

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

HELD

OCTOBER 26, 1971

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

In the absence of the Chairman, the Acting Chairman, Mr. Jack I. Poses, chaired the meeting.

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

There were present:

Jack I. Poses, Acting Chairman
David I. Ashe
Herbert Berman
Maria Josefa Canino
Alexander A. Delle Cese
Fileno DeNovellis
Jean-Louis d'Heilly
Frederick O'R. Hayes
Norman E. Henkin
Minneola P. Ingersoll

Robert Ross Johnson
James Oscar Lee
John A. Morsell
Luis Quero Chiesa
Edward S. Reid
Barbara A. Thacher
Francisco Trilla
Nils Y. Wessell
Arleigh B. Williamson

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

Chancellor Robert J. Kibbee
President Milton G. Bassin
President John W. Kneller
President Leonard Lief
President Robert E. Marshak
President Joseph S. Murphy
President Mina Rees
President Herbert Schueler
President Richard D. Trent
President Jacqueline G. Wexler
President Clyde J. Wingfield
President William M. Birenbaum
Acting President Peter J. Caffrey
President James A. Colston

President Candido de Leon
President Edgar D. Draper
President Leon M. Goldstein
President Kurt R. Schmeller
President Joseph Shenker
Professor Ralph W. Sleeper
Mr. Richard Lewis

Deputy Chancellor Seymour C. Hyman
Vice-Chancellor Julius C. C. Edelstein
Vice-Chancellor Timothy S. Healy
Vice-Chancellor Bernard Mintz
Vice-Chancellor David Newton
Vice-Chancellor Frank J. Schultz

The absence of Mr. Burkhardt, Mrs. Weiss, and Mr. Robinson was excused.

NO. A. NEW MEMBER: The Acting Chairman introduced Mr. Edward S. Reid, newly appointed member of the Board, who was attending his first meeting.

NO. 1. REPORT OF THE AFFIRMATIVE ACTION COMMITTEE: The Acting Chairman reported the receipt of a Mailgram from the Brooklyn Jewish Community Council re the Affirmative Action Committee Report.

At this point the Board heard the following with respect to the Affirmative Action Committee Report:

Mrs. Sylvia Deutsch, Ad Hoc Committee for the City University
Professor Abraham Tauber, American Jewish Congress

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

RESOLVED, That a special committee of the Board be appointed to consider the Affirmative Action Committee's report; and that the Council of Presidents, if it so wills, report to this special committee any opinions or views it may have on this subject; and that this special committee report back to the Board for action by the November meeting, if possible, but no later than the December meeting of the Board.

Upon motions duly made, seconded and carried, the following resolutions were adopted, or action was taken as noted: (Cal. Nos. 2 through 8)

NO. 2. RICHMOND COLLEGE ENGINEERING PROGRAM: In accordance with action taken at the meeting of the Board held June 21, 1971, Cal. No. 1, with respect to the discontinuance of the Richmond College Engineering Sciences Program, the following report presented to the Board was noted and accepted:

The following agreement is reported jointly by President Schueler of Richmond College and President Marshak of City College, in the light of the recommendations of the Board of Higher Education (Calendar of June 21, 1971, Item 1), discussions with former Chancellor Bowker, and agreements secured in a meeting of the two Presidents, Deans Schmidt and Brenner of City College and Dean Wasser and Professors Oodian and Leonard of Richmond College.

a. Richmond College will not offer any graduate programs or graduate courses in engineering or engineering science.

b. Richmond College will rename and reconstitute its present Division of Science and Engineering to a Division of Natural and Applied Sciences or any other name excluding the words engineering or engineering science.

c. Richmond College will continue to offer a broadly-based, non-specialized undergraduate program in engineering science as one of the majors leading to the degree of Bachelor of Science. The number of students majoring in this program will not exceed 300 unless changed by mutual agreement of City and Richmond Colleges.

d. The Presidents of City College and Richmond College will establish a joint standing committee to ensure continuing cooperation and articulation between the two institutions in matters of mutual concern in engineering science. This shall include but shall not be limited to facilitating the admission of qualified Richmond College graduates to the City College Graduate Engineering Program.

e. A joint report on the progress of this cooperative venture will be made to the Board at the end of the third year of its operation (Summer 1973).

NO. 3. COMMITTEE ON TRUSTS AND GIFTS: (a) Mrs. Thacher, on behalf of the Committee on Trusts and Gifts, presented the Committee's report, dated October 6, 1971, which report was received and accepted.

NOTE: A complete copy of the report is on file with these minutes in the Office of the Secretary of the Board.

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

RESOLVED, That the Committee on Trusts and Gifts hold a meeting with representatives of the University Faculty Senate and University Student Senate at which the Committee will present such details as it deems advisable re the investment procedure, and that the Committee report back to the Board.

(b) RESOLVED, That Cotty, Felleman & Co., Inc., 270 Park Avenue, New York, New York 10017, be appointed as Investment Counsel for the City University Voorhees Fund at an annual fee of \$7,500, payable quarterly.

NO. 4. COMMITTEE ON CAMPUS PLANNING AND DEVELOPMENT: RESOLVED, That the following items approved by the Committee on Campus Planning and Development be adopted:

(a) COMPLETION OF RENOVATION—LAGUARDIA COMMUNITY COLLEGE:

RESOLVED, That the Board approve a contract for the services of Gueron, Lepp Associates, Architects, of New York City, for the preparation of complete Phase 11 preliminary and final drawings, specifications, estimates of cost, the checking of shop drawings and the supervision of construction for LaGuardia Community College consisting of the alteration of the former Ford Instrument Building at 31-10 Thomson Avenue, Long Island City, Borough of Queens at a fee of \$648,565 (including amounts of \$444,875 for design, \$166,190 for supervision of construction and an allowance of \$37,500 for a Resident Engineer or Clerk of the Works) based on a construction cost estimate of \$8,309,540 dated September 1971 and chargeable to Capital Project HN-210; and be it further

RESOLVED, That the Bureau of the Budget be and is hereby requested to approve said contract; and be it further

RESOLVED, That the State University be, and is hereby requested as appropriate, to establish or adjust the appropriate Capital Budget Project to implement the action approved by this resolution.

EXPLANATION: Phase 1 of the renovation of the former Ford Instrument Building is completed and occupied by LaGuardia Community College.

EXPLANATION: Phase 1 of the renovation of the former Ford Instrument Building is completed and occupied by LaGuardia Community College.

Phase 1 was an interim alteration to provide an immediate accommodation for approximately 500 full-time day students.

Phase 11, with which the above resolution is concerned, is for the completion of the renovation of the entire building to allow for accommodation of approximately 2,300 full-time day students and approximately 1,100 part-time students by 1975.

The program provides for renovation of all floors of the building to provide for all College functions. It also provides for a new gymnasium addition to be constructed on the site of the present parking lot to the rear of the existing building.

The gross area to be renovated is 222,573 sq. ft. The cost per sq. ft. of renovation is \$28.88 (as of September 1971).

The new building addition gross area is 25,127 sq. ft. The cost per sq. ft. of this new construction is \$60.43 (as of September 1971).

The total estimated cost of construction (as of September 1971) may therefore be summarized as follows:

1. a) Renovation 222,573 sq. ft. at \$28.88	\$6,427,900
b) Associated Site work	\$ 104,365
2. a) New Gymnasium—25,127 sq. ft. at \$60.43	\$1,518,420
b) Associate Site work	\$ 258,855
TOTAL	\$8,309,540

(b) ADDITION TO BOILER PLANT—BROOKLYN COLLEGE:

RESOLVED, That the Board approve final plans and specifications for the addition to the Boiler Plant, Phase 111, at Brooklyn College as submitted by Syska and Hennessy, Consulting Engineers, at a cost limitation of \$988,000, chargeable to Capital Project HN-141 (including escalation to a projected bid date of January 1, 1972, and 5% for contingencies during construction); and be it further

RESOLVED, That the Director of the Budget be requested to approve said plans, specifications and cost limitation chargeable to Capital Project HN-141, and to adjust as necessary the past budget appropriation.

EXPLANATION: On July 2, 1970, under CP-5030, the Bureau of the Budget approved a cost limitation of \$827,000 for this project. This was based on preliminary plans and a preliminary estimate of cost of construction of \$750,000 as of May 1970, to which was added a projected 5% for escalation and 5% for contingencies.

It should be noted that during this period from July 2, 1970 to date, escalation has developed at a rate in excess of 5% per annum. Based on McKee-Berger—Mansueto's index of escalation of costs the escalation from May 1970 to a projected bid date of January 1972 is 19.7%

The present cost limitation may be analyzed as follows:

1) Estimate of cost of construction (May 1970)	\$750,000
2) Escalation to January 1972	\$147,000
3) Increase in scope	\$ 44,000
4) 5% for contingencies	\$ 47,000
TOTAL	\$988,000

The additional scope of work may be attributed to items which were found necessary during the detailed development of final plans. It includes additional catwalks, replacement of old valves, replacement of old piping, condensate pumps and a heater.

The plans have been reviewed by the Office of Campus Planning and Development and the College and are considered satisfactory. The work included in this contract will complete the final phase of modernization of this plant.

(c) RENTAL OF SPACE—RICHMOND COLLEGE:

RESOLVED, That the Board approve the rental of 730 square feet of space at 350 St. Mark's Place for use by Richmond College; and be it further

RESOLVED, That the Department of Real Estate be requested to execute a lease for the aforementioned space.

EXPLANATION: Richmond College presently rents 14,046 square feet of space in the above mentioned building and the rental of an additional 730 square feet of space will provide the College with badly needed faculty office space.

The Department of Real Estate has negotiated a lease for the subject premises from the date of occupancy until December 31, 1973 at an annual rental cost of \$3,720 (\$5.09/sq. ft.). The lease further provides that the landlord will provide standard building cleaning services and electricity.

NO. 5. REPORTS OF THE CHANCELLOR: (a) The Chancellor presented the following report:

Since I'm new here, I have been fortunate in that I haven't had too many matters of significant substance to deal with, which has given me an opportunity to get better acquainted with the system and the people in it and to try and absorb some small portion of the information that flies around the system and is imbedded in it in various places and to recognize that sometimes the information isn't very good.

I'd like to bring you up to date on a few things and to tell you what I have been doing and what I plan to do in certain areas. The first thing I should report to you is the current status of the Powell Case. As you know, we have received an opinion from Supreme Court Justice Bloustein, upholding Mr. Powell's contention that he had been wrongfully removed from his office, based on the claim that the Board had not followed its own bylaws. It was decided after a meeting of the Executive Committee and the Law Committee of the Board that there should be an immediate appeal put in, which would have two advantages. We thought the Appeals Court would have a different view of the situation. It would also stop the execution of the order until the appeal was heard. It was discovered in the course of this meeting that there was an important legal point that everyone had missed in making this case, so important that the Corporation Counsel would ask Judge Bloustein for a reargument of the case. An appeal has been filed, and I believe that a countermeasure has been taken by Mr. Powell to accelerate the appeal, and that either today or tomorrow or within the next few days, a motion to rehear will be taken before Judge Bloustein. I do want to report that Lee Goldstein in our view is still the President of Kingsborough, and will remain President.

A second thing is that I will start tomorrow a series of visitations to the units of the University, and in seven or eight weeks I will have visited them all. By reasons of history I start with Richmond College and Staten Island Community College tomorrow.

There has been, as you know, a committee set up by the Regents, an Advisory Committee on Regional Planning, which consists of representatives from the public sector, CUNY and from the private sector, and several prominent representatives of the community. The purpose is to deal with common problems within a particular region. There have been two meetings of the Council. There are six members from CUNY: four presidents, Dr. Hyman, and myself. One of the topics under discussion is engineering course offerings in the City of New York.

On November 17 there will be a meeting of the Joint Legislative Committee on Education here to take up the question of open Admissions at the City University, and we have been busy on the staff trying to prepare for that. We have also been involved in initial plans for collective bargaining which will come up in the spring and also for the legislative session which will begin shortly and will be a difficult session, as all of you know.

I have had some conferences with a number of people that represent certain interests within the City and the University. I have met with the Executive Committee of the Legislative Conference, and I have met with representatives of the U.F.C.T. I have attended my first plenary session with the Faculty Senate, and I have had a number of sessions with Professor Sleeper.

I have prepared the following statement on the question of discrimination against women in the system. I don't think it violates anything that is within the province of the Board, and I'll be releasing this statement very shortly.

STATEMENT BY CHANCELLOR ROBERT J. KIBBEE

The City University of New York has traditionally been a powerful resource, locally and nationally, for attacking the evils of unfair personnel discrimination. I intend that this commitment will continue during the period of my chancellorship and in this resolve I am heartened by the strong support of the Board of Higher Education. Its Statement of Policy, adopted December 28, 1970, was no small consideration in my decision to join the City University.

Today an important component of this ongoing human rights effort is the need to redress the grievances of women who have long been the victims of discrimination in society at large, the university community in general and the City University in particular. That such discrimination was not intended or was not a deliberate policy of the University does not constitute a satisfactory excuse for lack of prompt affirmative action on our part. Nor is there reason for delay in the fact that the proportion of women employed at the colleges of City University is significantly higher than virtually every other public university in the country. We cannot rest content with this problem until sex as a criterion for recruitment, hiring, tenure and promotion has been totally eliminated for every unit of the University including the central administration.

Women represent a substantially underutilized resource of skill and talent which our society can ill afford to neglect. Claims made by women are rightly achieving long overdue legal status. More important, their cause is just! For all those reasons, women who are potential or active candidates for employment, promotion or tenure at City University must be afforded absolute and unequivocal guarantees against sex discrimination.

I have asked the University's Vice-Chancellor for Faculty and Staff Relations to give this problem his highest priority seeing that all those with decision-making authority over hiring, promotion and tenure are made acutely conscious of the University's legal and moral responsibilities. To assist him in this effort I will soon be appointing a committee of women who have been active in the field of sex discrimination. This committee will help to identify defects in personnel procedures which serve to exclude women from fair consideration and will also suggest methods of recruiting qualified women faculty members and staff who are not now reached by the recruitment efforts of the University and its colleges. The recommendations of this committee will receive prompt and serious consideration by myself and my cabinet. Those requiring action by the Board of Higher Education will be presented to that body with appropriate recommendations by me, without delay.

Compliance with this administrative policy requires more than passive acquiescence to legal procedures; it demands affirmative action by all with authority to contribute to a solution.

There is one thing that isn't on the agenda here because it just came up, and I don't know that I want to force you into a discussion at this moment, but since I'm new, I'd like to know the guidelines concerning the role of the Board and the role of the administrators vis-a-vis policy and its implementation. I've heard talk tonight that the Affirmative Action Report was the administrative attempt to implement the policies set up by the Board. Is this the sort of thing which must come back to the Board for approval? Although I don't mind the full participation of the Board, if we try to implement policy and don't come back to the Board, are we doing the right thing? This was put on the agenda because the Board expected it to come on, but I don't know where one draws the line on which things I bring to the Board in terms of implementation and which I do not and put my neck on the line for having done them. I'm willing to put my neck on the line and take the consequences. I don't want to make this a real issue, but all of a sudden I began to wonder whether the statement I am issuing on women should have been cleared with the Board. I frankly didn't think so. I did it on my own as implementation of the policy of the Board.

I did want to tell you that the long effort has been successful and members of the Board of Higher Education are now on the board of the Construction Fund. Three members of the Board, Mr. Poses, Mr. Berman, and Mr. Morsell have been appointed to the board of the Construction Fund. And, of course, the Chairman of our Board—if we ever have one—will be an ex officio member of that board. So will I. So we will be well represented. The Governor also appoints two members.

That's really all I have to report at this time.

(b) RESOLVED, That the Chancellor's Report (including Addendum Items) for the month of October 1971 be approved as amended, as follows:

Item G.1.10 Amendment of Minutes listed in the ADDENDUM—Withdrawn.
Items listed in PART H. ERRATA, to be withdrawn or changed, as indicated.

NO. 6. GENERAL DISCUSSION—POLICY PROPOSALS FOR FUTURE BOARD CONSIDERATION: No further action.

NO. 7. REGIONAL OPPORTUNITY CENTERS PROGRAM: RESOLVED, That the Board authorize the extension of the currently existing contract with the Manpower and Career Development Agency of the Human Resources Administration of the City of New York, from October 31, 1971 to December 31, 1971. The Manpower and Career Development Agency will make available to the University an additional \$700,000 for the continued operation of the educational and training components of the eleven (11) Regional Opportunity Centers. Approximately 2,000 unemployed adults will be served in these centers.

EXPLANATION: At a meeting on June 21, 1971, the Board of Higher Education referred to its Committee on Expanded Educational Opportunity, for findings and recommendations, the question of the continuance of the contractual relationship between the City University and the ROC Program.

On August 17, 1971 (Calendar No. 5), the EEO Committee supported the University's recommendation to the Executive Committee that the contract should be allowed to terminate as of October 31, 1971. This recommendation was accepted. However, on October 6, 1971, Commissioner Erazo of the Manpower and Career Development Agency requested "that the Board of Higher Education, acting through The City University of New York, agree to continue to participate in the Regional Manpower System operated by the Manpower and Career Development Agency during the period November 1, 1971 through December 31, 1971."

The primary reason for the above request is that the Board of Estimate of the City of New York found HRA's procedures, in going out on bids for the selection of a new educational sub-contractor, to be unacceptable. In order for HRA to comply with the Board of Estimate's request, and revamp its procedures, it is necessary that the present contract be extended through December 31, 1971. MCDA has given its assurance to the University that this will be its last request for an extension of the ROC contract.

NO. 8. COMMITTEE ON LAW: (a) Mr. Ashe, on behalf of the Committee on Law, served notice of proposed amendments to the bylaws relating to removal of certain personnel.

In accordance with established procedure, the proposed bylaw amendments will be circulated ten days before the regularly scheduled meeting of the Board.

(b) Mr. Ashe reported on the matter of "No reasons for non-reappointment of non-tenured faculty persons."

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

RESOLVED, That the Corporation Counsel be requested to file a brief as a friend of the Court, amicus curiae, in the Supreme Court in the matter of Roth v. The University of Wisconsin.

At this point the Board went into executive session.

N. MICHAEL CARFORA
Secretary of the Board