

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

HELD

FEBRUARY 24, 1975

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

The Chairman called the meeting to order at 4:55 p.m.

There were present

Alfred A. Giardino, Chairman
Franklin H. Williams, Vice-Chairman

Vincent R. FitzPatrick
Gurston D. Goldin
Rita E. Hauser

Harold M. Jacobs
James P. Murphy
Vinia R. Quinones

Etta G. Grass, Acting Secretary of the Board

Chancellor Robert J. Kibbee
President Milton G. Bassin
President William M. Birenbaum
President James A. Colston
President Edgar D. Draper
President Leon M. Goldstein
President John W. Kneller
President Leonard Lief
President Robert E. Marshak
President Joseph S. Murphy
President Harold M. Proshansky
President Donald H. Riddle
President Kurt R. Schmeller
President Joseph Shenker

President Herbert M. Sussman
President Richard D. Trent
President Edmond Volpe
President Jacqueline G. Wexler
President Clyde J. Wingfield
Professor David Valinsky
Mr. Jay Hershenson
Deputy Chancellor Seymour C. Hyman
Vice-Chancellor Mary P. Bass
Vice-Chancellor Timothy S. Healy
Vice-Chancellor Anthony Knerr
Vice-Chancellor J. Joseph Meng
Vice-Chancellor David Newton
Vice-Chancellor Peter S. Spiridon

The absence of Ms. Valle and Mr. Cantarella was excused.

Upon motions duly made, seconded and carried, the following resolutions were adopted or action was taken as noted: (Calendar Nos. 1 through 8)

NO. 1. CHANCELLOR'S REPORT: RESOLVED, That the Chancellor's Report for February 24, 1975 (including Addendum Items) be approved:

(a) PART D - ADDENDUM: Add the following item:

D.4. CENTRAL OFFICE - CONTRACT FOR PROFESSIONAL STUDY: RESOLVED, That the Chancellor be authorized to use up to \$40,000 of funds available in the City University Fund for a study of public attitudes towards City University and to enter into a contract with the firm of Ruder and Finn for such study.

EXPLANATION: The Board authorized a professional survey of public attitudes towards the University as part of the program of external and internal communications (November 25, 1974, Cal. No. 3). Discussions have been held with a number of qualified organizations and Ruder and Finn have been selected to undertake the survey.

(b) Items listed in PART E - ERRATA, to be withdrawn or changed as indicated.

At this point Cal. No. 3. was considered.

NO. 2. COMMITTEE ON ACADEMIC AFFAIRS: RESOLVED, That the following item be adopted:

A. HUNTER COLLEGE - B.A. DEGREE IN CHINESE LANGUAGE AND LITERATURE:

RESOLVED, That the program in Chinese Language and Literature leading to the B.A. Degree, to be offered at Hunter College, be approved effective September, 1975, subject to financial ability and the approval of the State Education Department.

EXPLANATION: This program will provide a well-balanced curriculum in Chinese language and literature with due emphasis on the classical and modern periods. Thus, the program will prepare students for further studies in Chinese language and literature, in Chinese or area studies, or in comparative linguistics or literature, as well as for professional careers in government, business, industry or education. In view of the emerging normalization of relations with China, there is urgent need for persons able to speak and read Chinese with facility. This program will produce such persons, who are now in short supply, at a time when business, industry and the professions increasingly require their services. Implementation of the program will entail moderate additional costs. Approval is contingent upon the willingness of the college to absorb this cost in its regular budget.

NO. 3. COMMITTEE ON ADMINISTRATIVE AFFAIRS: RESOLVED, That the following items approved by the Committee on Administrative Affairs be adopted:

The Chairman explained that since the Committee meeting had had to be canceled because of the illness of the Committee Chairman, these items were not reviewed by the Committee. Instead they would be discussed by the full Board. Discussion of these items was then opened to the floor.

Mr. Jay Hershenson, Chairman of the University Student Senate, was heard in opposition to the consideration of these items on the ground that the cancellation of the Committee meeting had deprived the faculty and student representatives of an opportunity to provide input.

The Chairman and other members of the Board explained that the Board had the prerogative to sit as a committee of the whole and since the floor had been thrown open to discussion, there was opportunity for input at the Board meeting. No objection was presented to the substance of the items.

A. THE CITY COLLEGE - REORGANIZATION OF THE COLLEGE OF LIBERAL ARTS AND SCIENCE:

RESOLVED, That the College of Liberal Arts and Science (CLAS) of The City College be reorganized to the effect that the following positions will be created: three Divisional Deans, a Dean of General Education and Guidance, and an Assistant Dean of Curricular Guidance; and that the following positions will be eliminated: Dean of the College of Liberal Arts and Science, Associate Dean for Humanities, Associate Dean for Science, Associate Dean for Social Science, Associate Dean for Freshman and Sophomore Programs, and Director of Curricular Guidance; and be it further

RESOLVED, That this reorganization be effective by September 1, 1975.

EXPLANATION: The CLAS of The City College is presently comprised of 25 departments and several centers, institutes, and programs. The administrative structure has been under study by several committees of the Faculty Council for a number of years. The proposed reorganization is based upon the Spring 1974 recommendations of a special committee of the Council, and is endorsed by the full Faculty Council and President of The City College.

The reorganization of CLAS will result in more economical use of administrative time as it will eliminate one administrative position. The net cost increase of the reorganization will be \$1,500.00.

B. CUNY AS EMPLOYER PARTY TO CITY OF NEW YORK LABOR RELATIONS ORDERS AND CONTRACTS:

RESOLVED, That the University elects to be covered by the provisions of Labor Relations Order No. 74/46 which provides for cash payments upon the accidental death of a covered employee; and be it further

RESOLVED, That the University elects to be covered by the provisions of Personnel Order No. 74/48 which provides for uniformity of Welfare Fund contributions; and be it further

RESOLVED, That the University elects to be covered by the provisions of Labor Relations Order No. 74/78 covering payments of shift differentials and holiday premiums, provided that modifications to this order are made which will make satisfactory adjustment to current University practices with regard to the Fair Labor Standards Act and shift differentials, to University holiday schedules, and to practices with regard to work performed on a night shift preceding a holiday; and be it further

RESOLVED, That the University elects to be covered, as an employer party, by the provisions of Labor Relations Order No. 74/90 and such other Labor Relations Orders affecting University employees which provide for training fund contributions; and be it further

RESOLVED, That the Chancellor or his designee be authorized to elect compliance, on behalf of the Board of Higher Education, with regulations and provisions established on a City-wide basis that are consistent with the Board of Higher Education policies and the Board's election, of June 24, 1968 (Cal. No. 6), to be bound by the rules of the Office of Collective Bargaining with regard to the non-instructional staff labor relations.

EXPLANATION: The above resolutions are consistent with the Board of Higher Education's election of June 24, 1968 (Cal. No. 6) to be bound by the rules of the Office of Collective Bargaining with regard to the non-instructional staff. The Labor Relations Orders referred to put into effect provisions of the City-wide contract which would be advantageous to non-instructional employees of the University. Each requires that non-mayoralty agencies, including the Board of Higher Education, make a written election to have its employees covered. The restrictions in the resolution regarding Executive Order 74/78 are intended to preserve present University practice and compliance with federal law. The final resolution is intended to authorize the Chancellor or his designee to make any further elections that may be required.

C. CUNY COMPLIANCE WITH FREEDOM OF INFORMATION LAW:

WHEREAS, The Legislature of the State of New York has amended the Public Officers Law to enact a Freedom of Information Law (L.1974, Chs. 578-580), and

WHEREAS, A Committee on Public Access to Records was created thereby, (Section 88 (9) (a) Public Officers Law) for the purpose of promulgating and issuing rules and regulations in conformity with such law, and such regulations have been so promulgated (Ch. 25 NYCRR Part 1401), effective November 29, 1974, and

WHEREAS, Pursuant to such regulations the City University is required to institute rules and regulations establishing procedures for public access to records, in conformity with said law and pursuant to such regulations, it is hereby

RESOLVED, That the Chancellor is hereby directed to establish such procedures for the colleges and the central office.

EXPLANATION: The new Freedom of Information Law requires all public agencies to establish and disseminate regulations in conformity with the law.

The resolution serves as a technical directive to the Chancellor to act in compliance with the law.

NO. 4. COMMITTEE ON FISCAL AFFAIRS AND PLANNING: RESOLVED, That the following Campus Planning and Development resolutions approved by the Committee on Fiscal Affairs and Planning be adopted:

A. LEHMAN COLLEGE - RENTAL OF TEMPORARY STUDENT LIFE BUILDING:

RESOLVED, That the Board approve a contract for the rental, on a lease/purchase basis, of a 25,000 square foot temporary Student Life building to be built at the south end of the Lehman College campus at an annual rental cost of \$198,960 (\$7.96/S.F.), chargeable to the appropriate tax levy code.

EXPLANATION: The proposed temporary building will provide Lehman College with student government offices (15), counseling offices (6), activity rooms (3), game room (1), study rooms (2), conference room (1), canteen (1), and storage rooms (2).

Contract documents for the rental of this building were advertised by Lehman College and six bids were received on January 10, 1975. The bid was on an annual rental basis for five years with the College having a no cost purchase option upon the expiration of the fifth year of the lease.

On March 25, 1974 (Cal. No. 2.E.) the Board authorized Lehman College to advertise, receive and open bids for the above temporary building. The approved estimated annual cost was \$225,000 (\$9.00/S.F.).

B. YORK COLLEGE ACADEMIC CORE CAMPUS - FOOD SERVICE EQUIPMENT, SKYLIGHTS, ELEVATORS AND MOVING STAIRS, AND ENGINE GENERATOR SETS:

RESOLVED, That the Board accept final plans, specifications and cost estimate of \$3,301,823 as of bid date of March 1975 for Food Service equipment, Skylights, Elevators and Moving Stairs, and Engine Generator Sets for the York College Academic Core Campus Project as prepared by Gruzen and Partners, Architects; and be it further

RESOLVED, That the City University Construction Fund be requested to accept the aforementioned contract documents and estimate of cost and to authorize the Dormitory Authority to invite bids and to award contracts for the work.

EXPLANATION: The contract presently considered comprises the third bid package in the "fast tracked" construction of the York College Academic Core Project. Previously contracts for steel work and for excavation and foundation work have been bid and awarded.

Because of unusually protracted deliveries for the components of this third package, the contract documents for the following items were completed and will be advertised for bid at this time to insure their availability when needed during the period of building construction

- a. Food Service Equipment
- b. Skylights
- c. Elevators and Moving Stairs
- d. Engine Generator Sets

The foregoing will be closely coordinated with the balance of the building construction to permit a continuous operation. This will minimize the effect of continuing cost escalation and permit more rapid completion of the project.

The preliminary cost estimate (as of May 1974) for this work was \$3,012,319 which, when escalated to bid date of March 1975, projected a bid estimate of \$3,358,136.

The final estimate of \$3,301,823 is lower than the preliminary escalated estimate by \$56,313.

The difference between the escalated preliminary estimate and final estimate is due to design modifications and differences between anticipated and actual escalation.

The construction cost estimate for this package is within the approved construction cost limitation of \$51,974,267.

The plans for the third bid package have been received and accepted by the College, the University Office of Campus Planning and Development and the Dormitory Authority of the State of New York. It is recommended that the final plans, etc., be accepted and authorization to invite bids and to award contracts for the construction be granted.

C. STATEN ISLAND COMMUNITY COLLEGE - ALTERATION PROJECTS:

RESOLVED, That the Board of Higher Education approve final plans, specifications and cost estimate, prepared by the Consultants, Goldfarb & Hecht, and authorize Staten Island Community College to advertise for, receive and open bids, and award to the lowest responsible bidder the contract for the projects below:

1. Air Cooling Entire "B" Building	-\$262,000.00
2. Mandatory Emergency Lighting & Emergency Generator	-\$ 80,000.00
TOTAL	\$342,000.00

Chargeable to Capital Project No. HN-206.

EXPLANATION: Project SI-901-72 provides the air cooling of the entire "B" building. It also provides mandatory emergency lighting in all public areas and emergency generator for the same lights for Boiler Room, pumps and certain fans to keep the vital elements of the college mechanical systems operating. Mandatory emergency lighting and emergency generators are required by law.

This item has been authorized under CP-10056, dated April 11, 1974. Final plans and specifications have been approved by the Office of Campus Planning and Development.

D. KINGSBOROUGH COMMUNITY COLLEGE - EXCHANGE OF PROPERTY WITH NEW YORK STATE ASSOCIATION FOR RETARDED CHILDREN:

RESOLVED, That the Board hereby determines that a certain plot of unimproved real property on Oriental Boulevard, Manhattan Beach, Brooklyn, New York, designated Parcel 1a, as set out in Survey of James F. Deehan, Inc, dated May 2, 1974, used and controlled by Kingsborough Community College, is no longer needed for the purposes of the Board of Higher Education and that a certain plot of unimproved real property, presently owned by the New York State Association for Retarded Children at Manhattan Beach, Brooklyn, N.Y., as set out in Survey of James F. Deehan, Inc., dated August 30, 1974, of at least equal value, is needed for Board purposes as part of the campus of Kingsborough Community College; and it is further

RESOLVED, That the Board of Estimate is hereby requested to determine that the above specified real property of the City of New York is no longer needed for departmental or public purposes; and it is further

RESOLVED, That the Mayor is hereby requested to determine that the above described property of the New York State Association for Retarded Children is needed for a public purpose, to wit, for the use of Kingsborough Community College; and it is further

RESOLVED, That the Board of Estimate is hereby requested to have such property of the City and the Mayor is hereby requested to have such property of the New York State Association for Retarded Children duly appraised by three discrete and disinterested appraisers to be appointed by them, in accordance with Section 384-7.0 of the Administrative Code; and it is further

RESOLVED, That the Board of Estimate be petitioned to direct and the Mayor to order the Corporation Counsel to approve the form of all legal instruments necessary on the part of the City of New York to effect such exchange; and it is further

RESOLVED, That the Board of Estimate and the Mayor be requested to designate and authorize the proper officers to execute and deliver any and all legal documents necessary to effectuate such exchange; and it is further

RESOLVED, That the land so acquired by the City of New York in the proposed exchange be assigned to the Board of Higher Education as part of the campus of Kingsborough Community College.

EXPLANATION: The Department of Health, Education and Welfare of the United States of America, on October 16, 1972, conveyed a parcel of real property on the Atlantic Ocean front to the New York State Association for Retarded Children, Inc., a non-profit corporation, and a larger contiguous parcel of real property to the City of New York for the use of the Board of Higher Education as a campus for Kingsborough Community College. The real property received by the New York State Association for Retarded Children has no access to a public thoroughfare and is consequently unusable. The resolution requests the Board of Estimate of the City of New York to convey a portion of real property received by the City of New York from the United States of America, in exchange for the parcel of real property owned by the New York State Association for Retarded Children in accordance with section 384-7.0 of the Administrative Code. The exchanged property would remain subject to the same terms and conditions presently contained in the deeds from the Department of Health, Education and Welfare. The parcel of real property at the Kingsborough Community College campus to be exchanged is not required by the College and the new parcel to be received in exchange would give the College a more extended and unimpeded frontage on the ocean. The exchange has been orally approved by officials of the Department of Health, Education and Welfare. Final approval is pending.

Mr. Murphy asked to be recorded as not voting.

E. NEW YORK CITY COMMUNITY COLLEGE - SURRENDER OF LAND FOR CONSTRUCTION OF ADDITIONAL FACILITIES:

RESOLVED, That the Board of Higher Education, on behalf of New York City Community College, hereby surrenders to the City of New York jurisdiction over a parcel of improved land known as 55 Johnson Street, Brooklyn, New York, upon which it is intended to construct additional facilities for New York City Community College, with the understanding that said parcel of land and its improvements will be conveyed by the City of New York to the Dormitory Authority of the State of New York, and upon further understanding that said site to be so conveyed will be appropriately described by metes and bounds descriptions as shown by a survey to be prepared by the Dormitory Authority of the State of New York; and be it further

RESOLVED, That the City University Construction Fund be requested to request the Board of Estimate of the City of New York to convey to the Dormitory Authority of the State of New York the aforesaid site and building in accordance with the provisions of Chapter 782 of the Laws of 1966 as amended by Chapter 464 of the Laws of 1972.

EXPLANATION: The Dormitory Authority must have a title interest in sites and buildings financed by it. The present action is in accordance with a section of the City University Construction Fund Act which provides that the City may convey to the Dormitory Authority facilities owned by the City. The City initially acquired title to the subject parcel at the request of the Board. The acquisition cost was financed in the first instance by the City with the understanding that said cost would be reimbursed by the Dormitory Authority when title was conveyed to it. The cost was \$900,000 plus the tenant's (Con Edison) cost in replacing the substation facilities located within the building at a cost not to exceed \$700,000.

The site will be used for the construction of the Johnson "A" Building now being designed.

F. NEW YORK CITY COMMUNITY COLLEGE - SURRENDER OF LAND FOR RENOVATIONS:

RESOLVED, That the Board of Higher Education, on behalf of New York City Community College, hereby surrenders to the City of New York jurisdiction over land and buildings on the campus of New York City Community College, which facilities are to be renovated for use by the College, with the understanding that said parcels of land and their improvements will be conveyed by the City of New York to the Dormitory Authority of the State of New York, and upon further understanding that said sites to be so conveyed will be appropriately described by metes and bounds descriptions as shown by a survey to be prepared by the Dormitory Authority of the State of New York; and be it further

RESOLVED, That the City University Construction Fund be requested to request the Board of Estimate of the City of New York to convey to the Dormitory Authority of the State of New York the aforesaid site and building in accordance with the provisions of Chapter 782 of the Laws of 1966 as amended by Chapter 464 of the Laws of 1972

EXPLANATION: The Dormitory Authority must have a title interest in sites and buildings financed by it. The present action is in accordance with a section of the City University Construction Fund Act which provides that the City may convey to the Dormitory Authority at a nominal cost facilities owned by the City.

The parcels involved include the Pearl Street Main Building and the Namm Hall Building, which are to be renovated.

NO. 5. TASK FORCE ON STUDENT ACTIVITY FEES: In introducing Mr. Stanley Goldstein, Co-Chairman of the Task Force on Student Activity Fees, the Chairman reviewed briefly the background and the composition of the Task Force.

Mr. Goldstein then presented the final report of the Task Force to the Board and commended the members of the Task Force for their diligence, energy, good judgment and determination.

In accepting the report, the Chairman thanked the members of the Task Force for their efforts and said that the Board would like to feel free to call upon them for further consultation.

NO. 6. UNIVERSITY REPORT: The Chancellor presented his oral report on several matters of Board and University interest:

(a) Budget:

(1) Community College Funding: The community college funding in the Governor's Executive Budget appears to be \$11.5 million short of the 40% funding of the Mayor's certified budget. The University is working with the Legislature and the Budget Office to try to restore 40% funding.

(2) Capital Budget Appropriations: The Governor's Executive Budget failed to include in its first-instance capital appropriations certain capital projects at three colleges due to confusion resulting from the State Budget Office dealing only with the State University Trustees and its failure to confer fully with the City University staff. The University is working both with the Budget Office and the Legislature to reinstate these projects as first-instance appropriations.

(b) State Legislation:

(1) Jurisdiction over City University Community Colleges: A bill has been introduced in the Senate sponsored by Senators Marchi and Bloom and in the Assembly sponsored by Assemblymen Hecht and de Carlo, to remove the City University community colleges from the administrative oversight of the State University Trustees and to make them a de jure part of the City University.

(2) Construction Ceiling: A bill has been introduced in the Senate sponsored by Senators Goodman and Lewis and in the Assembly sponsored by Assemblymen Blumenthal and Flack, to remove the \$400 million ceiling on construction projects. Our efforts are hampered by concern in the Legislature about the Dormitory Authority funding. The University is trying to convince the Legislature that the kind of support that is behind the bonds of the Dormitory Authority differs significantly from that behind the U.D.C.

(c) York College Construction:

Favorable bids received on York College construction projects are being held up because of a jurisdictional dispute between the City and the State on the Affirmative Action language to be incorporated in construction contracts. The University is doing what it can to have this dispute resolved within the next week. If the present bids cannot be accepted, the City may lose money.

(d) Contract with Professional Staff Congress:

Negotiations with the Professional Staff Congress for a new contract covering the instructional staff will begin on February 26.

NO. 7. GENERAL DISCUSSION: The Chairman reported on the following:

(a) Appointment of a Collective Bargaining Committee consisting of the following:

Honorable Rita E. Hauser
Honorable James P. Murphy
Honorable Alfred A. Giardino

(b) Need to resolve the York College construction problem quickly to avoid additional cost to the City if favorable bids already received cannot be accepted since later bids would probably be higher because of rising costs.

(c) Annual Report of the Chairman has been printed and is available. It sets forth the Board's activities during the past year and includes nature of the courses given by the University, enrollment figures, and a general budget picture.

NO. 8. ACADEMIC PERSONNEL PRACTICE COMMISSION RECOMMENDATIONS: WHEREAS, The Commission on Academic Personnel Practice in the City University of New York, appointed in April 1974, reviewed policies, procedures and practices affecting the faculty members and presented its report to the Board of Higher Education, and

WHEREAS, The report made recommendations on criteria that might apply to "equivalencies" which have resulted in differing points of view as well as recommendations on a number of subjects in the sections entitled "Areas Requiring Further Study," and "Considerations for Improved Management"; now therefore be it

RESOLVED, That the Chancellor, in consultation with appropriate representatives within City University, study and make recommendations to the Board of Higher Education prior to May 15, 1975 on

1. The question of appropriate criteria for "equivalencies";

2. The subjects set forth in the "Areas for Further Study" section, namely:

- (a) Certificates of continuous employment for lecturers;
- (b) Faculty teaching in remedial areas;
- (c) Instructors;
- (d) Dual professional career system; and

3. The subjects set forth in the "Considerations for Improved Management" section, namely:

- (a) Faculty development programs;
- (b) Faculty transfers within the City University;
- (c) Joint and shared faculty appointments;
- (d) Visiting professorships;
- (e) Closer articulation with the Board of Education.

Upon motion duly made, seconded and carried, the meeting was adjourned at 5:45 p.m.

ETTA G. GRASS
Acting Secretary of the Board