

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

HELD

JANUARY 24, 1972

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

The Chairman called the meeting to order at 5:45 p.m.

There were present:

Luis Quero-Chiesa, Chairman
David I. Ashe
Herbert Berman
Maria Josefa Canino
Alexander A. Della Cese
Jean-Louis d'Heilly
Norman E. Henkin

Minneola P. Ingersoll
Jack I. Poses
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 Robert E. Marshak
President Clyde J. Wingfield
Acting President Peter J. Caffrey
President James A. Colston
President Candido A. de Leon
President Edgar D. Draper
President Leon M. Goldstein

President Kurt R. Schmoller
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, Mr. DeNovellis, Mr. Hayes, Dr. Lee, Mr. Morsell, Mr. Robinson and Mrs. Weiss was excused.

At this point the Board went into Executive Session.

The Chancellor in Executive Session reported on the budget and related matters.

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

RESOLVED, That the Chancellor be authorized to issue a public statement on the 'Hyman Plan' if and when he deems it advisable after taking such preliminary steps as are necessary.

NOTE: In authorizing the Chancellor to issue a public statement the Board thereby endorses the 'Hyman Plan.'

At this point the Board went into Regular Session.

Upon motions duly made, seconded and carried, the following resolutions were adopted or action was taken as noted: (Cal. Nos. 1 through 11)

NO. 1. APPROVAL OF MINUTES: RESOLVED, That the minutes of the Board of Higher Education for the following meetings be approved, as circulated:

EXECUTIVE COMMITTEE MEETINGS

April 13, 1971
 May 11, 1971
 May 19, 1971
 June 10, 1971
 June 30, 1971

REGULAR MEETINGS

May 3, 1971
 May 24, 1971
 June 21, 1971

NO. 2. COMMITTEE ON LAW: (a) RESOLVED, That the following proposed amendments to the bylaws be adopted:

**PROPOSED BYLAW AMENDMENTS
 RELATING TO REMOVAL OF CERTAIN PERSONNEL**

Section 1. Section 6.6c of the bylaws of the Board of Higher Education is hereby amended to read as follows:

Section 6.6 APPOINTMENTS TO THE INSTRUCTIONAL STAFF-NOTICES.

c. In the case of the appointment of a chancellor, deputy chancellor, president, vice-president, assistant vice-president, vice-chancellor, university dean, university associate dean, university assistant dean, dean, associate dean, [or] assistant dean, or principal, the affirmative vote of a majority of all members of the Board shall be required. In the case of the removal of a chancellor or a president, the affirmative vote of the majority of all members of the board shall be required. Removals from appointment as deputy chancellor, vice-chancellor or

university dean, university associate dean, or university assistant dean may be made by the Chancellor. Removals from appointment as vice-president, assistant vice-president, dean, associate dean, [or] assistant dean or principal may be made by the president responsible for the educational unit involved.

Section 2, Article VII of the bylaws is hereby amended by adding Section 7.9 to read as follows:

ARTICLE VII – ACADEMIC DUE PROCESS

Section 7.9. EXCLUSIONS. This article shall not be applicable to those members of the instructional staff in titles listed in Section 6.6c of these bylaws.

Section 3. These amendments shall take effect immediately.

NOTE: Matter in brackets [] to be deleted; matter in bold type is new.

(b) Mr. Ashe reported that recommendations of the Faculty Senate re the amendments relating to removal of certain personnel will be considered by the Committee on Law. He further reported that a member of the Council of Presidents, the Faculty Senate and the Student will be invited to join the deliberations.

NO. 3. PROFESSIONAL OBLIGATIONS OF THE FACULTY: Item withdrawn pending final reports from the Faculty Senate and the Council of Presidents on the same subject.

NO. 4. COMMITTEE ON EXPANDED EDUCATIONAL OPPORTUNITY: RESOLVED, That the following resolution approved by the Committee on Expanded Educational Opportunity be adopted:

STRUCTURE OF SEEK PROGRAM AT JOHN JAY COLLEGE OF CRIMINAL JUSTICE FOR 1971-72:

RESOLVED, That the SEEK Program at John Jay College of Criminal Justice operate as a full status department according to the criteria set forth by the Board of Higher Education guidelines for the academic year 1971-72 with the following exceptions:

- (1) The John Jay SEEK Department be housed in the Division of Counseling and Student Life.
- (2) The John Jay SEEK Director report to the Dean of Students rather than to the Dean of Faculty.
- (3) The Dean of Students be a member of the college SEEK Personnel and Budget Committee.
- (4) The college President appoint the three remaining members of the SEEK Personnel and Budget Committee from the SEEK Department with the advice and counsel of the SEEK Director.

EXPLANATION: There are no departments, as such, at John Jay. The divisional structure is employed at the college. The SEEK Director and the Dean of Students perform similar functions regarding counseling and remedial work. Their working together is to their common advantage. As a member of the SEEK P & B Committee, the Dean of Student's expertise and input is most beneficial.

NO. 5. COMMITTEE ON CAMPUS PLANNING AND DEVELOPMENT: RESOLVED, That the following actions approved by the Committee on Campus Planning and Development be adopted:

(a) ARCHITECTURAL/ENGINEERING SERVICES--NEW BRONX COMMUNITY COLLEGE CAMPUS:

RESOLVED, That the Board approve a contract with Emery Roth and Sons, Architects, 850 Third Avenue, New York, New York 10022, to provide Architectural/Engineering Services for the preparation of complete drawings (preliminary and final), specifications (outline and final), estimates of cost (preliminary and final) and checking of shop drawings for the New Bronx Community College Campus, for a fee of \$3,288,145, not to exceed \$3,974,800. The total estimated cost of construction of \$80,000,000, established as of December 1971, is to be charged to Capital Project No. HN-139; and be it further

RESOLVED, That the Director of the Budget be, and is hereby requested to approve said contract and fee chargeable to Capital Project No. HN-139; and be it further

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

EXPLANATION: The purpose of this contract is to produce complete plans and specifications for the construction of the New Bronx Community College Campus.

The facility to be constructed will consist primarily of a 1,000,000 gross square foot set of buildings estimated to cost \$65,000,000 plus a platform of 333,000 square feet estimated to cost \$15,000,000. All foundation, general construction and mechanical work is included.

The Facilities Program therefor is being prepared by The City University of New York and will be approved shortly by the College, Office of Campus Planning and Development and the State University of New York. This program will then be supplied to the consultant together with a detailed statement of requirements and other information as indicated in the contract.

(b) CONSTRUCTION MANAGEMENT SERVICES--NEW BRONX COMMUNITY COLLEGE CAMPUS:

RESOLVED, That the Board approve a contract with Carl A. Morse, Inc., 1133 Avenue of the Americas, New York, New York 10036, to provide construction management services during and in connection with the design phase only of the New Bronx Community College Campus, for a fee not to exceed \$104,000. Said fee is based on an estimated cost of construction of \$80,000,000, established as of December 1971; and be it further

RESOLVED, That the Director of the Budget be, and is hereby requested to approve said contract and fee chargeable to Capital Project No. HN-139; and be it further

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

EXPLANATION: The purpose of this contract is to cover construction management services during the schematic design phase, the preliminary design phase, the contract document phase and the bidding phase for the facilities of the New Bronx Community College Campus.

These facilities will consist primarily of a 1,000,000 gross square foot set of buildings estimated to cost \$65,000,000 plus a platform of 333,000 square feet estimated to cost \$15,000,000. All foundation, general construction and mechanical work is included.

Emery Roth & Sons, 850 Third Avenue, New York, New York 10022, are the Architects for the project.

The Construction Manager's planning and expertise during the design phases mentioned above will avoid construction delays, extra costs and jurisdictional labor disputes.

NO. 6. CHANCELLOR'S REPORT: (a) Oral Report:

First, I would like to present a report on the progress of the Affirmative Action Program at the University.

The Affirmative Action Program calls for all of the colleges to submit Affirmative Action programs of their own, which would be reviewed by the staff and by the Affirmative Action Committee of the Council of Presidents, and then I think recommendations would be made back to the colleges and to the Board. At this point, I might say that we have added to the Affirmative Action Committee the chairman of the Affirmative Action Committee of the Faculty Senate, and also we will be asking Mr. Richard Lewis, the chairman of the Student Senate, to become a member or to appoint a member of that body in order to get total involvement. We have received an Affirmative Action Program from all the colleges so all have abided so far by the letter of the law. These have been examined by the staff and criticized by the staff and have been turned over to the Affirmative Action Committee for its consideration, and that is now being undertaken. One of the suggestions that have been made is the possibility of developing a model five-year program that will be developed out of the best college programs that have been submitted so far. The content of the programs varies from college to college, and this will be looked at carefully by the Committee.

Another facet is that the University Faculty Senate is exploring the creation of an academic training program to develop ways of getting and training minority group members to bring them up to the full qualifications that are expected at the University for academic appointments and promotions. The Civil Service Commission has prepared a training program for non-instructional staff which we will be implementing shortly.

Beyond that, we will be establishing in the Affirmative Action Office a Human Rights Unit, which will be an internal mechanism involved in the ongoing programs of the University or in the hiring problems of the University, to review charges of discrimination on the basis of race, religion, sex, or any of the things that are included in the President's Executive Orders. We are in the process of setting about this. A director has been appointed and will be taking over to handle this part of the program very soon. One of the parts of the program is to include on all application forms for employment a statement that State and City laws bar discrimination and also saying that pursuant to our commitment to equal opportunity, if any applicant feels he has a complaint, he can make such a complaint to the Human Rights Unit. We have worked out an agreement with the State Human Rights Office that they will use our internal review process first before they move in on cases. We hope to make a similar kind of arrangement with the City Unit on the grounds that we will try to take care of each new complaint if we can in our internal mechanism and, hopefully, cut down on the cases that have to be taken outside the University.

That is basically my report at the moment as to the status of the Affirmative Action Program. If you have any questions, either I or Mr. Negron or President Draper will try to answer them.

There are two other things that I wanted to talk about. I think I should report although I don't think I can really tell you all the things that have been going on within the University to try to marshal the forces of the University and the community to support the University in its current budget crisis. There have been a large number of activities in most of the boroughs and in most of the institutions of the University, but the Presidents can tell you of others.

As you know, on Sunday there was a large press conference at the Americana Hotel, sponsored by the Ad Hoc Committee for the University, which has become actively involved in the University's budget problems. This received a great deal of coverage in the press and on TV. Today you might have noticed a forceful statement on the University from Congressman Badillo. There are a large number of visitations being made by presidents, alumni groups, students, etc. to representatives, advising them of the concerns of the University in the budget crisis. There are some activities undertaken on a borough basis. Two that I know of are in Brooklyn, with Brooklyn College being the coordinating agency, which is scheduled for next week, and I believe one is being handled by City College in the Manhattan area. There is a multitude of activities going on hopefully in a fairly coordinated way, which is trying to reach all of our constituencies and get them involved in placing pressure on all of the legislators and particularly on the leaders and on the Executive Office in Albany. I don't know what else I could tell you about that except a lot of anecdotal things that there is no end to. Are there any questions that the Presidents might answer?

There is a new development on Baruch College which I will let Seymour explain to you. This is the one planned for the Atlantic Terminal Area in Brooklyn.

At the request of the Chancellor, Deputy Chancellor Hyman reported on Baruch College:

For the last two and a half years and with the expenditure of approximately \$200,000 in planning and engineering study contracts, the University and Baruch College have been attempting to develop a design for the college in the area over the Long Island Railroad in the Atlantic Terminal in Brooklyn. We have now come to an agreement with the City officials who initially were anxious to have the University at that location. The agreement is that it would not be feasible to construct Baruch College at that location. This has been discussed with President Wingfield, who is in agreement with this conclusion. This has been discussed with the Campus Planning and Development Committee, which agrees with us, and the chairman of the City Planning Commission, Mr. Elliot, also agrees with us.

Briefly summarized, some of the problems involved were that in order to build the college at that location, there would have been an additional expenditure of \$27,000,000 and a loss of time prior to building the college itself. At that point the Campus Planning and Development Committee and the President of Baruch College and the rest of us opened up the question of another site, and suggestions for another site will be studied and considered as they come to us.

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

RESOLVED, That Calendar No. A of the Executive Committee meeting held May 14, 1968, and Calendar No. 4 of the Board meeting held May 27, 1968, as they apply to the location of Baruch College in the Atlantic Terminal Urban Renewal Area be rescinded.

The Chancellor continued his report:

I want to speak to a matter that really refers obliquely to the resolution that is before you. The second part of the resolution approving the regular Chancellor's report is a technical adjustment as a result of the question raised last month by Mr. d'Heilly. Let me talk about the resolution approved last month and possibly refer to the statement of the University Faculty Senate dealing with this problem and with the purpose of the resolution of the Board in declaring the February date. I am not asking at this particular point that the Board do anything about that resolution in terms of rescinding it, but I am going to explain certain things which concern me about it.

My point is raised on three grounds. I have had a number of conferences with presidents about that resolution, which has them upset not because they do not believe that there should be evaluation of faculty by the students or that there shouldn't be evidence of this brought to the Board but because of the development of the process by which this evaluation is made. Many of the institutions are and have been in the process of developing student evaluation systems on their campuses. They have operated on the assumption that the Board would like this evaluation of faculty by students developed within the context of the governance operations of the institution. That is one thing that you would expect to get agreement of the college community on how this should be done. This takes a certain amount of time to do. You have to have meetings in the colleges, press these things through different councils, argue them out, and eventually come to something that everyone thinks is fair. The alternative is to establish a system of evaluation in an autocratic way. I think it should be done in a democratic way.

My second concern is that there are not a large number of what one would reasonably call student evaluation systems available at the moment with which one can meet the reasonable expectations of this resolution. If that is true, even where a process is developed and is ready for the President's signature, you would have cases of people coming up for April appointments, basically most of those who are on their first year of appointment, and the student evaluation would have to be done very quickly to meet the deadline, and this is not an administratively defensible operation. The alternative to that would be to essentially go out and sample student opinion in a hit and miss way, and that is not within the spirit of the resolution that was passed.

And, finally, I think all of you have received a letter from the Legislative Conference, which specifically states that the introduction of this resolution and the operation of this resolution for those people who are coming up in April is, in their opinion, a violation of the contract and is an unfit labor practice, and they would be willing to test this either in arbitration or in the courts if necessary.

My concern is based mainly on the first two things. If the Board and the Presidents are going to consider student evaluation, it should be done in a proper way, a way that is fair to both the faculty member and the student, and has some reasonable acceptance on the campus. I request the Board to waive the application of this resolution where the President is able to give cogent reasons for doing so. I would like to leave it at that for the moment.

(b) RESOLVED, That the Chancellor's Report (including Addendum Items) for the month of January 1972 be approved as amended, as follows; and be it further

RESOLVED, That Article XI, Section 11.1d, and Section 11.4h of the bylaws of the Board be suspended with respect to student evaluations on instructional staff actions listed in the January 1972 Chancellor's Report.

(1) Item A-1.8.5. Reappointment of Deans—York College: Add the phrase "Subject to confirmation by the president," to the name Richard E. Gruen, Dean, Counseling and Student Development. NOTE: The President reports the withdrawal of this item.

(2) Items listed in PART H—ERRATA, to be withdrawn or changed, as indicated, with the exception of Item E.5.2.1. Queens College, which is approved as submitted.

(3) ADDENDUM ITEMS: Item G.1.14. Contract with Educational and Economic Systems, Inc.—Brooklyn College. Item withdrawn.

Item G.1.20. Reappointment with Tenure of Sample N. Pittman to read "with waiver of the bylaws as Mr. Pittman does not possess the Ph.D. degree."

Item G.1.21. Promotions: Withdraw the names of James Brooks and Charles Sutton, Borough of Manhattan Community College—at the request of the College.

Item G.1.22. Appointment as Instructors: Item withdrawn at the request of the College.

(4) Item A-III.9.1.—Lehman College: Withdraw the amendments affecting Raymond Cabot and Jacqueline Jones and rescind appointments of same in May 24, 1971 Chancellor's Report. These appointments were listed in the June 21, 1971 Chancellor's Report, CUNY Section.

NO. 7. GENERAL DISCUSSION—POLICY PROPOSALS FOR FUTURE BOARD CONSIDERATION: No further action.

NO. 8. PROTECTION OF HUMAN SUBJECTS: POLICY AND PROCEDURE STATEMENT:
RESOLVED, That the policy entitled "Protection of Human Subjects" which was adopted by the Board of Directors of the Research Foundation at its meeting of November 11, 1971 and by the Council of Presidents at its meeting of January 10, 1972 be adopted by the Board of Higher Education as University policy.

EXPLANATION: The Board of Directors of the Research Foundation has approved this policy and procedure as it applies to activities under the Foundation's jurisdiction. The policy is presented to the Board of Higher Education for review and possible adoption as University policy.

The policy and procedure have been formulated to assure proper concern for the protection of human subjects, to conform to requirements of the U.S. Department of Health, Education, and Welfare, and to minimize possible legal liability of the University and the Foundation. Many of the provisions are specifically required by the DHEW.

Broadly stated, the policy requires that human subjects be adequately protected, that the risks be small in comparison with the potential benefit to the subject or the importance of the information, and that informed consent be obtained in an appropriate manner. Guidelines to be observed by project directors are established together with a committee mechanism for monitoring.

Each college will have a Committee on Protection of Human Subjects, appointed by the college president. This committee will review proposals and the actual operation of projects and determine their suitability under the terms of the policy and procedure statement.

Overall, a University-Foundation committee composed of five chairmen of college committees, a representative from a community college and a representative from the Research Foundation central office is to be appointed by the Chancellor. This University-Foundation committee will establish principals and procedures and furnish guidance and assistance to the colleges. The overall committee will review cases on appeal or on its own initiative and in such cases will make final determinations. This committee will also maintain liaison with the Department of Health, Education, and Welfare and other relevant agencies and will arrange for the indoctrination of project directors.

In essence, each college committee together with each project director is responsible for seeing that human subjects are adequately protected, subject to the overall jurisdiction of the University-Foundation Committee.

PROTECTION OF HUMAN SUBJECTS

A. PURPOSE

Purpose of this policy and accompanying procedures is to assure 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 Research Foundation of The City University of New York. At the same time, the Foundation and The City University of New York will meet the requirements of the U.S. Department of Health, Education and Welfare with respect to use of human subjects in activities supported by HEW grants and contracts.

B. APPLICABILITY

This policy and the procedures apply to all activities supported in whole or in part by funds administered by the Research Foundation. Principal investigators and project directors are primarily responsible for observing the provisions of this policy. If work is carried out by subcontract to other individuals or institutions this policy is applicable to such work and should be made part of the provisions contained in the subcontracts or agreements.

C. BACKGROUND

The Research Foundation has established a policy and procedures on human subjects in March 1967 to meet the requirements of the Public Health Service. Since that time, the Foundation's responsibilities have been enlarged, a study has been made by an outside consultant, DHEW has revised and expanded the original PHS regulations and the Faculty Advisory Council of the Foundation has been involved in considering a revision of the Foundation's policy and procedure.

On July 15, 1971, the DHEW issued a policy (Chapter 1-40 of the HEW Grants Administration Manual) on the protection of human subjects which superseded previous issuances on this topic. Pertinent sections of this HEW policy are as follows:

Safeguarding the rights and welfare of human subjects involved in activities supported by grants or contracts from the Department of Health, Education and Welfare is the responsibility of the institution which receives or is accountable to the DHEW for the funds awarded for the support of the activity.

In order to provide for the adequate discharge of this institutional responsibility, it is the policy of the Department that no grant or contract for an activity involving human subjects shall be made unless the application for such support has been reviewed and approved by an appropriate institutional committee. This review shall determine that the rights and welfare of the subjects involved are adequately protected, that the risks to an individual are outweighed by the potential benefits to him or by the importance of the knowledge to be gained, and that informed consent is to be obtained by methods that are adequate and appropriate.

In addition the committee must establish a basis for continuing review of the activity in keeping with these determinations.

The institution must submit to the DHEW, for its review, approval and official acceptance, an assurance of its compliance with this policy. The institution must also provide with each proposal involving human subjects a certification that it has been or will be reviewed in accordance with the institution's assurance.

No grant or contract involving human subjects at risk will be made to an individual unless he is affiliated with or sponsored by an institution which can and does assume responsibility for the protection of the subjects involved.

An individual is considered to be "at risk" if he may be exposed to the possibility of harm . . . physical, psychological or other . . . as a consequence of any activity which goes beyond the application of those established and accepted methods necessary to meet his needs. Determination of when an individual is at risk is based on professional judgment and common sense applied to the specific situation.

What is "established and accepted method" is a matter of professional judgment that should be considered in the light of both national and local standards. If doubt exists as to whether the procedures to be employed are established and accepted, there should be a review by the Committee on Protection of Human Subjects (established in Section E).

It is important to note that in addition to biomedical projects which may involve a physical hazard, there is a wide range of activities using questionnaires, interviews, photographs, recording, hidden observers, and similar activities which may involve varying degrees of discomfort, harassment, invasion of privacy or loss of dignity.

In general, those projects which involve additional risk of physical or psychological injury require prior written consent of the subject. Risk is "additional" if it results from a method being employed for a reason other than to meet the needs of the subject. Doubtful cases should be reviewed by the Committee on Protection of Human Subjects.

D. POLICY

It is the policy of the Research Foundation that in all Foundation projects, the rights and welfare of the subjects involved are adequately protected, the risks to an individual are outweighed by the potential benefits to him or by the importance of the knowledge to be gained and informed consent is obtained by methods that are adequate and appropriate. Such concern for the subject shall be made evident in planning, requesting support for, conducting and reporting on the projects.

E. OPERATING GUIDELINES

As noted previously, the primary responsibility for observing this policy belongs to the principal investigator (or project director). He must be specially concerned with the following:

a. Privacy and Consent

If the project requires invasion of privacy, the informed voluntary consent of the subject or his responsible agent (parent, guardian) should first be obtained unless the validity of the research or other activity would be clearly prejudiced. The investigator is obligated to inform the subject or his responsible agent of those aspects of the activity that might reasonably be considered important factors in the subject's decision to enter the project. Moreover, consent by the subject to participate in the project in no way relieves the investigator from his basic responsibilities for safeguarding the rights and welfare of the subject, nor does prior consent preclude subsequent withdrawal from the project by the subject.

b. Exposure to Stress

Only when a problem is significant and can be investigated in no other way is the investigator justified in exposing subjects to possible physical, psychological, or interpersonal hazard, including discomfort, arousal of embarrassment or anxiety, or the possibility of pain, injury, or disease. Individuals likely to be disturbed or harmed should not be asked to participate. The investigator must seriously consider the possibility of harmful after-effects and should be prepared to remove them as soon as permitted by the design of the project. Where the danger of serious after-effects exists, the project should be conducted only when the subject or his responsible agent is fully informed of this possibility and volunteers nevertheless. Care must be taken to ensure appropriate safeguards, e.g., prior medical examination or immediately available medical attention when relevant, to protect both subject and investigator from actual or imputed harm, and the institution and profession from censure.

c. Deception

The investigator is justified in withholding information from subjects only when this is clearly required by the project. At the earliest possible moment, consonant with the validity of the work, steps should be taken to inform the subject of the actual purpose of the project and to relieve any distress encountered.

d. Anonymity and Confidentiality

The identity of subjects must not be revealed without their explicit written permission. Anonymity of the subject should be safeguarded in every feasible way, and the identification of individuals with any portion of the data should be destroyed as soon as possible, consistent with the project objectives. If data is published without permission for identification, the investigator must adequately disguise its source and obscure the identity of persons involved beyond likelihood of recognition. Information received from or about subjects should be guarded and such information or confidences may be revealed only after most careful deliberation, and only where there is clear and imminent danger to the individual, his family or associates, or to society.

e. Supervision

The principal investigator should provide for appropriate supervision of students or other project assistants who have direct contact with subjects or access to information about subjects to ensure that the project is conducted in accordance with professional standards, and with proper maintenance of safeguards for the rights and welfare of the subjects.

f. Need for Referral

Where evidence of psychological, interpersonal, physical, or medical difficulty of a serious nature is revealed during the course of a project, it is the obligation of the investigator to suggest that the subject seek appropriate professional help or consultation.

g. Fees

Where appropriate, subjects involved in a project should have the opportunity of receiving adequate recompense for their participation.

h. Obligations Incurred

Investigators who assume obligations to subjects in return for the subject's cooperation, e.g., furnishing of diagnostic data or case histories, are obliged to fulfill these obligations.

i. Personal Data

The use of a project for profit, power, prestige, or personal gratification not consonant with the rights and welfare of the subjects, is unethical. The investigator's relationship with the subject should not be used to promote, for personal gain or the profit of an agency, commercial enterprise of any kind.

j. General Moral Standards

The investigator in conduct of his activity should show sensible regard for the social code and moral expectations of his community and society, recognizing that violation of accepted moral standards may involve subjects participating in his project in damaging personal conflicts, impugn his own name and that of his institution, as well as the reputation of his profession.

Committees

There shall be established in the Research Foundation a Committee on Protection of Human Subjects.

The Committee shall be composed of seven members of whom five shall be representatives of colleges having the greatest research activity, one from a community college and one from the Research Foundation Central Office. The college representative in each case shall be the chairman of the local college Committee on Protection of Human Subjects. Appointments shall be made by the Chancellor upon nomination by the college president and shall continue until terminated by the Chancellor.

Each college president shall appoint a Committee on Protection of Human Subjects composed of five to nine members with appropriate maturity, experience and expertise. In addition to possessing the professional competence to review specific activities, the Committee should be able to determine acceptability of a proposal in terms of institutional requirements, applicable law, standards of professional conduct and practice and community attitudes. The Committee may therefore include persons whose primary concerns lie in these areas rather than in the conduct of research, demonstration and training programs of the type supported by the DHEW. Specifically, the Committee may include a college administrative person, a student, a lawyer, or a local community representative if appropriate. Committee members shall be identified by name, position or occupation and by other pertinent indications of experience and competence.

The Research Foundation—CUNY overall Committee on Protection of Human Subjects shall formulate a statement of principles that will assist the University and the Foundation in the discharge of their responsibilities for protecting human subjects. No such principles, however, may supersede DHEW policy or applicable law.

The Committee shall furnish guidance and assistance to the colleges on the establishment and operation of local college committees and shall provide interpretations of DHEW, University and Foundation policies and of legal requirements. College committees shall, in the course of their work, follow the instructions of the University Foundation Committee.

Procedures formulated by the Committee shall provide for implementation of decisions made by college committees or the Committee itself. Also, the Committee will delineate the documentation and reporting to be required in review of projects involving human subjects.

The University-Foundation Committee shall review cases on appeal from actions of college committees or on its own initiative and shall make final determination as to provisions for protection of human subjects.

It shall be the Committee's responsibility to maintain a liaison with the DHEW and other relevant agencies, to arrange for indoctrination of project directors and other personnel, to make reviews and evaluations of all aspects of protection of human subjects and to submit recommendations to the University and the Research Foundation.

Staff assistance for the Committee shall be furnished by the Research Foundation.

Each college committee shall establish review procedures, following the instructions of the University-Foundation Committee.

Such review procedures may provide for preliminary screening by administrative staff of projects in the planning and proposal stages to separate out those activities which do not involve human subjects.

Subcommittees or mail review may be utilized, when necessary, to determine if human subjects in a project are at risk. Should this be the case, a final review should be made by a quorum of the college committee to determine whether (a) the rights and welfare of the subjects are adequately protected; (b) the risks to subjects are outweighed by potential benefits; and (c) the informed consent of subjects will be obtained by methods that are adequate and appropriate.

Informed consent is the agreement obtained from a subject, or from his authorized representative, to the subject's participation in an activity. The basic elements of informed consent are:

1. A fair explanation of the procedures to be followed, including an identification of those which are experimental;
2. A description of the attendant discomforts and risks;
3. A description of the benefits to be expected;
4. A disclosure of appropriate alternative procedures that would be advantageous for the subject;
5. An offer to answer any inquiries concerning the procedures;
6. An instruction that the subject is free to withdraw his consent and to discontinue participation in the project or activity at any time.

In addition, the agreement entered into by the subject should include no exculpatory language through which the subject is made to waive, or to appear to waive, any of his legal rights, or to release the institution or its agents from liability for negligence.

Informed consent must be documented.

The college committee will determine the nature, conditions, timing and other circumstances involved in obtaining consent, subject to the regulations of the University-Foundation Committee.

In addition to the approval or disapproval of projects involving human subjects, the college committee shall furnish specific advice and guidance to project directors and others with respect to the Committee's actions and steps necessary to remedy defects in the planned project.

Provision should be made for college committees to exercise a continuing surveillance over projects involving human subjects at risk. Project directors should be required to report to the committees in timely fashion any change in protocol or conditions which may affect the risk to human subjects.

Both the University-Foundation Committee and the college committees shall keep minutes of their meetings and actions.

No member of any of the review committees shall be involved in either the initial or continuing review of an activity in which he has a professional responsibility, except to provide information as requested.

Approvals and recommendations of the University-Foundation Committee or College Committees are subject to disapproval or further restriction by appropriate university or college officials. However, on HEW supported projects, disapprovals, restrictions or conditions set by the University-Foundation Committee cannot be rescinded or removed by administrative action.

. This policy shall become effective immediately.

NO. 9. FISCAL RESPONSIBILITY OF THE SEEK AND COLLEGE DISCOVERY TRANSFER

POLICY: RESOLVED, That the following resolution approved by the Committee on Expanded Educational Opportunity be adopted:

RESOLVED, That Paragraph IV of the SEEK and College Discovery Transfer Policy approved by the Board of Higher Education on March 23, 1970, Cal. No. 6, be amended to read as follows:

1. All SEEK students so transferred will be counted as College Discovery students and will be supported through the College Discovery program for stipending, books, fees and instructional costs. By knowing, by March, the number of students proposed to be transferred from SEEK to each community college, each community college can take those numbers into account with respect to its College Discovery quota. SEEK students approved for transfer in the Spring semester will fill the places of College Discovery students departed from the college as the result of attrition, graduation and transfer.

2. Stipends, books and fees for College Discovery students who graduate from the community colleges and transfer to senior colleges will be provided through the SEEK program. Such students will be counted as part of the college's regular workload; as such, the instructional costs for their ordinary course work will be carried in the regular college budget. It will be the responsibility of the College Discovery Coordinator at the sending college to notify the SEEK directors at the receiving college through the SEEK Central Office of the names of those transferring and the corresponding financial aid data, high school and college transcripts. The same timetable noted in Item III will be followed.

EXPLANATION: On November 23, 1970 the Board suspended the implementation of this resolution pending further study and solution of the administrative and fiscal problem that had arisen.

One of the major difficulties in setting up a mutual transfer policy was the difference in eligibility criteria between the SEEK and College Discovery Programs. A principal difference was the requirement that College Discovery students satisfy family income level criteria, whereas the chief requirement for SEEK students was residence in an officially designated poverty area. However, in 1971 the State Budget Office and the State Education Department ruled that SEEK students, along with College Discovery students, must be economically disadvantaged to be eligible. Hence they must satisfy the same family income level requirements as College Discovery students. Thus in 1971, for the first time, the same economic criteria have been applied to students in both programs. Therefore this distinction in eligibility requirements has been eliminated.

NO. 10. COMMITTEE ON CAMPUS GOVERNANCE: Mr. Norman E. Henkin, on behalf of the Committee on Campus Governance, presented the following report:

The Committee on Governance, after consultation with members of the University community, submits its first report to the Board of Higher Education on the progress made toward the solution of governance problems within the University as well as its report on the status of governance at the City University.

As of this date six colleges are operating under a preliminary approved governance plan. They are the Graduate Center, Hunter College, The John Jay College of Criminal Justice, Herbert H. Lehman College, and York College. The Committee is working closely with these colleges (now well on their way to achieving conformity) in order to insure that their plans meet the mandate of the Statement of Policy. The Committee has found that the Queens College governance plan satisfies the intent of the Statement of Policy and will be submitting the plan to the full Board for final approval at the February meeting.

The Committee has also worked with the colleges that as yet have not submitted a governance plan. Of these, Borough of Manhattan Community College, City College, and Staten Island Community College seem to be making progress in the development of workable governance structures. Eugenio Maria de Hostos Community College, Medgar Evers College, and LaGuardia Community College have recently formed student and faculty committees and are actively engaged in formalizing governance plans.

The Committee found that the following colleges for various reasons have made little progress toward producing a final governance document: Bernard M. Baruch College, Bronx Community College, Brooklyn College, New York City Community College, Queensborough Community College, and Richmond College. The Committee feels that in each of these cases the liaison Board member might be able to provide assistance in helping them reconcile the positions taken by the various college constituencies.

The Committee is deliberating on the general questions of "strict construction" of the Board Statement and its application. Recommendation for amendments to the Statement of Policy will be forwarded to the Board by the Committee at some later date.

NO. 11. CONTRACTS AND OTHER FINANCIAL MATTERS: RESOLVED, That the following item submitted by the President of The City College and recommended by the Chancellor be adopted:

GUARD SERVICE - THE CITY COLLEGE:

RESOLVED, That the Board of Higher Education approve the contract documents and expenditure and authorize The City College to advertise for, receive and open bids and award contract to the lowest responsible bidder for furnishing Uniformed Guard Service including armed service when necessary as required for the Buildings and Campuses areas of The City College for the period 7/1/72-6/30/73, in the estimated amount of \$736,857, subject to financial ability, chargeable as follows: \$717,497 to Code 042-4300-403-01-73-Office Services and \$19,360 to Student Center and Bookstore Funds-Non-Tax Levy; and be it further

RESOLVED, That the Mayor be requested to approve and authorize the expenditure of the estimated amount of \$717,497 against the related code for the proposed contract.

EXPLANATION: For the year 7/1/71-6/30/72, the Board at its meeting held January 25, 1971, Cal. No. 10, adopted a resolution approving the contract documents and expenditure for furnishing related service for the period indicated. The Wackenhut Corp., the low bidder was awarded the contract identified as Contract No. 520927 - DM Certificate No. 516, dated March 1, 1971 in the amount of \$574,750.

It is anticipated that when this contract is submitted for bid, the cost for guard service will rise due to anticipated increase in labor and equipment cost for this type of service. In addition, new guard posts and an increase in equipment will be required to cover new building areas. The breakdown of this estimate is as follows:

Award for 1971-72	\$574,750
New Guard Posts (3)	76,000
Additional Equipment	1,520
Sub-total	\$652,270
Anticipated increase in Labor and Equipment cost	65,227
TOTAL	\$717,497

These new posts will be assigned to the New Science and Physical Education building and the New Purchasing, Receiving and Stores facilities, both expected to be occupied April 1972. The Science Building, a complex building with some 16 entrances to be accessible to faculty and students 24 hours per day, 7 days per week, will contain 523,710 square feet covering 17 floors and will house a planetarium and specialized laboratories containing equipment at an estimated value of six (6) million dollars. The Purchasing, Receiving and Stores facilities will contain approximately 24,000 square feet covering three (3) floors in a newly acquired building with entrances on 134th Street and 135th Street between Broadway and Amsterdam Avenue, containing stores in excess of 3/4 of a million dollars and will be physically isolated from the rest of the College. The additional equipment is required due to physical expansion and increase in guard service requirements.

NOTE: Mr. d'Heilly asked to be recorded as voting "NO."

Upon motion duly made, seconded and carried, the meeting adjourned at 9:25 p.m.

N. MICHAEL CARFORA
Secretary of the Board