

MINUTES OF THE SPECIAL MEETING OF THE BOARD OF
HIGHER EDUCATION OF THE CITY OF NEW YORK

HELD

MAY 5, 1969

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

The Chairman called the meeting to order at 5:30 p.m.

There were present:

Porter R. Chandler, Chairman
David I. Ashe
Renato J. Azzari
Herbert Berman
George Brown
Norman E. Henkin
Minneola P. Ingersoll
Robert Ross Johnson
Francis Keppel

James Oscar Lee
Benjamin F. McLaurin
Louis Nunez
Jack I. Poses
Luis Quero Chiesa
Ruth S. Shoup
Ella S. Streator
Arleigh B. Williamson

N. Michael Carfora, Secretary of the Board
Arthur H. Kahn, General Counsel

Chancellor Albert H. Bowker
President Milton G. Bassin
President William M. Birenbaum
President Murray H. Block
President James A. Colston
President Robert D. Cross
President Buell G. Gallagher
President Jacob I. Hartstein
President Dumont F. Kenny
President Leonard Lief
President Joseph P. McMurray
Actg. Pres. George A. Peck
Provost Mina Rees

President Donald H. Riddle
President Kurt R. Schmeller
President Herbert Schueler
President Robert C. Weaver
Dean George James

Vice-Chancellor Robert Birnbaum
Vice-Chancellor Julius C. C. Edelstein
Vice-Chancellor Seymour C. Hyman
Vice-Chancellor Bernard Mintz
Dean Benjamin Rosner
Dean Joseph Shenker

The absence of Mr. Burkhardt, Judge Re and Mr. Schultz was excused.

At the meeting of the Board of Higher Education held April 28, 1969, the Board recessed to reconvene on May 5, 1969.

NO. A. REPORTS: (1) At the request of the Chairman, the following reported on activities at their respective colleges:

Acting President George A. Peck - Brooklyn College
President Murray H. Block - Borough of Manhattan Community College
President James A. Colston - Bronx Community College
President Buell G. Gallagher - The City College
President Joseph P. McMurray - Queens College

(2) Mr. Arthur H. Kahn, General Counsel, reported on the legal situation as it applies to The City College, Queens College, Brooklyn College and Queensborough Community College.

NO. B. QUEENS COLLEGE: Upon motion duly made, seconded and carried, the following resolution was adopted:

RESOLVED, That the Board declare Queens College open for the conduct of its academic activities and direct the president and his administration to take such steps as may be necessary to reopen Queens College for the conduct of academic activities, contingent upon the Mayor and the Police Department providing adequate protection as may be required in order to protect the health and welfare of the students and faculty and in order to protect the property of the campus.

NO. C. STUDENT ADVISORY COUNCIL OF THE CITY UNIVERSITY: Mr. Chandler read the following letter, dated April 28, 1969, from Mr. Jean-Louis d'Heilly, Chairman of the Student Advisory Council of the City University:

"Dear Sir:

"The Student Advisory Council at its meeting of 7 April 1969 passed a motion respectfully requesting that the Board of Higher Education seat the Chairman as an observer at Board Meetings. I wish to request that the Board consider this matter as soon as possible.

"Thank you."

Upon motion duly made, seconded and carried, the following resolution was adopted:

RESOLVED, That the Board extend an invitation to the Chairman of the Student Advisory Council of The City University of New York to attend meetings of the Board.

NO. D. THE RESTRUCTURING OF GOVERNANCE AT CITY UNIVERSITY: Upon motion duly made, seconded and carried, the following proposal and resolutions on "The Restructuring of Governance at City University " were adopted:

The structure of a university in society must be responsive to the legitimate needs of its members. To do this today requires the creation of new processes for communication and decision making which permits each group of participants to feel that it can influence the institution as a matter of both right and responsibility.

The establishment of such processes will not stifle dissent or eliminate the conflict of ideas which are central to the concept of a university. Rather, it would serve to create a climate in which rationality could be focused upon the issues which its members consider to be of greatest importance.

In considering the restructuring of the University towards these ends, four problems of major significance are evident.

1. The rapid growth in the size and complexity of the University makes it more difficult for the Board of Higher Education to be as responsive as it must be to the needs of the individual colleges. Means must be found of moving the locus of major decision making closer to the colleges.
2. The present bylaws of the Board mandate similar patterns of institutional governance at each college. Means must be found to permit the institutions to take part in creating their own variations in patterns of governance.
3. There is at present no system enabling all members of the community to participate fully in University governance. Means must be found to create a flexible and responsive pattern for governance at the University-wide level.
4. Present policies and practices related to educational matters such as admissions and the creation of new curriculums should be reviewed. Means must be found of including the entire community in periodic examinations of such matters.

The Board has already taken initial steps to increase participation of all groups in University governance. Students, faculty and alumni now sit with the Board on presidential search committees. A joint student-faculty-administration committee has been meeting with the Law Committee of the Board to draft new bylaws relating to academic due process, and student rights and responsibilities. The Executive Committee of the Board has met with the Executive Committee of the University Senate, and members of the Administrative Council and the Student Advisory Council to discuss budget priorities and governance issues.

To move further towards the establishment of a more effective governance pattern, it is proposed that the Board of Higher Education take three actions:

First, establish separate Councils of Overseers responsible for each individual college under the aegis of the Board of Higher Education, and provide for faculty, student, alumni and public membership on these boards.

Second, permit each college, through joint student-faculty-administration efforts, and subject to Board approval, to determine its own pattern of internal governance including the question of student participation.

Third, initiate two joint faculty-student-administration Commissions, one on University governance, and one on admissions policy with instructions to recommend changes at the University level, suggest guidelines for University Policy and to make recommendations directly to the Board.

To these ends, the following resolutions are proposed:

BE IT RESOLVED, That the Board approves in principle the establishment of Councils of Overseers for the several units under its jurisdiction, such Councils to include faculty, students, administration, alumni and members of the general public as recommended in the "Report of the Special Committee on the Organization of the Board of Higher Education" dated May 5, 1969, subject to the establishment of policies and procedures by which they shall function as a result of extensive consultation to be held with the Administrative Council, University Senate, Alumni Associations, the Student Advisory Council and the general public; and be it further

RESOLVED, That the Board will view with favor as a substitute for those sections of Article VIII (Organization and Duties of the Faculty) and Article IX (Organization and Duties of Faculty Departments) and other related sections of the bylaws, which relate to the internal governance of the colleges and membership on any and all college committees, a new set of bylaws for any unit of the University which wishes to create and propose a new governance structure, provided that the proposed system of governance is (a) drafted by a joint student-faculty-administration group; (b) approved by referendum by no less than 75% of those members of the student body who vote in such referendum; (c) approved by referendum by no less than 75% of those individuals who are full-time members of the instructional staff who vote in such referendum; and (d) recommended to the Board by the President; and be it further

RESOLVED, That the Board approve the establishment of two University Commissions, one on University Admissions and another on University Governance, each of which is mandated to conduct a broad review of University policy and/or structure in its subject area and to submit a report and recommendations to the Board no later than October 1, 1969.

Each of these Commissions would be composed as follows:

10 members designated by the University Senate (chosen so as to include appropriate representation for all major segments of the University faculties).

10 members designated by the Student Advisory Council (chosen so as to include appropriate representation for all major segments of the University student body).

8 members designated by the Administrative Council (chosen so as to include appropriate representation for both the Senior and Community Colleges).

4 members designated by the alumni (chosen so as to include appropriate representation for both the Alumni Coordinating Council (2) and the Alumni Association (2)).

4 members designated by the Ad Hoc Committee (2) and the SEEK Advisory Council (2) to represent the Community.

2 members designated by the Chancellor to represent the Central Office.

Each of the groups noted above as designators would submit its list of designees to the Board by July 1, 1969 for certification.

Each of the Commissions would be provided with an appropriate professional staff.

If the City University is to function effectively, channels of communication must always be available for the peaceful and reasoned discussion and decision of all problems which affect the educational process. At the same time, violent disruption of the activities of the City University and its component colleges must not continue. The Board notes the recent statement by the American Council on Education:

"If universities will not govern themselves, they will be governed by others. This elementary reality is increasingly becoming understood by all components of the university community."

The Board reiterates the pledge in its 1968 Master Plan that both students and faculty should participate in the decision-making process at all units of the City University. The Board pledges its best efforts to improve, and to increase the scope and effectiveness of, such participation.

The Board has a paramount duty both to the academic community and to the people of this City to use its best efforts to ensure that the orderly working of the University shall continue. We ask the cooperation of the academic community and of all the people of this City to help us achieve this end.

Mr. Herbert Berman and Mr. George Brown asked to be recorded as voting "No."

Mr. David Ashe, Dr. Renato J. Azzari, Mr. George Brown and Professor Arleigh B. Williamson asked to be recorded as voting "No" on the following sections of the proposal:

"First, establish separate Councils responsible for each individual college under the aegis of the Board of Higher Education, and provide for faculty, student, alumni and public membership on these councils."

"BE IT RESOLVED, That the Board approves in principle the establishment of Councils of Overseers for the several units under its jurisdiction, such Councils to include faculty, students, administration, alumni and members of the general public as recommended in the "Report of the Special Committee on the Organization of the Board of Higher Education" dated May 5, 1969, subject to the establishment of policies and procedures by which they shall function as a result of extensive consultation to be held with the Administrative Council, University Senate, Alumni Associations, the Student Advisory Council and the general public;"

NO. E. DISRUPTION AND VIOLENCE ON CAMPUSES: Upon motion duly made, seconded and unanimously carried, the following statement regarding disruption and violence on the campuses was adopted:

The people of this City, and we of the Board of Higher Education have noted with growing concern the increasing outbursts of violent and disruptive tactics on the campuses, not only of the City University, but also of other colleges and universities throughout the nation. In this connection, we of the Board of Higher Education endorse the following recent statement by the American Council on Education:

"Disruption and violence have no place on any campus. The academic community has the responsibility to deal promptly and directly with disruptions. If universities will not govern themselves, they will be governed by others. This elementary reality is increasingly becoming understood by all components of the university community."

This Board reiterates the pledge in our 1968 Master Plan that both students and faculty should participate in the decision-making process at all units of the City University. We pledge our best efforts to improve that participation and to increase its scope and effectiveness. Indeed, prior to the recent disturbances, we had already taken major steps in this direction.

The steps which we have taken thus far include:

The establishment of a Student Advisory Council representing all students in the City University.

The establishment of a University Faculty Senate.

Participation by students, faculty and alumni with the Board on presidential search committees.

Participation by representatives of the students and faculty in the drafting of new bylaws relating to academic due process and student rights and responsibilities.

At its meeting on May 5, 1969, this Board took additional major steps to the same end:

Adoption by this Board in principle of a plan for Councils of Overseers at each of our colleges, to include representatives of faculty, students, alumni and the public. This plan is now being submitted for comment and recommendations to all segments of the community.

Approval by this Board of new bylaws relating to the internal governance of our colleges and student membership on all committees, provided they are drafted by a joint faculty-student-administration group at the college, approved by referendum of students and faculty, and recommended by the president.

Establishment of two University Commissions, one on admissions and one on University governance, including representatives of faculty, students, administration and representatives of the public to study our admissions processes, with particular attention to the possibility of initiating an open enrolment policy.

We reiterate our pledge that the administrations of our City University and of our colleges will be always open and available for the peaceful and reasoned discussions and solution of whatever problems are of concern to students and to all other members of the academic community. We believe, however, that the time has come for us to lay down specific guidelines to ensure that those discussions, and the resulting solutions, shall in fact be peaceful and reasoned, that educational processes shall not be impeded, and that our university shall not be wrecked. We accordingly announce the following statement of policy:

(1) The laws of this City, State and Nation apply equally to all persons both on and off campus. Our campuses cannot constitute independent sovereignties beyond the reach of the law.

(2) There is no "right" on the part of students or anyone else, at any time, to seize or forcibly occupy college or university property, or to interfere with its lawful use.

(3) In case of any such seizure, occupancy or interference, the college authorities concerned are urged to take the following steps:

(a) All negotiations, if any, with the occupying group should be terminated forthwith. At the same time the occupying group should, if practicable, be advised that the college authorities are prepared to meet with a limited number of representatives of that group at a time and place when reasoned discussion can be had, but only after the seizure, occupancy or interference has ceased, and only upon the understanding that such seizure, occupancy or interference will not be repeated.

(b) The occupying group should be notified as publicly as possible to vacate, and if they fail to do so all necessary steps should be taken to insure compliance with notice to vacate.

(4) Whenever offenders have been charged by the civil authorities, the disposition of such charges should be left to the courts, and there should be no subsequent "amnesty" or withdrawal of charges by the University or college or by anyone acting on their behalf.

We earnestly hope that resort to the civil authorities will not be necessary. At the same time, neither we nor the people of this City can any longer tolerate disruption. This Board has a paramount duty to the academic community, to the people of this City, and to the great majority of our students who wish to continue their education, to see to it that the orderly working of the University shall continue.

We ask the cooperation of the entire academic community and of all the people of this City to help us achieve this end.

The Board draws attention to the fact that its Committee on Law is now engaged in a study of principles and procedures related to Student Due Process. That study is being conducted in consultation with representatives of the Student Advisory Council, the University Senate, and the University Administration. The Law Committee study will continue and the Committee is urged to report as soon as possible.

Upon motion duly made, seconded and carried, the meeting adjourned at 10:30 p.m.

N. MICHAEL CARFORA
Secretary of the Board