

**MINUTES OF THE EXECUTIVE COMMITTEE
OF THE BOARD OF HIGHER EDUCATION
MEETING JOINTLY WITH THE COMMITTEE ON LAW**

HELD

OCTOBER 6, 1971

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

The Chairman called the meeting to order at 4:40 p.m.

There were present:

Frederick Burkhardt, Chairman
David I. Ashe
Herbert Berman
Alexander A. Delle Cese

Norman E. Henkin
Minneola P. Ingersoll
Jack I. Poses
Luis Quero Chiesa

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

Chancellor Robert J. Kibbee

Deputy Chancellor Seymour C. Hyman

The absence of Dr. Johnson was excused.

Upon motions duly made, seconded and carried, the following resolution and statement were adopted:

NO. 1. POWELL v. THE BOARD OF HIGHER EDUCATION: (a) RESOLVED, That the Executive Committee of the Board of Higher Education instruct the Corporation Counsel to file an immediate notice of appeal of Justice Francis J. Bloustein's decision in the matter of Powell v. Board of Higher Education, and also to take such other steps as may be necessary to protect the interests of the Board.

(b) The decision handed down this week by State Supreme Court Justice Bloustein must be appealed since it strikes to the very heart of the relationship between university trustees and those the trustees appoint to execute their policies. In no way does that relationship impinge upon faculty rights or tenure. Dr. Powell was dismissed as a chief administrator of a college campus due to lack of confidence in his administration, but he continues as a tenured professor at the City University of New York. That distinction is important.

We are disappointed in the lower court decision. It could have serious impact upon the structure of both public and private higher education throughout the United States. At a time when limited resources require the most

efficient campus management, keenly responsive to trustee policy, it would seem imprudent to inject procedural obstacles into the relationship between policy makers and policy implementers.

The appeal will in part rely upon the Education Law of New York State which explicitly prohibits the conferring of tenure in various administrative positions including that of college president.

We want it clearly understood that we have full confidence in and support President Leon M. Goldstein of Kingsborough Community College whose appointment to that important administrative position has been duly confirmed by both the Board of Higher Education and the Board of Trustees of the State University of New York. We consider it imperative that President Goldstein continue in that position.

Upon motion duly made, seconded and carried, the meeting adjourned at 5:40 p.m.

N. MICHAEL CARFORA
Secretary of the Board