

**MINUTES OF THE EXECUTIVE COMMITTEE MEETING OF THE
BOARD OF HIGHER EDUCATION OF THE CITY OF NEW YORK**

HELD

AUGUST 13, 1970

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

The Chairman called the meeting to order at 4:10 p.m.

There were present:

David I. Ashe
Herbert Berman
Porter R. Chandler

Jean-Louis d'Heilly
Jack I. Poses
Luis Quero Chiesa

Marguerite V. Rich, Acting Secretary of the Board
Arthur H. Kahn, General Counsel

Chancellor Albert H. Bowker

Deputy Chancellor Seymour C. Hyman

Upon motion duly made, seconded and carried, Mr. Poses was elected Acting Chairman.

Upon motions duly made, seconded and carried, the following resolutions were adopted or action was taken as noted:

NO. 1. LETTERS FOR THE INFORMATION OF THE EXECUTIVE COMMITTEE: The Committee noted correspondence from Mayor Lindsay, dated 8/4/70, and First Deputy Comptroller, James D. Carroll, dated 8/4/70, re campus disruption and disorder and the question of compensating teachers who had absented themselves on the day colleges were officially open.

NO. 2. REPORT OF THE LAW COMMITTEE: (a) RESOLVED, That the following Interim Statement on the Maintenance of Campus Order be adopted pending bylaw revision.

**INTERIM STATEMENT BY THE BOARD
ON THE MAINTENANCE OF CAMPUS ORDER
PENDING BYLAW REVISION**

In adopting the "student due process bylaws" (Article XV) it was the intention of this Board to provide the means to enable the administration, faculty, and students of each college of the University to administer a system of student conduct and discipline designed to maintain campus order and protect the rights of members of the college community.

The legislation creating the Board of Higher Education granted to the Board the power and the responsibility to govern and administer the college system under its jurisdiction and to prescribe the conditions of student admission, attendance and discharge. Accordingly, the Board, mindful of this responsibility provided in the bylaws (Section 15.5) that "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 Board believes that in situations involving the enforcement of its Rules and Regulations for the maintenance of Public Order pursuant to Article 129A of the Education Law (popularly known as the "Henderson Rules"), the procedures outlined in Article XV will be inadequate to the protection of individual rights and the maintenance of order at a particular campus and that in such cases the Board has the responsibility to exercise the powers reserved in Section 15.5.

Accordingly, the Board now serves notice that it will exercise its powers under Section 15.5 when a President certifies to the Chancellor or the Chancellor determines that a violation of the Henderson Rules exists. In such cases the Board will invoke the following procedures:

1. Written charges signed by the President, the Acting President or a full dean will be served upon the student involved.
2. Along with the charges, there shall be served upon the student involved a written direction to appear at a time and place therein designated for a hearing upon such charges. The hearing shall be scheduled for not later than five school days after service of charges.
3. The service of the charges and the notice of hearing shall be made in such manner as will reasonably bring the matter to the attention of the student.
4. At the hearing the proof in support of the charges will be adduced and the student, with such advisor as he deems appropriate, shall have the opportunity to controvert the charges or to make such explanation as he deems appropriate. Both sides may introduce evidence and cross-examine witnesses. In the event the student does not appear the hearing nevertheless shall proceed.
5. A record of each such hearing by some means such as a stenographic transcript, a tape recording or the equivalent shall be made. The student involved is entitled upon request to a copy of such a transcript without cost.
6. The hearing shall be public or private as the hearing panel as hereinafter provided shall determine, except that the hearing shall be private if the student so requests.

7. As soon after the conclusion of the hearing as may be practical the hearing panel shall make a decision and shall communicate it to the President and to each student involved. The decision shall be that the charges or any of them are sustained or dismissed. If the charges or any of them are sustained, the hearing panel shall state the penalty therefor. The penalty may consist of censure, disciplinary probation, restitution, suspension for a period of time or expulsion. The decision of the hearing panel shall be final except that a suspension for a year or longer or expulsion shall be appealable to a committee designated by the Board. Any appeal under this section shall be made in writing within fifteen days after the delivery of the hearing panel's decision. This requirement may be waived in a particular case for good cause by the Board Committee.

8. The hearing panel shall consist of such persons as the Chancellor may designate. One such person shall be designated by the Chancellor as the presiding officer. One person shall be a student selected from a roster submitted by the University Student Senate, but such student shall not be from the college attended by the student under charges. One person shall be a member of the permanent instructional staff selected from a roster submitted by the University Faculty Senate, but such faculty member shall not be from the college attended by the student under charges. In the event that no roster has been submitted by the University Student Senate or by the University Faculty Senate, or in the event that no person on one or the other of such rosters is available or willing to serve in a particular case, the Chancellor shall designate a student or a member of the permanent instructional staff, as the case may be, to serve on the hearing panel. The presiding officer shall be in charge of the hearing and shall make such rulings in the course of the hearing as he deems appropriate for a fair hearing. The presiding officer shall be empowered to proceed in the absence of the faculty member or student member, or both.

9. The determination that a violation of the "Henderson Rules" exists shall not affect the power of a president or full dean temporarily to suspend a student or temporarily suspend the privileges of a student organization as provided in Section 15.5 of the bylaws.

10. In the event that a student is suspended or expelled under these procedures or the procedures of Section 15.3 of the bylaws and the suspension or expulsion is subsequently vacated on appeal or by the courts, the college will provide at no cost to the student the academic services lost as a result of the suspension or expulsion.

(b) Report of proposed bylaw amendments noted.

NO. 3. GRADUATE CENTER—CAPITAL FUNDING: RESOLVED, That the Board approve the following changes in the Dormitory Authority note facility: C20.01 in the next supplemental note agreement.

Estimated Cost: \$6,000,000 [of which not exceeding \$3,500,000 is estimated] to be expended as follows: (a) for payments of the costs and expenses of such renovation and equipment of such parts of the Graduate Center, including planning, designing, architectural, other incidental costs in connection therewith and the payment of the principal of any notes hereafter issued to the extent the proceeds thereof were used to pay such costs and expenses of such renovation and equipment; and [the balance of \$2,500,000 is estimated] (b) to pay for other costs and expenses including: (i) payment and discharge of the principal of and interest on certain notes of the Authority designated Bond Anticipation Notes, The City University of New York Note Issue, Series I, dated December 19, 1967 and maturing December 13, 1968, or the payment and discharge of the principal of and interest on any notes thereafter issued to pay and discharge such Bond Anticipation Notes; (ii) the payment and discharge of the principal of and interest on any other notes thereafter issued by the Authority for payment of costs and expenditures relating to such renovation and equipment, (iii) payment of a fee to the Authority for its administrative and supervisory expenses in connection with such renovation and equipment; and (iv) expenses incurred by the Authority in connection with any financing by the Authority for the purposes of the items hereinbefore set forth.

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

EXPLANATION: This transfer of funds necessitates no increase in the estimated total cost of the Graduate Center facility as previously approved. It is requested that the amount originally reserved for interest and other costs on the \$2,000,000 in notes be used for additional construction and equipment required to complete the Graduate Center facility.

NO. 4. AUTHORIZATION FOR RENTAL—BOROUGH OF MANHATTAN COMMUNITY COLLEGE: RESOLVED, That the Board authorize the rental of approximately 125,000 square feet of space for the Borough of Manhattan Community College, subject to approval of the terms and conditions of the lease by the Committee on Campus Planning and Development; and be it further

RESOLVED, That the Department of Real Estate be requested to complete negotiations for the rental of the indicated amount of space.

EXPLANATION: The Borough of Manhattan Community College has for the past three years been unable to conclude an arrangement for the rental of additional space. The College's annual enrollment expansion during this period has caused it to become the most over-utilized unit in the University.

The additional space is required to provide some measure of relief to the existing condition, as well as to enable the College to meet its space requirements for the additional students entering under the open admissions program.

NO. 5. SUPPLEMENTAL NOTE AGREEMENT NO. 17: RESOLVED, That the form and substance of Supplemental Note Agreement No. 17, dated as of July 21, 1970 between the Board of Higher Education, the Dormitory Authority and the City University Construction Fund, be approved and the Chairman is authorized to execute the same; and be it further

RESOLVED, That prior to execution minor changes, insertions, and omissions may be made by the Chairman, and the execution of Supplementary Note Agreement No. 17 by the Chairman and attested by the Secretary shall be conclusive evidence of approval.

EXPLANATION: Supplemental Note Agreement No. 17 amends No. 16 by providing for the following:

A. Inclusion as note facilities of the following items with regard to Lehman College; i.e. new gymnasium including site work; renovation of Shuster Hall and link expansion; renovations and additions to Student Hall; bookstore; music and auditorium building; library; speech and theatre building; Central plant; Site construction and planting and site utilities.

B. Increase the estimated cost for note facility C19.01 by \$175,000 (temporary facility for John Jay College).

C. Provide for the elimination and withdrawal of facilities C11.02; C12.02 and C14.05 to take effect when conveyance of the Authority's right, title and interest is made (12 temporary buildings at City College; temporary buildings for Lehman College and renovation of existing building on Glenwood Road for Brooklyn College).

At this point the Committee went into Executive Session.

Upon motion duly made, seconded and carried, the meeting adjourned at 5:30 p.m.

MARGUERITE V. RICH
Acting Secretary of the Board