. At the meeting with the counselor in the office of the dean of students or qualified faculty member designated by the dean of students, the following procedures shall be in effect:

1. An effort will be made to resolve the charges by mutual agreement and where warranted to agree on the disciplinary action to be taken.

2. The counselor, if any agreement is reached, shall report his/her recommendation to the dean of students for affirmation and the complainant shall be so notified.

3. If no agreement is reached, or if the complainant or the student so requests, or if the student fails to appear, a hearing will be scheduled before the faculty – student discipline committee.

d. The student shall be informed in writing by registered or certified mail or by personal service of the hearing with sufficient particularity of the charges and of the time and place of hearing. Notice of at least five school days shall be given to the student in advance of the hearing unless the student consents to an earlier hearing. The notice shall advise the student of his/her right to have legal counsel and witnesses participate at the hearing.
At the hearing, before the faculty-student discipline committee, the following procedure shall apply:

1. The specific charges shall be read to the student. If the student admits the charges are true, he shall be given an opportunity to explain his/her actions before the committee shall decide on the penalty. If the student denies the charge or is silent, the hearing must continue, the accusing party proceeding first. Both sides may introduce evidence and cross-examine witnesses.

2. The college shall make a record of each disciplinary hearing by some means such as a stenographic transcript, a tape recording or the equivalent. A disciplined student is entitled upon request to a copy of such a transcript without cost.

3. The student shall have the option to a closed hearing and the right to request an open public hearing. However, a majority of the committees shall have the right to hold a closed hearing when an open public hearing would adversely affect and be disruptive of the committee's normal operations.

4. The student shall be sent a copy of the committee's decision which shall be final subject to the student's right to appeal.

5. The faculty-student disciplinary committee shall consist of three faculty and three student members plus a chairperson. The faculty members shall be selected by lot from a panel of six elected annually by the appropriate faculty body from among the persons having faculty rank or faculty status and the student members shall be selected by lot from a panel of six elected annually in an election in which all students registered at the college shall be eligible to vote. In the event that the student or faculty panel, or both are not elected, the president shall have the duty to select the panel or panels which have not been elected. No member of the committee shall serve more than two consecutive terms. The chairperson of the committee shall be selected by the committee from among the remaining members of the panel and shall have the power to vote in case of a tie. A quorum shall consist of at least two students and two faculty members. Persons who are to participants in the hearing as witnesses or have been involved in preferring charges or who may participate in appeals procedures or any other person having direct interest in the outcome of the hearing shall be disqualified from serving on the hearing panel. A lawyer from the general counsel's office of the board may be present to act as legal advisor to the committee.

b. The chief student affairs officer of the college or his or her designee will conduct a preliminary investigation in order to determine whether disciplinary charges should be preferred. The chief student affairs officer or his or her designee will advise the student of the charge(s) against him or her, consult with other parties who may be involved or who have information regarding the incident, and review other relevant evidence. Following this preliminary investigation, which shall be concluded within thirty (30) calendar days of the filing of the complaint, the chief student affairs officer or designee shall take one of the following actions:

(i) dismiss the matter if there is no basis for the allegation(s) or the allegation(s) does not warrant disciplinary actions. The individuals involved shall be notified that the complaint has been dismissed;

(ii) refer the matter to conciliation. If a matter is referred to conciliation the accused student shall receive a copy of the notice required pursuant to section 15.30 of this bylaw; or

(iii) prefer formal disciplinary charges.

Conciliation Conference:

c. The conciliation conference shall be conducted by the counselor in the office of the dean of students or a qualified staff or faculty member designated by the chief student affairs officer. The following procedures shall be in effect at this conference:

1. An effort will be made to resolve the matter by mutual agreement.

2. If an agreement is reached, the counselor shall report his/her recommendation to the chief student affairs officer for approval and, if approved, the complainant shall be notified.

3. If no agreement is reached, or if the student fails to appear, the counselor shall refer the matter back to the chief student affairs officer who will prefer disciplinary charges.
4. The counselor is precluded from testifying in a college hearing regarding information received during the conciliation conference.

Notice of Hearing and Charges:

d. Notice of the charge(s) and of the time and place of the hearing shall be personally delivered or sent by the chief student affairs officer of the college to the student at the address appearing on the records of the college, by registered or certified mail and by regular mail. The hearing shall be scheduled within a reasonable time following the filing of the charges or the conciliation conference. Notice of at least five business days shall be given to the student in advance of the hearing unless the student consents to an earlier hearing.

e. The notice shall contain the following:

1. A complete and itemized statement of the charge(s) being brought against the student including the rule, bylaw or regulation he/she is charged with violating, and the possible penalties for such violation.

2. A statement that the student has the following rights:

(i) to present his/her side of the story;

(ii) to present witnesses and evidence on his/her behalf;

(iii) to cross-examine witnesses presenting evidence against the student;

(iv) to remain silent without assumption of guilt; and

(v) to be represented by legal counsel or an advisor at the student's expense.

3. A warning that anything the student says may be used against him/her at a non-college hearing.

Faculty-Student Disciplinary Committee Procedures:

f. The following procedures shall apply at the hearing before the faculty-student disciplinary committee:

1. The chairperson shall preside at the hearing. The chairperson shall inform the student of the charges, the hearing procedures and his or her rights.

2. After informing the student of the charges, the hearing procedures, and his or her rights, the chairperson shall ask the student charged to plead guilty or not guilty. If the student pleads not guilty, the student shall be given an opportunity to explain his/her actions before the committee. If the student pleads guilty, the college shall present its case. At the conclusion of the college's case, the student may move to dismiss the charges. If the motion is denied by the committee the student shall be given an opportunity to present his or her defense.

3. Prior to accepting testimony at the hearing, the chairperson shall rule on any motions questioning the impartiality of any committee member or the adequacy of the notice of the charge(s). Subsequent thereto, the chairperson may only rule on the sufficiency of the evidence and may exclude irrelevant, immaterial or unduly repetitive evidence. However, if either party wishes to question the impartiality of a committee member on the basis of evidence which was not previously available at the inception of the hearing, the chairperson may rule on such a motion. The chairperson shall exclude all persons who are to appear as witnesses, except the accused student.

4. The college shall make a record of each fact-finding hearing by some means such as a stenographic transcript, a tape recording or the equivalent. A disciplined student is entitled upon request to a copy of such a transcript, tape or equivalent without cost.
5. The student is entitled to a closed hearing but has the right to request an open public hearing. However, the chairperson has the right to hold a closed hearing when an open public hearing would adversely affect and be disruptive of the committee's normal operations.

6. The college bears the burden of proving the charge(s) by a preponderance of the evidence.

7. The role of the faculty–student disciplinary committee is to listen to the testimony, ask questions of the witnesses, review the testimony and evidence presented at the hearing and the papers filed by the parties and render a determination as to guilt or innocence. In the event the student is found guilty, the committee shall then determine the penalty to be imposed.

8. At the end of the fact-finding phase of the hearing, the student may introduce additional records, such as character references. The college may introduce a copy of the student's previous disciplinary record, where applicable, provided the student was shown a copy of the record prior to the commencement of the hearing. The disciplinary record shall be submitted to the committee in a sealed envelope and shall not be opened until after the committee has made its findings of fact. In the event the student has been determined to be guilty of the charge or charges the records and documents introduced by the student and the college shall be opened and used by the committee for dispositional purposes, i.e. to determine an appropriate penalty if the charges are sustained.

9. The committee shall deliberate in closed session. The committee's decision shall be based solely on the testimony and evidence presented at the hearing and the papers filed by the parties.

10. The student shall be sent a copy of the faculty–student disciplinary committee's decision within five days of the conclusion of the hearing. The decision shall be final subject to the student's right of appeal.

11. Where a student is represented by legal counsel the President of the College may request that a lawyer from the general counsel's office appear at the hearing to present the college's case.

Section 15.4 APPEALS. An appeal from the decision of the faculty–student disciplinary committee may be made to the president who may confirm or decrease the penalty but not increase it. His/her decision shall be final except in the case of dismissals or suspension for more than one term. An appeal from a decision of dismissal or suspension for more than one term may be made to the appropriate committee of the board. Any appeal under this section shall be made in writing within fifteen days after the delivery of the decision appealed from. This requirement may be waived in a particular case for good cause by the president or board committees as the case may be. If the president is a party to the dispute, his/her functions with respect to an appeal shall be discharged by an official of the university to be appointed by the chancellor.

Section 15.5 COMMITTEE STRUCTURE. a. Each faculty–student disciplinary committee shall consist of two faculty members and two student members and a chairperson. A quorum shall consist of the chair and any two members. Hearings shall be scheduled at a convenient time and efforts shall be made to insure full student and faculty representation.

b. The president shall select in consultation with the head of the appropriate campus governance body or where the president is the head of the governance body, its executive committee, three (3) members of the instructional staff of that college to receive training and to serve in rotation as chair of the disciplinary committees. If none of the chairpersons appointed from the campus can serve, the president, at his/her discretion, may request that a chairperson be selected by lottery from the entire group of chairpersons appointed by other colleges. The chairperson shall preside at all meetings of the faculty/student disciplinary meetings and decide and make all rulings for the committee. He/she shall not be a voting member of the committee but shall vote in the event of a tie.

c. The faculty members shall be selected by lot from a panel of six elected annually by the appropriate faculty body from among the person having faculty rank or faculty status. The student members shall be selected by lot from a panel of six elected annually in an election in which all students registered at the college shall be eligible to vote. In the event that the student or faculty panel or both are not elected, or if more panel members are needed, the president shall have the duty to select the panel or panels which have not been elected. No individuals on the panel shall serve on the panel for more than two consecutive years.
d. In the event that the chairperson cannot continue, the president shall appoint another chairperson. In the event that a student or faculty seat becomes vacant and it is necessary to fill the seat to continue the hearing, the seat shall be filled from the faculty or student panel by lottery.

e. Persons who are to be participants in the hearings as witnesses or have been involved in preferring the charges or who may participate in the appeals procedures or any other person having a direct interest in the outcome of the hearing shall be disqualified from serving on the committee.

Section [15.5] **15.6 SUSPENSION OR DISMISSAL.** The board reserves full power to dismiss or suspend a student, or suspend a student organization for conduct which impedes, obstructs, or interferes with the orderly and continuous administration and operation of any college, school, or unit of the university in the use of its facilities or in the achievement of its purposes as an educational institution.

The Chancellor or Chancellor's designee, a president or any [full] dean may in emergency or extraordinary circumstances, temporarily suspend a student, or temporarily suspend the privileges of a student organization or group for cause, pending an early hearing as provided in bylaw section 15.3 to take place within not more than seven (7) school days. Prior to the commencement of a temporary suspension of a student, the college shall give such student oral or written notice of the charges against him/her and, if he/she denies them, the college shall forthwith give such student an informal oral explanation of the evidence supporting the charges and the student may present informally his/her explanation of the matter. When a student's presence poses a continuing danger to person or property or an ongoing threat of disrupting the academic process, notice and opportunity for denial and explanation may follow suspension, but shall be given as soon as feasible thereafter.

Section [15.6] **15.7 THE UNIVERSITY STUDENT SENATE.** There shall be a university student senate responsible, subject to the board, for the formulation of university-wide student policy relating to the academic status, role, rights and freedoms of the student. The authority and duties of the university student senate shall not extend to areas of interest which fall exclusively within the domain of the student governments of the constituent units of the university. Consistent with the authority of the board of trustees in accordance with the education law and the bylaws of the board of trustees, the university student senate shall make its own bylaws providing for the election of its own officers, the establishment of its own rules and procedures, for its internal administration and for such other matters as is necessary for its existence. The university student senate shall have the full rights and responsibilities accorded student organizations as provided in these bylaws. The delegates and alternate delegates to the university student senate shall be elected by their respective constituencies, or by their student governments from the elected members of the respective student governments.

Section [15.7] **15.8 COLLEGE GOVERNANCE PLANS.** The provisions in a duly adopted college governance plan shall not be [supersede any] inconsistent with the provisions contained in this article.

**NOTE:** Matter underlined is new; matter in brackets to be deleted.

**EXPLANATION:** These bylaw amendments to the Board disciplinary procedures for student misconduct are the outcome of a comprehensive review of the current procedures which have been in effect for more than 20 years. The college presidents, chief student affairs officers, student leaders and faculty representatives were consulted for suggestions on how the process could be improved. The bylaw changes are designed to clarify the disciplinary and hearing procedures, strengthen due process, and make the hearing procedure more effective and organized. The University will continue to grant a student a full due process hearing on disciplinary complaints including a hearing before an impartial committee, and the right (1) to present his/her side of the story; (2) to present witnesses and evidence on his/her behalf; (3) to cross-examine witnesses presenting evidence against the student; (4) to remain silent without assumption of guilt; and (5) to be represented by legal counsel. The bylaws have also been revised to indicate that a student may object to the impartiality of committee members and permit the student to move to dismiss the case at the conclusion of the college's case. It also specifically requires the committee's decision on the charges to be based solely on the testimony and evidence presented at the hearing and any papers (briefs or memoranda) filed on behalf of the student or the college.
The most significant revisions in the hearing procedure are (1) the reduction in the size of the hearing committee from seven to five members; and (2) the appointment of the chairperson of the committee by the college president from the University's full-time instructional staff. The hearing committee chairperson will be trained by the Office of General Counsel on the techniques of presiding at a hearing and on how to rule on motions. Past experience has shown that it is difficult to assemble a seven-member committee, and that the committees are inexperienced in conducting quasi-judicial hearings with the multitude of motions, offers of proof and objections that are made.

Mr. LaMarre voted No.

C. UNIVERSITY STUDENT GOVERNMENT FEE SUSPENSION: The item was moved and seconded.

Mr. LaMarre said he was having a hard time thinking about coming to this meeting, knowing what was on the agenda, because he thinks it is not logical. It is also a clear testament that the University is definitely moving backwards and becoming very reactionary. But there is a bright side. There is a sense of consistency here, this Board seems to be following a pattern of just reacting to situations and not fully thinking them through. He was not shocked at all, because, unlike his predecessors he was not of the mindset that the University Student Senate was a student initiated organization to begin with. The Board created it, the Board collected funding for it and so at any time the Board found it politically convenient it would inevitably dissolve it or take away its funding. He was not suffering from any allusions of grandeur. He did not come here thinking students over the years protested and held buildings hostage to create the USS. He also did not come here thinking he was going to "buck the system". Again, you created this organization and now you see fit to defund it. You have got that power and that surely is your prerogative and your option. As chairman of the USS for a year and a half he's made a lot of decisions and a lot of choices. In hindsight, some he would repeat and some he admitted he would not. He hopes that they are very specific here, he thinks the answer to any problem begins with specificity. He thinks they have to be very specific and locate the problem before they can move towards a solution. He did not think the Board is being very specific right now. He thinks they are just looking at a wide array of different things and they are testing things out and they are seeing and trying to feel the waters in hope that they will attain a solution. He thinks there is a lot of anger and frustration towards himself but he hopes that does not blind many of them towards some even bigger realities.

He continued that if they read the preliminary Internal Audit report they will find the real problem. It is not Jean LaMarre, it was not Abdalah Muhammad, or Greg Mayers, Garth Marchant, Melvin Lowe or any others, or any of the other USS chairs. USS is not the real problem. The Board set up the USS as a learning experience for students to gain some hands-on experience in the democratic governance process of an organization. But we all know that in order for a person to learn he or she must have an instructor or a competent teacher. The focus of reform of the auditors was not really geared at the USS. The preliminary audit report found minor inconsistencies in the University Student Senate which could be easily corrected. The auditors' real problem was with the Office of Student Affairs. He said that office, as it is currently being run, is probably the most ineffective branch of the entire Chancellory. He is not fingerling any one person per se, he is talking about the office in general. There is no ground plan for student development and that is what should be focused on. When Jean LaMarre comes here he should leave this place having become a better student leader, a better person than when he came in here. That should be the Board's goal for whoever fills this seat. To him the office is not functioning the way it should and that is helping students develop as student leaders. He thinks the office is very reactive. He thinks people sit back and wait for something to happen and then search for a solution. He thinks we should start becoming pro-active. The University's own auditors also found that this same office was unable to regulate student funds. Often paperwork was left unattended or lost under piles unable to obtain the Vice Chancellor's signature, whoever he or she may have been at the time, as that person is a co-signee on all payment requests submitted by the USS office which resulted in what everyone perceives as a USS problem which was emergency checks and quick fixes and development of a system of payment to their vendors which bypassed the entire process. The Office of Student Affairs was cited thirty-three times in a five-page report. The report condemned their actions and their procedures. The University Student Senate was not mentioned nearly half as much. So if you want to talk about reforms, the University Student Senate is not your problem. He challenged the Board to organize and structure student development programs. He thinks a complete overhaul and change of focus as it relates to the Office of Student Affairs is necessary in order for us to develop students the way we want. He urged the Board to look at that Office as its real problem.
Minutes of Proceedings, February 24, 1992

Mr. LaMarre said Trustee Carrion said in a newspaper interview that she was growing impatient and did not feel that the University Student Senate was working on reforms. That is what the Office of Student Affairs should have been working with them on, not a vicious proposal to abolish or defund USS. That does not solve your problem. Trustee Carrion in The New York Times mentioned that the University Student Senate leadership was not working and therefore should not receive stipends. If Trustee Carrion were familiar with the Fiscal Accountability Handbook she would know that stipends are in a separate category from salaries, a stipend is considered a gift not compensation for work done. So even if Trustee Carrion were right that they were not working that had nothing to do with their receiving stipends.

He said that President Brown had mentioned at the Committee on Student Affairs meeting that he was outraged at the salaries that the employees of the University Student Senate were receiving. Mr. LaMarre said that with all due respect, that was ironic coming from someone who is making $110,000 a year, but he would like to say $29,000 In 1992 was really not a lot of money even In a student organization. He takes umbrage to the notion that President Brown would verbally criticize their choice of how to spend their money. Mr. LaMarre said there's the rub; It becomes a question of choice and control of their money, whether It's a College Association or the USS, the demonstrative term here is our money. The cry all over the University right now is FOUL. Students from Baruch College to Staten Island are crying "let us decide." They are saying we may not like Jean LaMarre but let us decide. Let us apply whatever remedies are necessary. That Is what they are asking. An embodiment of the problem of the case he is trying to make was one student at Medgar Evers College who told him that funding University Student Senate without the student's consent was a slap in the face, defunding It Is a kick In the back. That Is their view.

He said maybe the Board does not understand his position. He said the Board's argument Is that over the years the USS has been a thorn in their side. The organization attracts the agitators of the student population, and the Board doesn't need the negative publicity. The organization has resorted to militant tactics over the years, while the relationship between the Chancellor and the USS chairman has been rocky and unstable over the years. Finally, of course, The Board is losing control. That Is the Board's viewpoint. He was thinking maybe the Board does not understand that. So as a result the Board has considered dialog. However, their feeble attempts at communicating with these students are met with confusion and dissent, and so like all established bodies with interests, the Board becomes afraid and resorts to dictating policy. He knows because he was in that position at one time. He knows It Is kind of hard holding meetings with people who create that kind of tense atmosphere. Unfortunately It Is not an easy thing to tell an adult what to do with his or her money. But you have to make the distinction that children are different from adults. A child does not know or understand responsibilities, an adult does. To him that Is the biggest problem at the City University. If the University continues to treat its students like children then they will continue to behave like children. If you treat them like adults then they will behave like adults. You treat a man like a child when you tell him what to do with his money. In conclusion he returned to Trustee Carrion's Interview in The New York Times and the point she made concerning a need to show more control over students. Maybe that's true if you're a schoolteacher In elementary school, but the average age at CUNY Is 25, grown up men and women; and grown up men and women don't like to be controlled. He added that he did not think Trustee Carrion was alone In her opinion. He thinks there seems to be a developing pattern to control students with policies on security, college associations, student activities, and numerous other polices adopted within the last month or so. He wanted to offer a little advise. He is graduating In two and a half months and he thinks they are headed for an explosion. He said when the pot is boiling and spilling over, our first reaction Is to control It, so we place a lid on the pot. But for those of you who know anything about a pressure cooker, you keep the lid on too long and you are bound to get an explosion. That Is what Is going to happen. In our attempts to control student uprisings on campuses, we are going to cause an explosion.

Addressing Mrs. Mounir, he said she stated at the Committee on Student Affairs and Special Programs meeting that the Board should abolish the USS, and he said other Trustees may agree with her. He said they should not be fooled, they are merely taking away the funding of the USS, and the process by which it Is collected. The student Trustee will always be there, offering the voice of conscience to this Board. The Board may be cutting off Its nose to spit its face, because what the Board may consider an annoyance, the USS, offered some focus and a vehicle for student expression. Mr. LaMarre said believe it or not the USS takes most of the misguided anger that students throughout the University have toward the Board. When you increased tuition they yelled at me. When you passed the police policy they voted my budget not yours. Whay you introduced the college association policy they picketed my office not the Chancellor's. Without that vehicle for expression and ventilation the Board In the near future will have more than It bargained for; students hanging from the chandelier during the Board meetings or picketing the Chancellor's residence, and then they will see that the USS was not really the Board's problem. He thanked everyone for their time and patience.
At this point the Chairman relinquished the Chair to Vice Chair Everett to make a response.

Chairman Murphy said the buck stops with the Trustees and they have a committee structure on this Board and they divide their labors among the committees. They have had a committee of Trustees with faculty, presidential, student, and administrative participation functioning now for several months trying to come to grips with serious problems with respect to the structure of student activities and student leadership at this University. What they do by this action and what they have done with respect to the action they took on student disciplinary procedures and what they are attempting to do in terms of reordering how the college associations are to be governed, as well as another item yet to be gotten to, is to exercise their responsibilities as Trustees of the University to see that resources that are put to use in behalf of student activities are effectively leveraged and used for the benefit of all of the students of this University. The suspension that is involved in this motion is with respect to the collection of student activities fees in the fall. Clearly this motion contemplates that process of attempting to reorganize and make it again relevant. The University Student Senate has not been significantly reorganized in many, many years and it is time that it be reorganized. Certainly that is an effort that this Board will cooperate with because the Committee on Student Affairs will be deeply involved in that process and the resources of the Administration of this University, both on the campuses and at Central Office, will be part of the process as well. What they are doing today is acknowledging and recognizing serious problems with respect to the utilization of these resources, which is well known and well publicized and its their effort to fulfill their responsibility as Trustees to see if they cannot cooperatively develop a better way in which to utilize fees that are collected from students so that the activities of students will be Meaningfully part of their development and the improvement of the educational process of this University and through the various discreet collective activities of students throughout this University will improve not only the welfare of this University but the welfare of the community which the City University serves.

He said he saw that not as the end of the process; this not a drop-dead move on the part of the Board. This is the Board exercising its responsibility, this is the Board endeavoring to have a process of reorganizing how students who governed centrally in this University can become more effective, more productive, and more responsive to the needs of students in the 90's.

Trustee Howard asked if it was appropriate to mention that the current participation on the campuses, as far as student government elections, is less than 15% of the students and said that hopefully with all of these changes we will have more than the current percentage of students participating in these elections and student government and the University Student Senate, etc.

Chancellor Reynolds responded that she and Mrs. Carrion had had several conversations on this issue, and one of Mrs. Carrion's points is in trying to take this back to the campuses to have a series of campus forums, to truly involve students in a planning process so that we can effect more student participation both in the student elections process and in the overall student government.

At this point Chairman Murphy resumed the Chair:

Dr. Bernstein pointed out that the State Education Law requires the Board to have a student leader on the Board and they must make provisions for that. She said that perhaps a new process may be needed to elect that person.

Chairman Murphy said this was a funding issue not a governance change, and any changes that might occur out of this process must be consistent with the Education Law that provides that the elected student representative is a full voting Trustee on this Board and has opportunity, as was so eloquently demonstrated a few moments ago, to have input into the process of the deliberation that this Board engages in.

Vice Chancellor Diaz advised that there is a Board resolution dealing with the election process of USS. That is not impacted at all by any of these resolutions. That process continues to be in place until such time as the Board, by resolution, amends it and that is something that might be considered at some point in the future.

Dr. Tam said he agreed with Mr. LaMarre in the sense that they are in hot water. He differs from him in terms of the prognosis. Rather than looking at a situation where we are all in a pressure cooker as the temperature gets higher, and it will come to an explosion; he thinks it is the frog who has been sitting in the hot water who finally has woken up.
Mrs. Everett stated that the collection of the $0.85 for the University Student Senate by the Board is really an extended courtesy to the students to facilitate the operation of the University Student Senate, it is not a requirement. To the extent that what goes wrong with that cumulative $0.85 is a reflection on the Board, because they are involved in the collection process, they need to have something to say about that. She added that you cannot at the same time plead that you are a child and don't know any better and need help and then say that you are an adult and know how to spend your money. You are either one or the other. You cannot use them alternatively to plead a case. You have either got to be responsible and not blame it on somebody else or say I don't know what I am doing, I need help and get the help.

The following resolution was adopted:

RESOLVED, That the University Student Government Fee of $0.85 per semester paid by all students at The City University of New York, and allocated by the University Student Senate, be suspended, effective the Fall 1992 semester.

EXPLANATION: The University Student Government Fee was established for the purpose of funding the activities and operating expenses of the University Student Senate. Following reviews by the University's Offices of Internal Audit and Student Affairs, it has been determined that the level of functioning and accountability of the University Student Senate no longer justifies the provision of approximately $350,000 in mandatory student activity fees annually. The University Student Government Fee is therefore being suspended pending a full review by the Board Committee on Student Affairs and Special Programs of the future structure and funding of the University Student Senate. The input of the University Student Senate officers and delegates, as well as college student government leaders, will continue to be sought during this review. Pending further action, there is a fund of about $175,000, from student activity fees collected for the Spring 1992 semester, to continue to support essential support services for the University Student Senate.

Mr. LaMarre voted No.

D. UNIVERSITY STUDENT SENATE--ALLOCATIONS, EXPENDITURES, AND PERSONNEL APPOINTMENTS:

RESOLVED, That notwithstanding any other Board resolution, all University Student Senate allocations, expenditures and personnel appointments shall be subject to the prior approval of the Chancellor, or his/her designee; and be it further

RESOLVED, That Subdivision "c" of Board Bylaw Section 16.11 be waived.

EXPLANATION: This resolution will explicitly make all allocations, expenditures and personnel appointments of the University Student Senate subject to the prior approval of the Chancellor or his/her designee, while the Board Committee on Student Affairs and Special Programs reviews the future funding and structure of the University Student Senate. This resolution provides clear authority to the Chancellor to safeguard against expenditures which may be questionable, inappropriate or improper. A waiver of Bylaw Section 16.11(c) is required because this Bylaw restricts the Chancellor's review authority to that of the college presidents which is limited to review for compliance with expenditure categories, legality and conformance with policies and regulations.

E. UNIVERSITY STUDENT SENATE - SUSPENSION OF STIPENDS TO OFFICERS: The resolution was moved and seconded

Rev. Pressley's offered an amendment to the resolution that the effective date of the discontinuance of the stipend be from March 1, 1992 to the beginning of the fall semester was seconded. Rev. Pressley explained that contrary to his esteemed colleague, Mr. LaMarre, he did not believe that the stipend was a gift. He does think that if it is a prescribed stipend, that is stated and understood by those persons who run for elected office and who are elected, to change that stipend in the middle of their term is an inappropriate response on the part of this Board. He would suggest that while he was certainly opposed to paying students stipends for student government activity, he would certainly not change it in the middle of the academic year. There are some students who may have made this a part of their financial plan for this semester and perhaps the summer also and who may not have taken a part-time job for that reason. The whole purpose is that he would not want the stipends stopped in the middle of the term. The Board needs to state at the beginning of the new election process that there is no stipend connected with the election to office. He hoped that he would be supported by his colleagues in changing the date.
Mr. Cenci suggested that perhaps in fairness to the students involved maybe the date could change sometime between March 1 and September, perhaps July 1. He thinks implicit in Rev. Pressley's statement is that this resolution should not look punitive but rather a very sensible kind of action. He said that he did not think the intent of this Board in any action tonight is punitive, but is corrective.

Mrs. Mouner said that at the last committee meeting in February four University Student Senate vice chairs said that the money was not an important issue for them. Involvement and love and compassion of being a student and involved in their public education system motivated them. They recommended that the Board eliminate the stipend.

Mr. LaMarre clarified that $42,452 is not the amount of the stipend for each USS officer but is divided by nine. For the sake of clarification he wanted to correct Mrs. Carrion's reference to students receiving salaries and to point out how stipends are classified in the Fiscal Accountability Handbook. He commended Rev. Pressley for expressing his concern, because that was his concern as well. He said there are currently five vice-chairs who are unemployed in so far as regular work is concerned and rely heavily on their monthly stipends to pay rent, telephone and other bills. He did see the termination of the stipends as a punitive measure on the part of the Committee on Student Affairs and Special Programs. He thought it was harsh and inappropriate. He thinks when students run for office part of why they do it is because of love of the University, that's true. But love of the University weighed against living expenses is not given too much weight there. He thinks the Board should take this step and he said he would abstain from this vote with a clear conscience. He also thinks that the stipend is very, very important to the other vice chairs.

Dr. Bernstein agreed that Rev. Pressley had raised an issue that must be addressed. She said most of the students do need the money, whether they sought the job because of the stipend or not, they are not rich. Since they assumed when they were elected that they would be receiving their stipends at least until the end of the semester they should receive compensation to cover them over a period of two or three months. She thought the Board should consider paying some proportion of the stipend as severance pay or termination pay until the end of the semester which would be either May 31 or June 1.

Mrs. Everett stated that she was pleased to see some of the USS vice chairs at the last Student Affairs Committee meeting because frankly their presence and comments and observations gave her personally, and she thinks all of the members at that meeting, a lift. She and the members continue to be impressed by their sincerity and genuine desire to do the right thing as opposed to a small handful who are creating lots of problems that unfortunately the lion's share of the student population has to pay the penalty for and that's just not fair. But getting back to the issue of the stipends since the vote would be today she would certainly be willing to suggest that an additional month be added so that the vice chairs have at least one month's forewarning of the termination of stipends as of April 1.

Rev Pressley's offer to amend the resolution failed for lack of nine votes.

Mrs. Everett said that a termination date of September 1 was too long a delay. She suggested that the effective date for discontinuance of payment of stipends be July 1, 1992. The amendment was seconded.

The following resolution was adopted:

RESOLVED, That notwithstanding any other Board resolution, stipends for officers of the University Student Senate shall be suspended effective July 1, 1992.

EXPLANATION: This resolution will suspend the payment of stipends to the Chairperson and eight vice-chairpersons permitted under the Board Policy on Payment of Stipends to Student Leaders, pending a full review by the Board Committee on Student Affairs and Special Programs of the future structure and funding of the University Student Senate. The officers of the University Student Senate, who were permitted to receive up to a maximum of $42,452 in annual stipends, should not be able to receive further stipend payments until the future structure and funding of the University Student Senate has been determined.

Mr. LaMarre abstained.

At this point Mr. Badillo left the meeting.
Minutes of Proceedings, February 24, 1992

NO. 7. COMMITTEE ON FACULTY, STAFF, AND ADMINISTRATION: RESOLVED, That the following item be approved:

A. JOHN JAY COLLEGE OF CRIMINAL JUSTICE - AMENDMENT TO GOVERNANCE PLAN: The motion was made and seconded.

Professor Picken stated that when this plan originally came to the committee in January he raised a number of concerns on behalf of the faculty and he was very grateful to Pres. Lynch and Vice Chancellor Bloom for having worked these through with him and so the Faculty Senate supports this motion.

The following resolution was adopted:

RESOLVED, That the proposed amendments to the Governance Plan of John Jay College be approved.

CHARTER OF GOVERNANCE

ARTICLE I

Section 1. Powers

The College Council shall be the primary governing body of the John Jay College of Criminal Justice. It shall have authority to establish College policy on all matters except those specifically reserved by the Education Law or by the Bylaws of the Board of Trustees of The City University of New York to the President or to other officials of the John Jay College or of The City University of New York or to the Board of Trustees.

Section 2. Representation

The College Council of the John Jay College of Criminal Justice shall be a representative body with members selected by the instructional staff, students, administration, non-instructional staff and alumni.

Section 3. Allocation of Members

Membership in the Council is fixed at [50] 56 and shall be allocated as follows:

a. INSTRUCTIONAL STAFF

The instructional staff is allotted [27] 33 representatives.

1) Faculty

The faculty is allotted 28 representatives.

The "faculty" consists of all members of the instructional staff in the full time and part time (adjunct) titles of: Professor, Associate Professor, Assistant Professor, Instructor, lecturer; and, for the purposes of representation on the College Council, College Laboratory Technician. Full time faculty in the aforementioned titles are subject to the actions of the College Personnel and Budget Committee. "Academic departments" are those department whose full time faculty members are subject to the actions of the College Personnel and Budget Committee.

The basis of representation for [units] academic departments of the instructional staff shall be the number of full time [members] faculty in each [unit] academic department plus one-half the number of part time [members] faculty in each [unit] academic department as of the first of September preceding an election. Members of the administration and members of the non-teaching instructional staff are not included in this basic since they are represented on the Council separately. Each [unit] academic department shall have at least one elected representative, who shall be a full time member of the faculty. The [27] 28 representatives of the academic departments shall be reapportioned among the [units] academic departments as of the first of September of the year preceding that in which the election is
held, at which time the academic departments shall be rank-ordered based on the number of faculty of each department. Each academic department shall be allocated one seat and the remaining seats shall be allocated according to any method duly adopted by the Faculty Senate. (The Director of Financial Affairs and Planning and the Dean for Admissions and Registration shall each be one of its representatives unless he or she serves on the Council in another capacity.) Other members shall be elected as prescribed in Article 1, Section 6.

2) Non-Teaching Instructional Staff

The non-teaching instructional staff is allotted 5 representatives.

The non-teaching instructional staff (excluding those designated as "faculty" in Section 3.a.1, and those in titles excluded from the PSC/CUNY bargaining units) shall be elected at large.

Total Instructional Staff Seats [27] 33

b. STUDENTS:

- Executive Officers of the Student Council: 4
- Graduate Students: 2
- Senior Class: 2
- Junior Class: 2
- Sophomore Class: 2
- Freshman Class: 2
- At Large: [2] 1

Total Student Seats: [16] 15

c. ADMINISTRATION:

- The President: 1
- The Provost & Vice President for Academic Affairs: 1
- The Vice President for Administrative Affairs: 1
- Dean of Graduate Studies: 1
- The Dean of Students [Vice President for Student Development]: 1
- Dean for Admissions and Registration: 1

Total Administration Seats: [5] 6

d. NON-INSTRUCTIONAL STAFF

e. ALUMNI

Total Voting Council Membership: [50] 56

Section 4. Qualifications for Council Membership

a. INSTRUCTIONAL STAFF

Any member of the instructional staff of the College is eligible for election to the College Council.
b. STUDENTS

Any student, whether part time or full time, who is in good standing is eligible for election to the Council. Any student member of the Council placed on academic probation during his or her term of office must resign his or her seat and may stand for re-election only on being returned to good standing.

c. NON-INSTRUCTIONAL STAFF

Any full time member of the permanent non-instructional staff as defined in Article XIV, Section 14.1 of the Board of Trustees Bylaws is eligible for election to the Council.

d. ALUMNI

Any recipient of a John Jay College degree not enrolled in the College is eligible for election to the Council as an alumni representative.

e. GENERAL

Each election unit shall be the judge of the qualifications of candidates from its constituency. The Judicial Committee shall arbitrate disputes.

f. DUAL MEMBERSHIP

No person shall simultaneously hold more than one membership on the Council.

Section 5. Qualifications for Voting

a. INSTRUCTIONAL STAFF

Each full time member of the instructional staff shall be allowed one vote in an election of Council members and each part time member, one-half vote.

b. STUDENTS

Any student, full time or part time, matriculant or qualifying non-matriculant, who is registered for study in the College at the time of an election of council members may vote in such an election. The class with which a qualifying non-matriculant will vote shall be determined by the number of credit hours he or she will have completed at the end of the semester in which the election is held.

c. NON-INSTRUCTIONAL STAFF

Any full time member of the permanent non-instructional staff may vote in an election for Council members.

d. ALUMNI

Any recipient of a John Jay College degree not enrolled in the College may vote as an alumnus/alumna in an election for Council members.

Section 6. Elections

a. TIME AND PLACE

The initial election of members of the Council shall be at a time and place designated by the President except that the time shall be not more than 30 days after this Charter is approved by the Board of Trustees. Thereafter elections to the Council and to all Council committees shall be held annually in the spring semester, the time and place to be designated by the Executive Committee.
b. NOMINATIONS

Each constituency eligible to elect members to the Council shall determine its own method of nominating candidates, subject to approval of the Council. Should a constituency fail to nominate candidates, the Executive Committee of the College Council shall serve as the nominating committee for such constituency.

Nominations for elective instructional staff committee members-at-large shall be made by the instructional staff members of the Executive Committee.

Nominations for elective student committee members shall be made by the student delegation to the College Council.

c. VOTING

No representative except the alumni representative shall be entitled to a seat on the Council unless at least 30 percent of his or her constituency votes in the election. When the number of participants in an election falls short of the required percentage, further elections may be scheduled until representative is elected in an election in which one-fourth of the electorate participates. The method by which the alumni representative is elected and the percentage of his or her constituency required to vote shall be determined by an alumni organization recognized by the College Council. Elections shall be decided by plurality vote.

d. VACANCIES

When a vacancy on the Council or on a Council Committee occurs, as determined by the Council, the Executive Committee may appoint an interim representative from the constituency affected if the unexpired term is for less than four months. Otherwise, a vacancy shall be filled by a special election of the constituency affected, the time and place of which shall be designated by the Executive Committee. A member serving to fill a vacancy shall serve only to complete the regular term of the member he has replaced.

e. ABSENTEE BALLOTS

Absentee ballots may be used under such conditions as the Executive Committee may prescribe.

f. RECALL

A recall vote shall be held upon petition signed by 25 members or one-fourth of a Council member's electing constituency, whichever is smaller. A majority of the votes cast for recall shall cause the recall of the representative and his or her seat shall thereby become vacant. Recall votes shall be subject to the same minimum participation requirements as votes in representative elections.

Section 7. Term of Office

Each elected representative to the Council or to a Council Committee shall serve for a term of one year, except in the cases of the Committee on Student Evaluation of the Faculty and the Committee on Curriculum, for which the term shall be two years, or until a successor shall have qualified, but in no case shall serve for more than an additional six months unless re-elected by his or her constituency. The regular term of office shall begin on July 1st following the spring elections except for that of the Executive Committee which shall begin immediately following the September meeting of the Council succeeding the Spring elections. No representative may be elected for more than three consecutive terms except in the case of 1) the members of the Committee on Protection of Human Subjects, the length of whose term of office shall be determined by the President in consultation with the Director of Sponsored Programs and 2) members of the Committee on Curriculum who are department Chairpersons or who have been elected, who may serve an indefinite number of consecutive terms.

Section 8. Officers of the Council

The President of the College, or in his or her absence the Provost and Vice President for Academic Affairs, shall be the presiding officer of the College Council. The Council shall appoint a Secretary. Other officers may be selected by the Council at its discretion.
Section 9. Meetings

a. REGULAR AND SPECIAL MEETINGS

The College Council shall hold regular meetings at least once a month during the academic year. More frequent meetings may be called by decision of a majority of Council members present and voting, at the call of the President, at the call of the Executive Committee, or at the call of one-third or more of all its members. All persons entitled to vote for Council members may attend Council meetings and may, by prior arrangement, or by a two-thirds vote of members present and voting, speak on any issue before the Council. Unless otherwise indicated in this Charter, Robert's Rules of Order shall govern the conduct of Council meetings.

b. AGENDA

Any member of the college community may propose items for the Council agenda which shall be prepared by the Executive Committee. Important proposals shall be delivered in writing to the Secretary of the Council not less than seven work days preceding the meeting at which they are to be introduced. The Secretary shall make the agenda available to members of the Council at least two work days in advance of each meeting and shall make the agenda available to all members of the college community in advance of each meeting, except that upon a two-thirds vote of members present and voting, agenda items may be introduced at any Council meeting without prior notice.

c. QUORUM

A quorum of the Council and its committees shall consist of a majority of their voting members unless otherwise prescribed in this Charter. No business at a College Council meeting may take place absent a quorum (beginning or end).

Section 10. Council Committees

The College Council may establish committees at its discretion. Committee members need not be members of the Council unless so stipulated and, in fact, designation of non-Council members is to be desired. No person may serve on more than two committees unless he or she serves by virtue of his or her office.

Rotation of departmental membership on the Committees on Undergraduate Admissions and the Library shall be monitored by the Social Sciences, Humanities and Professional Studies Faculties which shall establish a rotation system for each committee which shall provide so far as possible for a balance in disciplines as well as in the size of the departments represented, and for a reasonable committee load for each department in any given year. Vacancies on Committees shall be filled by the department to which the retiring member belongs.

The following standing committees are created:

a. EXECUTIVE COMMITTEE

An Executive Committee shall consist of the following members: the President, Chairperson; the Provost and Vice President for Academic Affairs; the Vice President for Administrative Affairs, the Dean of Students; five members of the instructional staff elected by the College Council from among the instructional staff representatives on the Council and three students, all of whom shall be members of the Council nominated by the Student Council and elected by the College Council.

The Executive Committee shall be the Council's Agenda Committee as well as the Committee on Committees. It shall have the power to call the Council into extraordinary session, and shall have only such powers, functions, and duties as the Council may delegate to it to exercise during periods when the Council is not in session. The Executive Committee shall serve as the continuing liaison between the Council and the Administration.
b. COMMITTEE ON CURRICULUM

A Committee on Curriculum shall consist of the following members: the Provost and Vice President for Academic Affairs, Chairperson; the Dean of Undergraduate Studies, the Chairperson of each of the teaching departments, the Chief Librarian and the Dean for Admissions and Registration, or his or her regularly assigned (elected or appointed) designee, to be chosen from among the members of that department or office to serve as the voting member for two academic years or for the remainder of an unexpired term; and five students nominated by the Student Council and elected by the College Council. The other administrative officers, faculty and students may, at their pleasure, meet with the Committee, without vote. The Committee shall elect a Vice Chairperson from among its faculty members. The Provost and Vice President for Academic Affairs shall provide a secretary to the Committee.

The Committee on the Curriculum shall consider all matters relating to the undergraduate curriculum of the College and make recommendations to the Council on such matters as additions, deletions and modifications of courses, proposed programs, existing programs, distribution and core requirements, and basic skills.

c. COMMITTEE ON THE LIBRARY

A Committee on the Library shall consist of the following members: the Librarian, Chairperson; nine representatives of nine teaching departments, three to be chosen by each of the academic faculties and confirmed by the College Council; and three students nominated by the Student Council and elected by the College Council. The committee shall review and recommend college policies relating to the Library that will advance the role of the Library in the achievement of the educational purposes of the College.

d. COMMITTEE ON STUDENT INTERESTS

A Committee on Student Interests shall consist of the following members: the Dean of Students; the Director of Athletics; the Director of Student Activities; six students nominated by the Student Council and elected by the College Council; and two members of the instructional staff nominated by the Executive Committee and elected by the College Council. The committee shall select its own Chairperson.

The committee shall be concerned with matters of student life including but not limited to student organizations, student housing, extracurricular activities, and student concerns in the community.

e. JUDICIAL COMMITTEE

A Judicial Committee shall consist of the following members: two members of the instructional staff nominated by the Executive Committee and elected by the College Council; two students nominated by the Student Council and elected by the College Council, and a law member who shall be a qualified attorney who may or may not be a member of the faculty, chosen by the other four members. The committee shall select its own Chairperson.

The Judicial Committee shall have primary jurisdiction in all matters of student discipline not handled administratively. Matters of discipline may be handled administratively only with the consent of the person involved. The committee shall use the procedures required by the Bylaws of the Board of Trustees.

f. COMMITTEE ON FACULTY PERSONNEL AND BUDGET

Personnel

A Committee on Faculty Personnel and Budget shall consist of the following members: the President, Chairperson; the Provost and Vice President for Academic Affairs; the Dean for Graduate Studies; the Dean of Undergraduate Studies; the Chairpersons of the departments; three members of the instructional staff elected by those members of the instructional staff who are subject to the review of the Committee on Faculty Personnel and two students nominated by the Student Council and elected by the College Council. The Chairperson of the Interdepartment of Thematic Studies shall be a voting member of the Committee. The Director of Financial Affairs and Planning and the Vice-President for Administrative Affairs shall sit with the committee at the invitation of the President.
Policy recommendations of the committee shall be made to the College Council for action. Recommendations and actions with respect to appointments, promotions, and other matters specified in paragraphs (1) and (2) below shall be reported to the President and shall not be considered by the Council except at the discretion of the President.

(1) The committee shall receive from the departments and other appropriate units of the College all recommendations for appointments to the instructional staff in the following ranks: Professor, Associate Professor, Assistant Professor, Instructor, Lecturer, Senior Laboratory Technician, and College Laboratory Technician. It shall also receive recommendations for promotions and reappointments with or without tenure, together with compensation, in the aforementioned ranks of the instructional staff and shall recommend to the President actions on these matters. It may also recommend to the President special salary increments. The President shall consider such recommendations in making his or her recommendations on such matters to the Board of Trustees.

(2) The Committee shall receive and consider petitions and appeals from appropriate members of the instructional staff with respect to matters of status and compensation, and shall present its recommendations to the President. Further appeals will follow University procedures.

Budget

The President shall, within the period prescribed by the Chancellor, prepare the annual tentative budget and submit it to the committee for its recommendations. The committee shall make its recommendations within the period prescribed by the Chancellor. The President shall submit to the Chancellor such tentative annual budget together with comments and recommendations. Upon failure of the committee to act upon the budget within the period prescribed by the Chancellor, the President shall submit to the Chancellor his or her own recommendations, together with a statement of explanation.

g. COMMITTEE ON GRADUATE STUDIES

A Committee on Graduate Studies shall consist of the following members: the Dean of Graduate Studies, Chairperson; the Dean of Students; the Dean for Admissions and Registration; a member of the Library faculty without vote; the Graduate Program Coordinators; the BA/MA Coordinator; and two graduate students nominated by the Student Council and elected by the College Council.

The committee shall be responsible for establishing general policy for the graduate programs, subject to review by the College Council. It shall have primary responsibility for admission, curriculum, degree requirements, course and standing matters, periodic evaluation of the graduate programs and for other areas of immediate and long-range importance to the quality and growth of graduate study. The committee shall also be responsible for advising on all matters relating to graduate student honors, prizes, scholarships and awards.

h. COMMITTEE FOR THE PROTECTION OF HUMAN SUBJECTS

A Committee for the Protection of Human Subjects shall consist of the following members: seven to nine members, including members of the instructional staff; the Director of Sponsored Programs; a student, a lawyer, and, a person who is not otherwise affiliated with the College or University and who is not part of the immediate family of a person affiliated with the College or University, to be appointed by the President. The terms of office of committee members shall be determined by the President in consultation with the Director of Sponsored Programs. The Committee shall have responsibility for assuring the exercise of appropriate concern and protection for individual human subjects who may be exposed to risks as a consequence of their participation in activities administered by the College, The City University of New York and the Research Foundation of The City University of New York. The Committee shall follow the joint policy on the Protection of Human Subjects established by The City University of New York and the Research Foundation, which was adopted by the University's Board of Trustees on June 28, 1982, and which is consistent with regulations of the United States Department of Health and Human Services and applicable state and federal law.

i. COMMITTEE ON STUDENT EVALUATION OF THE FACULTY

A Committee on Student Evaluation of the Faculty shall consist of the following members: two teaching faculty members elected by the teaching faculty, two students elected by the Student Council and two teaching faculty members designated by the Professional Staff Congress. Members shall serve for a term of two years.
The Committee shall be responsible for a continuous review of faculty evaluation procedures; for the terms under which they are used; and for the development of guidelines, as may be necessary, for interpretation of the results of these procedures.

j. COMMITTEE ON STUDENT RETENTION AND ACADEMIC STANDARDS

A Committee on Student Retention and Academic Standards shall consist of the following members: the Dean of Undergraduate Studies, co-Chairperson; the Dean of Students, co-Chairperson; the Dean for Admissions and Registration; a member of the Counseling Department staff; at least one member from each academic department, elected by the department; and three students nominated by the Student Council and elected by the College Council.

The Committee shall provide for appropriate institutional self studies for the collection and analysis of data on the attrition rate of students; shall examine the reasons why students remain at and leave the college, and shall develop appropriate action programs to improve student retention rates; and shall review academic standards and policies and make appropriate recommendations to the College Council.

k. SPECIAL COMMITTEES

All special committees existing at the time of ratification of these Articles of Governance shall continue in being, subject to modification of membership and function as determined by the College Council. The creation of additional special committees may be recommended to the College Council by the Executive Committee.

ARTICLE II

DEPARTMENTS

Section 1. Departments

Each department, subject to approval of the College Council and to the provisions of the Bylaws of the Board of Trustees, shall have control of its own educational policies. In elections for Chairpersons, committee memberships, and other elective offices, each full time member of the instructional staff shall be allowed one vote in all elections and each part time member who has served four semesters, one-half vote in all elections, except in elections for Department Chair, Personnel & Budget Committee and any other committee assignment for which they are not themselves eligible. Except as specified in this charter, the organization and functioning of the department shall be determined by its members.

Full time faculty members who retire and subsequently become adjuncts will be eligible to vote in the first semester in which they become members of the part time faculty.

In order to exist as a departmental entity, a discipline is required to have a minimum of seven full time members and be approved by the College Council except that the disciplines of African American Studies, Physical Education and Puerto Rican Studies shall be exempt from this requirement and shall be established as departments. Any discipline not exempt from this requirement which has less than the required number of faculty members may petition the College Council to establish a separate department and may do so upon a two-thirds affirmative vote of Council members present and voting at a regular Council meeting. If one or more disciplines choose to be combined into a single department, such combination may be effected by a two-thirds affirmative vote of the total membership of the disciplines affected and the approval of the College Council. If at any time subsequent to such merger a discipline wishes to be separated from the combined department, a two-thirds affirmative vote of the total membership of the discipline can effect such a separation and the discipline can become a separate department provided it meets the minimum requirement of seven full time faculty members and has the approval of the College Council.

Section 2. Departmental Chairpersons

The Chairperson of each department shall be the chief executive officer. He or she must hold professorial rank, and shall be elected by secret ballot for a term of three years by a majority of all voting members of the department, subject to the approval of the President of the College and the Board of Trustees. Elections shall be held in May in the year in which Chairperson's term expires. The new Chairperson shall take office as of July 1 of the year in which he or she is elected.
Minutes of Proceedings, February 24, 1992

Section 3. Departmental Committee on Faculty Personnel and Budget

Each department shall establish a Committee on Faculty Personnel and Budget which shall consist of the Chairperson of the department who shall serve as committee Chairperson and four (when possible) full time faculty members, each of whom shall serve for one year, but who may be re-elected. A majority of the members, when possible, must be tenured.

Section 4. Students

Each department is instructed to provide for systematic student input on curricular and personnel matters and to report to the College Council its arrangements for such input.

ARTICLE III

THE INSTRUCTIONAL STAFF

Section 1. Meetings

The entire membership of the instructional staff shall be convened at least once each semester during the regular academic year by the President of the College to hear and discuss important issues affecting the College. Other meetings of the instructional staff may be called by the President of the College or by petition of any ten members of the instructional staff.

Section 2. The Faculty Senate

The Faculty Senate shall meet at least once each semester during the regular academic year with the President of the College to discuss matters of particular concern to the teaching faculty.

ARTICLE IV

THE STUDENT BODY

The student body shall be kept informed of important issues affecting the College and the College Council by the administration through the student newspaper and through other channels of communication that the students may organize.

ARTICLE V

BYLAWS AND AMENDMENTS

Section 1. Bylaws

The College Council shall adopt bylaws to define and regulate the details of its organization and procedures.

Section 2. Amendments

This Charter may be amended by a 75 percent vote of members of the College Council present and voting at a regular meeting of the Council; or by a referendum of no less than 75 percent full time members of the student body and 75 percent full time members of the instructional staff who shall vote in such referendum. A proposal to amend the Charter may be initiated by a petition containing the signatures of 50 members or ten percent of the qualified voters of either the instructional staff or the student body, whichever number is smaller. Any amendment to the Charter shall be proposed and discussed at a regular meeting of the College Council and shall be voted on at the next regular meeting of the Council. An amendment shall become effective upon approval by the Board of Trustees.
ARTICLE VI

RATIFICATION

This Charter shall become effective when it is:

(1) approved by referendum by no less than 75 percent of the student body who shall vote in such referendum;

(2) approved by referendum by no less than 75 percent of those individuals who are full-time members of the instructional staff who shall vote in such referendum;

(3) recommended to the Board of Trustees by the President of the College; and

(4) approved by the Board of Trustees.*

*The Charter was approved by the Board of Higher Education on April 29, 1970, following approval by referenda by the student body and instructional staff and amended by the Board of Trustees on November 27, 1989, and February 24, 1992.

NOTE: Matter underlined is new; matter in brackets to be deleted.

EXPLANATION: The proposed amendments to the John Jay College Governance Plan have been approved by the College Council and are recommended by the College President.

The three changes, as set forth below, will: (1) provide representation to employees in the Higher Education Officer ("HEO") title series on the College Council; (2) eliminate the right to vote of adjunct faculty in elections for department chairs and P & B members; and (3) provide clarification that a quorum is required at a College Council meeting on each resolution which is voted upon.

1. College Council membership (Article I, Section 3). The number of members on the College Council is increased from 50 to 56. The purpose of the increase is to provide representation for members of the HEO title series (non-teaching instructional staff). HEO title series employees will have five representatives, whereas before they had none. In order to maintain the faculty at 50 percent of the membership, the number of faculty members is increased from 25 to 28. To provide for the increase of 5 HEO members and 3 faculty members, the student membership is decreased by one from 16 to 15; the total administration membership is decreased by one from seven to six; and six additional members are added. The classified (non-instructional) staff and alumni continue to have one member each. The College Council membership (56) will therefore consist of faculty (28), HEO's (5), administration (6), classified staff (1), students (15), and alumni (1).

2. Adjunct faculty departmental voting rights (Article II, Section 1). The voting rights of adjunct (part-time) faculty members with four or more semesters of service are modified to eliminate their right to vote for department chairs, personnel and budget committee members, and any other committee assignments for which they are not eligible to serve.

3. Quorum (Article I, Section 9(c)). A clarification is added to the section on quorum to state that no business may be transacted at a College Council meeting without a quorum. The presence of a quorum has been previously required by reference to Robert's Rules of Order in Article I, Section 9(a).

Chairman Murphy announced that there will be a memorial service for the late President Robert L. Hess of Brooklyn College on March 13 at the college and the particulars will be sent shortly.

Upon motions duly made, seconded and carried, the meeting was adjourned at 6:05 P.M.

SECRETARY GENEVIEVE MULLIN