

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

HELD

MAY 24, 1976

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

The Chairman called the meeting to order at 5:08 P.M.

There were present:

Alfred A. Giardino, Chairman
Armand D'Angelo
Sandra Lopez Bird
Vincent R. FitzPatrick
Gurston D. Goldin

Rita E. Hauser
Harold M. Jacobs
James P. Murphy
Vinia R. Quinones

Maynard S. Jones, ex officio

Etta G. Grass, Acting Secretary of the Board

Chancellor Robert J. Kibbee
President Milton G. Bassin
President Candido A. de Leon
President Edgar D. Draper
President Leon M. Goldstein
President John W. Kneller
President Leonard Lief
Acting President Gerald Lynch
President Joseph S. Murphy
President Harold M. Proshansky
Acting President Morton Rosenstock
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
Deputy Chancellor Seymour C. Hyman
Vice-Chancellor Timothy S. Healy
Vice-Chancellor Anthony Knerr
Vice-Chancellor J. Joseph Meng
Vice-Chancellor Peter S. Spiridon

Upon motions duly made, seconded and carried, the following resolutions were adopted or action was taken as noted: (Calendar Nos. 1 through 13)

NO. 1. CHANCELLOR'S REPORT: RESOLVED, That the Chancellor's Report for May 24, 1976 (including Addendum Items) be approved, as amended as follows:

(a) Item AA.3. (Bylaw waiver-Raymond Porr, Central Office): Delete reappointment for period 7/1/76-6/30/77 and add note for appointment for period 6/1/76-6/30/76: "Appt. subject to receipt of D.M. Certificate."

(b) PART D - ADDENDUM: Add the following items:

D.4. BOROUGH OF MANHATTAN COMMUNITY COLLEGE - PERSONNEL ACTION: RESOLVED, That in the matter of charges against Assistant Professor Charles Sutton at Borough of Manhattan Community College, the Board hereby appoints as an impartial hearing committee Professor Basil Cleare, designated by the College Personnel and Budget Committee, Professor William Forman of Brooklyn College, designated by the University Faculty Senate Executive Committee, and such other tenured full or associate professor, who shall be Chairperson, as shall be selected by the two aforesaid appointees.

EXPLANATION: This appointment of a hearing panel is made pursuant to Section 21.3 of the collective negotiating agreement between the Board and the Professional Staff Congress.

D.5. HUNTER COLLEGE - PERSONNEL ACTION: RESOLVED, That in the matter of charges against Assistant Professor Isadore Zuckerman at Hunter College, the Board hereby appoints as an impartial hearing committee Professor George Nordmeyer designated by the College Personnel and Budget Committee, Professor Jacob Rothenberg of City College, designated by the University Faculty Senate Executive Committee, and Professor T.G. Karis of City College, who shall be Chairperson, selected by the two aforesaid appointees.

EXPLANATION: This appointment of a hearing panel is made pursuant to Section 21.3 of the collective negotiating agreement between the Board and the Professional Staff Congress.

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

Dr. Goldin asked to be recorded as voting No.

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

A. GRADUATE SCHOOL AND UNIVERSITY CENTER - CENTER FOR ENVIRONMENT AND BEHAVIOR STUDIES:

RESOLVED, That the Center for Environment and Behavior Studies be established at the Graduate School and University Center, effective September 1, 1976, subject to the continuing receipt of non-tax levy funds to cover all costs of the Center.

EXPLANATION: For the past nine years, the Environmental Psychology Program at CUNY has been engaged in teaching, research and consultation in problems associated with the behavioral and social impacts of the physical environment. As there is now an increasing interest on the part of public and private agencies in its work and possible applications, a mechanism is needed to attract additional grants and contracts and to formalize the activities of the program.

As a formal entity, the Center will promote and support research, graduate training on applied problems and public education with respect to environmental problems and issues facing the City of New York, the metropolitan region and the country. It will also provide opportunities for University faculty and graduate students to obtain direct experience with research and teaching programs focused on actual problems; offer consulting services to groups outside the University; and establish a clearinghouse for the dissemination of research information.

B. CITY COLLEGE - CENTER FOR ACADEMIC SKILLS:

RESOLVED, That the Center for Academic Skills be established at City College, subject to the continuing receipt of non-tax levy funds to cover the activities of the Center.

EXPLANATION: City College is committed to maintaining its traditional excellence and to continue to assist the students who, even under the new admissions criteria, will enter with basic skills deficiencies.

The Center for Academic Skills will function as a research and resource base for analyzing the educational problems of the under prepared student; for assisting faculty in developing pedagogic techniques for improving the academic skills of these students; and for developing grant proposals related to the above. The activities of the Center will be funded by a \$100,000 grant from the International Business Machines Corporation.

NO. 3. COMMITTEE ON FISCAL AFFAIRS: RESOLVED, That the following items be adopted.

I. FISCAL RESOLUTION:

A. RICHMOND COLLEGE - CLEANING AND MAINTENANCE SERVICES:

RESOLVED, That Richmond College be authorized to advertise for, receive and open bids, and award contract to the lowest responsible bidder for Cleaning and Maintenance Service as required for all locations of Richmond College, for the period July 1, 1976 through June 30, 1977, with the option to renew for two (2) consecutive years, at an estimated cost of \$373,065 chargeable to code 42-4800-400-01-77; and be it further

RESOLVED, That the Director of the Budget be requested to approve said contract documents at an estimated cost of \$373,065 chargeable to code 42-4800-400-01-77.

EXPLANATION: The 1975-76 expenditures are estimated at \$291,444. The increase of \$81,621 represents an estimated cost escalation caused by inflation, the wage parity granted the women cleaners with the men, and the addition of 79,156 square feet to the Richmond College campus known as 120 Stuyvesant Place, Staten Island, N.Y.

II. CAMPUS PLANNING AND DEVELOPMENT RESOLUTION:

A. CITY COLLEGE - REPLACEMENT OF EXTERIOR WINDOWS IN SHEPARD HALL:

RESOLVED, That the Board of Higher Education approve the contract documents, specifications and expenditure as prepared by the City College Campus Facilities Office and authorize The City College to advertise for, receive and open bids and award contract to the lowest responsible bidder for the replacement of all double hung exterior windows in Shepard Hall as part of Shepard Hall Exterior Restoration, The City College, at an estimated cost of \$550,000, chargeable to Capital Project HN 203; and be it further

RESOLVED, That the Budget Director be requested to approve and authorize the expenditure of \$550,000 for the proposed contract.

EXPLANATION: It is imperative that the replacement of the windows be done in order to protect the inside environment from outside effects such as noise, dirt, temperature extremes and the weather. The existing original installed windows (1903-7) are our greatest single loss of energy connected budgetary costs in addition to constantly caused water damage to interior building surfaces. Implementation of this requirement has been recommended and is approved by the Administrative Superintendent of Buildings and Grounds and the Dean of Campus Planning.

The documents have been reviewed by the Office of Campus Planning and Development and acceptance by the Board was recommended.

NO. 4. COMMITTEE ON ADMINISTRATIVE AFFAIRS: RESOLVED, That the following actions be approved:

A. BROOKLYN COLLEGE GOVERNANCE PLAN: - Item laid over.

B. COLLECTIVE BARGAINING AGREEMENT, INSTRUCTIONAL STAFF:

The resolution was moved and seconded.

At this point the Board heard a representative of the Professional Staff Congress who presented a statement on behalf of Professor Irwin Polishook, President of the Professional Staff Congress, formally notifying the Board of the ratification of the collective bargaining agreement by the union membership by a vote of 2,757 to 1,116, and commending Chancellor Kibbee's contribution to the formulation and negotiation of the agreement.

Dr. Goldin made the following statement:

I cannot vote responsibly on a collective bargaining agreement in the absence of a detailed and specific budgetary plan relating to fiscal realities.

It appears that this agreement will have an adverse financial impact on the overall University budget that now has, even with the imposition of SUNY-level tuition, an anticipated fiscal gap of at least \$37 million.

The following resolution was adopted:

RESOLVED, That the collective negotiating agreement between the Board of Higher Education and the Professional Staff Congress/CUNY for the period September 1, 1975 through August 31, 1977 is hereby approved subject to approval of the Emergency Financial Control Board; and it is further

RESOLVED, That a deferral agreement between the Board and the Professional Staff Congress relating thereto is hereby approved, subject to certification by the Emergency Financial Control Board that such deferral agreement represents an acceptable and appropriate contribution toward alleviating the fiscal crisis of the City of New York; and it is further

RESOLVED, That upon due ratification of the collective negotiating agreement and the deferral agreement by the membership of the Professional Staff Congress, said agreement shall be submitted to the Emergency Financial Control Board for approval or certification as the case may be; and it is further

RESOLVED, That upon approval or certification of such agreements by the Emergency Financial Control Board, the Secretary is hereby authorized and directed to execute such agreements and to affix the seal of the Board thereto.

EXPLANATION: The prior collective negotiating agreement between the parties expired August 31, 1975. The resolution approves a successor agreement. Deferral of certain increases provided in such agreement so as to contribute to alleviating the fiscal crisis of the City of New York is required by the New York State Emergency Financial Act for the City of New York, and is provided for in the deferral agreement approved herein. Approval of the agreement and certification of the deferral agreement as complying with conditions imposed by law are required by the Emergency Financial Act.

Dr. Goldin, Mr. Jacobs and Mrs. Quinones abstained.

C. EXCLUDED PERSONNEL:

WHEREAS, On December 15, 1975 (Cal. No. 5) the Board directed the implementation of a payless furlough, or an equivalent payless period, for all employees; and

WHEREAS, A deferral agreement has been negotiated with the collective negotiating representative of the non-excluded instructional staff, which will have the effect of substituting a two week pay deferral prior to July 1, 1976 for a furlough; and

WHEREAS, Persons in titles and functions excluded from the collective negotiating unit are not covered by such agreement; it is hereby

RESOLVED, That persons in excluded functions and titles may defer two weeks salary (14/366 of annual salary) prior to July 1, 1976 in lieu of a furlough, subject to the following conditions:

1. The deferral shall be at such time prior to July 1, 1976 as shall be decided by the Chancellor. For purposes of the preceding sentence, the annual salary rate for 1975-1976 shall be the rate in effect during the payroll period when the deferrals are made. During the period of such salary deferral, each employee shall fulfill the duties of his employment. Deferral of salary as provided in this paragraph shall have no effect on accruals of annual leave time or sick leave time, health insurance or welfare fund benefits.
2. For the purpose of computing retirement allowances, the salary rate during the period of deferral shall be treated as including the amount of deferrals identified in paragraph 1 insofar as permitted by law.
3. Repayment of such deferred amounts shall be made in the amount, at the time and in the manner provided in the deferral agreement covering the non-excluded instructional staff referred to above.
4. Payment of amounts deferred shall be made to the persons whose salaries or portions thereof were deferred irrespective of whether such persons are in the employ of the Board on the date such payment is made. No interest shall be due or paid upon such deferred amounts; and it is further

RESOLVED, That persons in excluded titles and functions who choose such deferral in lieu of furlough shall so advise the President of the College where employed (or the Chancellor in the case of the Central Office) on or before May 28, 1976, on a form to be provided; and it is further

RESOLVED, That persons in excluded titles or functions who do not choose to defer salary in lieu of furlough shall be furloughed for the period May 30 through June 12, 1976.

NO. 5. HONORARY DEGREES: (a) RESOLVED, That the following honorary degree, approved by the Faculty Council of Brooklyn College, be presented at the Brooklyn College commencement exercises on June 8, 1976:

Mr. Sam Levenson, Doctor of Humane Letters

(b) RESOLVED, That the following honorary degrees, approved by the Graduate Council of the Graduate School and University Center, be presented at the Graduate School Commencement exercises on June 10, 1976:

Mr. John Bertram Oakes, Doctor of Letters
Mr. Jack I. Poses, Doctor of Humane Letters
Dr. Sol Spiegelman, Doctor of Science

(c) RESOLVED, That the following honorary degree, approved by the President and the Faculty Senate Executive Committee of City College, be presented at the City College Commencement exercises on June 3, 1976:

Mr. Herbert Bienstock, Doctor of Economics

NOTE: In accordance with established guidelines (BHE 3/23/70, Cal. No. 7) the Council of Presidents approved the above resolutions and the Chancellor concurs with the Council's action.

NO. 6. SALK SCHOLARSHIPS: RESOLVED, That the Board approve the award of the Jonas E. Salk Scholarships to the following graduates who have been recommended by the Chancellor:

WITH STIPEND

Mark Dunetz, Queens College
Roslyn Feder, Brooklyn College
Martin E. Kessler, Queens College
Rosemarie Newman, Lehman College
Douglas Rosen, Brooklyn College
Ilene Rosenberg, Brooklyn College
Karen Schneider, Queens College
Pauline Walks, Hunter College

HONORARY (in order selected)

Ann Danoff, Hunter College
Frederick D. Kaplan, Queens College
Mary Bezkor, Hunter College
Michael Katz, Queens College
Meryl Levey, Lehman College
Elliot Frank, City College
Joseph Gelbfish, Brooklyn College
Harold Katz, Hunter College

EXPLANATION: The Board of Estimate resolution providing the Salk Scholarships adopted originally on May 26, 1955, was amended on February 8, 1968 and January 13, 1972. It provides eight scholarships with stipend, and eight Honorary Salk Scholarships without stipend for undergraduates and graduates of the colleges who have been accepted for admission in September to an American medical school as candidates for the M.D., Ph.D., or D.Sc. The awards are made on recommendation by the appropriate faculty agencies and the president of each college, and allocated upon the determination each year by the Chancellor.

NO. 7. FACULTY RETRENCHMENT GUIDELINES: RESOLVED, That the Emergency Guidelines and Procedures for Retrenchment adopted August 15, 1975 to be effective August 11, 1975 through June 30, 1976 are hereby ratified for the period August 11, 1975 through May 31, 1976 and repealed for the period thereafter; and it is further

RESOLVED, That the Guidelines and Procedures for Retrenchment hereinafter set out are hereby adopted effective June 1, 1976; and it is further

RESOLVED, That all discontinuances of appointments pursuant to such Guidelines and Procedures be reported to the Board in the Chancellor's Report;

GUIDELINES AND PROCEDURES FOR RETRENCHMENT

These guidelines and procedures for the discontinuance of personnel, while maintaining the educational mission of the University and protecting the rights of affected personnel are to be effective June 1, 1976.

They relate only to discontinuances of appointments in effect. They do not cover or apply to the normal processes for appointment, reappointment or non-reappointment of persons whose services are not discontinued in accordance with these guidelines and procedures.

Three basic components are essential in a retrenchment procedure.

1. Plan of retrenchment.
2. Criteria for determining which individuals must be discontinued.
3. A review process to insure protection of the rights of affected individuals.

A. Plan of Retrenchment

The President* of each college shall determine after consultation with appropriate faculty and student representatives what programs or activities are to be cut back or terminated in a written retrenchment plan which shall be distributed to department chairpersons and to non-academic officers of the college responsible for recommending the appointment of persons in the HEO, Business Manager and other non-academic series to the President. In submitting the plan, the President shall indicate with whom he has consulted. The plan shall be amended from time to time as required.

The plan shall set forth the reasons why reduction or termination of academic or non-academic service is required with respect to each department or function. The reasons must be related to financial needs and be directed at the needs of the college and department or function. They may include but need not be limited to insufficient student registration, reassessment of programs and priorities, and redistribution of staff, fiscal or physical resources. A timetable for the accomplishment of retrenchment shall be included in the plan.

The plan shall clearly identify the department, office or function within which discontinuances will be made.

Affirmative Action

The Board of Higher Education (BHE) has evidenced its commitment to the principles of affirmative action in policy statements adopted in December 1970 and November 1971. These statements reflect an awareness of and adherence to the federal laws and regulations which both govern and define affirmative action programs at the colleges of the University.

Although cognizant of the need for reductions in force during this time of fiscal crisis, the BHE nevertheless reaffirms its commitment to these laws and regulations to ensure nondiscrimination in the treatment of affected class persons. Accordingly, the Board stresses the importance of following affirmative action principles in the implementation of these Guidelines, and requires that:

- (1) Each president shall consult with his/her affirmative action officer before any proposed retrenchment actions are implemented. The purpose of this consultation is to inform the president of the potential effect of these proposed actions upon the college's work force.

Specifically, each president shall provide to his/her affirmative action officer a list of persons proposed to be discontinued. The officer shall in turn submit to the president a comprehensive, statistical assessment of the college's work force which reflects the retrenchment actions.

*References to the President and to the College shall be deemed references to the Chancellor and the University Staff, respectively, in the case of the Central Office.

(2) Within three weeks of implementing retrenchment decisions, each college president shall submit to the Chancellor an impact statement analyzing the college's new workforce profile.

Specifically, this impact statement shall reflect the workforce inventory of the college, the impact of discontinuances upon women and minorities (by number and percent) within that work force, and the rate at which each affected class group has been retrenched. This statement shall have appended to it the college's (revised) utilization analysis and, wherever so indicated by the statistical analyses, a set of goals and timetables for promotions and/or new hires by appropriate affirmative action units.

(3) Upon receipt of these college impact statements, the Chancellor shall report to the Board concerning the University's affirmative action workforce profile in light of retrenchment. This University statement shall be supported by the data and statistical analyses presented in the college impact statements. If the Chancellor determines that any retrenchment action is contrary to principles of law relating to affirmative action, he shall advise the president of his decision and of the action the President must take to remedy the defect.

Civil Service Personnel

The discontinuance of the University's non-instructional Civil Service employees is controlled by the Civil Service Commission, whose regulations concerning layoffs are explicitly outlined in the memorandum from the New York City Department of Personnel (Memorandum on file in the Office of the Secretary of the Board). It is sufficient for purposes of this memorandum to note that with regard to such employees, the University as a whole is considered to be a single agency and, therefore, a single retrenchment unit. The criteria and review process are established in Civil Service law and regulations.

Instructional Staff Personnel - General Principles

There may be more than a single variable which precipitates campus retrenchment decisions. A budget reduction per se may force retrenchment, but more likely it will be the need for a campus to reallocate its resources in order to provide the optimal level of service within a given budget that will bring about personnel changes. Financial exigencies notwithstanding, a reduction in the number of instructional staff personnel may be warranted by abolition of programs, insufficient student registration, redistribution of staff, reassessment of programs and priorities or other campus decisions affecting allocation of its fiscal, personnel or physical resources. Retrenchment takes place at the department or program level, and the actual cut back in positions proceeds from program and workload decisions.

The determination of the retrenchment unit is essential to the retrenchment process. Pursuant to the BHE bylaws, the basic unit for retrenchment purposes within the University is the academic department of the college. Where a college has a divisional or program organization, the division or program may be the appropriate unit. For other than academic departments, the appropriate unit may be an administrative department, office, or functional unit. Each college must identify its units of retrenchment for both its instructional and non-instructional staff.

Once the unit or function to be retrenched is identified, and personnel must be separated from service, the following general principles for discontinuance of individual employees should obtain:

In making decisions as to which member or members of a department should be separated from service, individual tenure status assumes primacy according to the State Education Law and BHE bylaws. Within a given department, any staff member with tenure, regardless of other academic considerations, must be retained over a person who does not have tenure. If, however, retrenchment results from the determination to abolish or reduce a particular department, the actual cut back in positions may involve tenured members of the staff. In such instances, a tenured employee may be discontinued while a non-tenured employee in a different department may be retained.

For non-tenured personnel, there is a need to distinguish between persons with equal rights for retrenchment purposes. Employees who may be affected by retrenchment may have received prior notices of appointment or reappointment. These individual appointments are being rescinded or shortened for reasons other than any act of negligence or unprofessional conduct. The committee or persons responsible for deciding between or among employees holding the same or similar positions should be prepared to justify such recommendations or decisions.

Criteria to be Applied

Retrenchment among instructional staff members holding the same or similar positions should take place in the following order within the retrenchment unit. Whenever the length of service of two or more persons is the same, the ordering among them shall rest in the judgment of the President.

1. Adjunct Staff

- a. Employees with initial appointments who have not yet started to work.
- b. Employees scheduled to teach class sections which have been withdrawn, for which full-time employees have been rescheduled, for which there is insufficient registration or for which the determination has been made that the course is not necessary for the fulfillment of any undergraduate degree program.
- c. Employees who additionally have full-time employment outside the University in the inverse order of length of service.
- d. Employees who additionally have full-time employment within the University in the inverse order of length of service.
- e. Other employees who are not CUNY doctoral candidates in the inverse order of length of service.
- f. Employees who are CUNY doctoral candidates in good standing and receiving no other financial support in inverse order of length of service.

The foregoing notwithstanding, adjunct employees teaching courses deemed by the department to be educationally essential so as to merit continuance may be retained over full-time personnel or other adjuncts with greater length of service.

2. Non-tenured and non-certificated Instructional Staff - All titles

Persons employed in titles on the instructional staff not holding tenure or certificates of continuous employment shall be discontinued in inverse order of length of full-time continuous service on the instructional staff, except for special educational reasons.*

3. Full-time Instructional Staff members holding Certificates of Continuous Employment shall be discontinued in accordance with Article 6.9(f) of the bylaws before any employee holding statutory tenure.

4. Tenured Instructional Staff

Tenured members of the instructional staff shall be discontinued after all non-tenured persons, including persons holding Certificates of Continuous Employment, in the department. The provisions of subdivision II of section 6206 of the Education Law, section 6.9 of the bylaws and the Rules and Procedures for Preferred Eligible Lists are applicable to these titles.

*The term "special educational reasons" as used throughout these guidelines means a reason which is non-discriminatory against a person and is related to the needs of the retrenchment unit or college.

Persons in Excluded Titles and Functions

The college should determine discontinuance of persons in excluded titles or functions on the basis of managerial or functional needs without regard to date of initial appointment or length of service. A person discontinued from an excluded title or function who holds tenure or who prior thereto held a position in a tenure-bearing title shall return to the department in which tenure was held, or service toward tenure earned. A tenured person appointed to an excluded title or function in a retrenchment unit other than the department in which he or she holds tenure shall retain such tenure rights during the period in which he or she is serving in such excluded title or tenure position. A non-tenured person appointed to an excluded title or function in a department or unit other than the department in which his service toward tenure was earned shall retain such service credit during the period in which he or she is serving in such excluded title or function.

Implementation

1. The president, in accordance with the Retrenchment Plan and the criteria for discontinuance of appointments set forth above, shall (a) determine the number of positions to be abolished in each retrenchment unit and (b) after such consultation with departmental or faculty committees, or other persons as he or she deems appropriate, identify the persons whose appointments are to be discontinued.
2. If an entire function, office, or department is to be abolished, or if the number of positions to be abolished is exactly equal to the number of non-tenured or non-certificated personnel in the unit, the President shall notify the affected persons of the discontinuance of their appointment without further justification.
3. If paragraph 2 is not applicable, the President shall notify each person whose appointment is to be discontinued of such discontinuance and the justification therefor, which shall be either length of service or a special educational reason. If discontinuance is based on a special educational reason, the special educational reason shall be stated.
4. Notification of discontinuance of appointment shall be by certified mail. Discontinuance of appointment shall be effective no less than 30 days after the date of mailing of notification or such later date as specified in the letter. If the certified letter is returned undelivered, regular mail shall be used, and the notification date determined by the certified letter shall obtain.
5. Persons whose appointments are discontinued shall receive the value of their accumulated annual leave, either in a lump sum or by retention on the payroll after the effective date of discontinuance, as the college shall determine.

Review and Appeals Procedure

1. Upon request, a person who has been discontinued may request a review of the decision within twenty calendar days of the certified mailing of a letter of notification. Such request shall be filed with the Office of the President of the College.
2. A special retrenchment review committee or committees shall be established by the President to consider all retrenchment appeals submitted. Each such committee shall be composed of no less than three members of the Instructional Staff of the college, of which the majority shall be tenured. No member of a department P & B Committee or other person who has formally participated in the recommendation of the discontinuance of an individual to the President shall participate in the consideration of or decision on the appeal of such person.

In the Central Office, the Staff Review Committee shall be the special retrenchment review committee, except that no Vice-Chancellor shall participate in the consideration of or decision on the appeal of a person within the area of his or her jurisdiction.

The committee shall have the duty to review all relevant records and may conduct such investigation as it deems appropriate. It shall not have the authority to substitute the name of a different person for the appellant.

3. On appeal the affected individual has the burden of establishing:

a. Where the determination was made on the basis of length of service, that the P & B Committee or party making the decision did not correctly compute the length of service in accordance with these guidelines.

b. Where the determination was made on the basis of special educational reasons, that the reason given was a pretext for action based on constitutionally prohibited grounds.

No other issues may be raised by the appellant or considered by such committee on such review. In considering the appeal, the committee shall be prohibited from considering the need for retrenchment in the University, the College, the department, division or other retrenchment unit.

4. Persons whose appointments have been discontinued pursuant to these guidelines and procedures may request to meet with the committee, present relevant evidence and be represented by counsel or a representative of the certified union if the person is within a collective bargaining unit. In hearing such appeals, the committee may limit the oral presentation to not more than one-half hour.

5. At the request and at the expense of the appellant, a stenographic record of the appeal hearing shall be made.

6. The committee shall make a report and recommendations to the President for transmission to the Chancellor or his designee who shall make the final decision and notify the appellant by certified mail, and the President. The Chancellor's designee shall not be chosen from the college from which the appellant was discontinued.

General Notes and Comments

1. It is permissible to abolish an annual position while retaining adjunct positions. The allocation of resources is a matter of academic and financial concern. However, the abolition of the position of a tenured or certificated employee and the retention of adjunct personnel should be undertaken for only the most compelling educational reasons.

2. Persons being discontinued may be entitled to a range of benefits. The colleges and the Central Office will provide such information and be prepared to assist discontinued personnel in understanding their rights.

3. There are no priorities for veterans, volunteer firemen or physically handicapped personnel on the Instructional Staff. Such provisions apply to personnel in classified civil service positions only.

4. Retrenchment procedures are not contained in the University's collective bargaining agreements. Recognizing, however, that affected employees are understandably concerned, union representatives may be permitted to attend any appeals hearing and to assist employees in the processing of appeals if requested by the employee.

5. Persons whose services are discontinued pursuant to these guidelines and procedures cease to be employees of the Board as of the date of discontinuance. Notices of non-reappointment for future periods should not be sent to such persons. Notwithstanding the foregoing, a person discontinued pursuant to these guidelines and procedures may be appointed for a future period pursuant to the normal appointment procedures or pursuant to the Rules and Procedures for Preferred Eligible Lists.

EXPLANATION: The Resolution incorporates certain changes in the procedures for retrenchment, relating to affirmative action, order of retrenchment, implementation, due process procedures and other matters.

Mrs. Bird and Mrs. Quinones asked to be recorded as voting No. Dr. Goldin abstained.

NO. 8. NOTICE OF PROSPECTIVE GUIDELINES FOR THE REVIEW AND ASSESSMENT OF THE CHANCELLOR AND PRESIDENTS OF THE CITY UNIVERSITY OF NEW YORK: Notice was given of consideration of Prospective Guidelines for the Review and Assessment of the Chancellor and Presidents of the City University of New York.

NO. 9. CREDIT HOUR EQUIVALENCIES: The resolution was moved and seconded.

At this point the Board heard Prof. David Valinsky, Chairman of the University Faculty Senate, who spoke in opposition to the resolution.

The following resolution was adopted:

WHEREAS, Credit hour equivalencies ("equated contact hours" for which an instructor is credited with teaching time) now prevailing in the City University of New York encompass teaching an independent study course, regularly scheduled conferences which replace classroom instruction as well as supervision of teacher education field work, cooperative training courses, masters and doctoral thesis work, and courses taught by graduate students, and

WHEREAS, A review of existing guidelines and formulas discloses that there are considerable quantitative discrepancies within each of the above categories among the respective colleges of the City University, and

WHEREAS, The prevailing fiscal crisis in the City University mandates improved efficiency and economies, large and small, wherever possible; now therefore be it

RESOLVED, That the Chancellor is requested to reexamine current practices and to recommend uniform minimum formulas or practices to govern credit hour equivalencies and to report such recommendations to the Board not later than June 16, 1976, taking into account which categories of "release time" or credit hour equivalencies, if any, can be discontinued without impairing the academic quality, and the need to develop and extend equity of workload among all members of the faculty.

Mr. Jacobs abstained.

NO. 10. CONSOLIDATION OF NON-INSTRUCTIONAL RESOURCES: The resolution was moved and seconded.

At this point the Board heard Professor Howard Adelson, of the Department of History of City College, and Prof. L.G. Heller, of the Department of Classical Languages and Hebrew of City College, who presented a plan for further budget retrenchment at City College.

The following resolution was adopted:

WHEREAS, It is essential that every reasonable effort be made to effect economies in the operations of the University and its several units; and

WHEREAS, A committee on the Consolidation of Non-instructional Resources has made recommendations on economies which might be effected in these areas; therefore be it

RESOLVED, That the Chancellor take steps to implement wherever possible by September 1, 1976, cost-saving arrangements for:

1. The University-wide purchase of such standard materials and services from which the University might benefit by bulk purchases.
2. The provision of student services which are common to many students and which can be provided more effectively and efficiently at either central or regional locations or through the use of more efficient equipment.
3. The cataloguing and purchasing of library books; the coordination of purchasing of repository and limited-use books and periodicals.
4. The consolidation of audio-visual production and repair services.
5. The automation of business and financial operations and the more effective and efficient use of the University's capabilities in computer equipment and personnel.
6. The standardization of materials, procedures, printing specifications and University-wide purchasing for college and University publications, and the establishment of quantitative and qualitative standards for the staffing of public and community relations operations.
7. The consolidation of services and technical assistance related to campus planning and the maintenance of campus facilities.
8. The monitoring of and reduction in the consumption of fuel and energy and the use of telephone services.

NO. 11. UNIVERSITY REPORT: - No report.

NO. 12. RESIGNATION OF BOARD MEMBER: Mrs. Bird announced that she was submitting her resolution as a member of the Board to take effect immediately and made the following statement:

When I joined this Board on January of this year, it was evident that I was appointed as a representative member of the Puerto Rican community of this City. My expectation was that in a democratic society, the democratic process should prevail in the functioning of any policy making body. The concept of democracy demands that the rights and needs of minorities and the voice of minority representation be taken into account by the majority, and that compromise solutions be reached which will benefit not only the majority but the entire society. Otherwise the minority representation simply becomes a token whose voice is heard, but who has no impact on the solutions reached.

During my brief tenure as a Board member I have seen:

the erosion and elimination of policies that gave access to the university to thousands of minority students;

the closing of Hostos Community College, the only institution specifically oriented to the needs of New York Hispanics;

the weakening of Medgar Evers College, York College and other units which provided hope to thousands of minority students;

the creation of a two-track system that will perpetuate the deficiencies of New York City's public schools, thus making the university the culmination of a system that through its policies continues to segregate Blacks and Puerto Ricans into "low achievement centers";

the adoption of retention measures that institutionalize "the revolving door" concept, which will, in effect, eliminate in the next few years thousands of minority students; and

the adoption of measures which will decimate minority faculty.

There has been every indication to me, in the last weeks, that these actions will be implemented in the most arbitrary manner without the least regard for affected groups, thus maximizing their impact on these groups. The Board's plan of action, in summary, seriously curtails educational opportunities for Puerto Ricans and Blacks.

The decisions reached so far demonstrate an absolute lack of sensitivity to the plight of those that are most in need of educational programs. The Board has lacked originality and initiative in seeking viable alternatives. The majority of my fellow Board members have been uncompromising in their positions and I have found little or no room for meaningful dialogue. For this reason my role in this Board has turned purely into a voice of opposition, with little impact on the solutions reached.

Now, in addition, the imposition of tuition, another blow to the underprivileged of this City, appears imminent. The attempts by the majority members of the Board to reduce costs and thus preserve "free tuition" through the elimination of minority oriented university programs, seems doomed to fail. Those of us opposed to the imposition of tuition feel like we are "beating a dead horse," in view of the pressures exerted by the political bodies of the City and the State. The imposition of tuition, after actions taken by this Board on April 5, would deal a death blow to the goals for which the City University was originally established. The heaviest burden will be borne again by the poor and the minorities of this City.

Mr. Giardino expressed his personal regret and that of the Board at her action and commended her dedication and sincerity.

NO. 13. GENERAL DISCUSSION: Mr. Giardino submitted for the record the following letter received from John Crumedy, President, Local 1597, New York City Custodial Employees, objecting to the contracting out of custodial services at Richmond College: (See Cal. No. 3.I.A.)

May 24, 1976

Mr. Alfred A. Giardino

I am writing to you with respect to the contracting out of Custodial services at Richmond College on Staten Island (No. 3 Fiscal Resolution).

Although, we know that there has never been a Civil Service Custodial Staff at Richmond College, we abhor the letting of contract for cleaning services when a preferred list has been promulgated by the New York City Department of Personnel.

As president of Local 1597, District Council 37, I wish to call this proposal to the Board of Higher Education. Our Local and all of its members have deferred wages as well as increased take home pay, and have been forced to use our annual leave in order that the University save money. And what does the membership receive in return? They are asked to witness the saving of deferred monies from their paychecks being funnelled to an outside Maintenance firm who are qualified competent, and loyal Civil Servants wither on the "Preferred Vine." On behalf of all of the members of my Local I demand that the Board vote down the issuance of a Maintenance contract for Richmond College and those monies alleged be used to rehire Civil Servants awaiting recall on qualified preferred lists.

I ask that this letter be placed in the minutes of the Board's proceedings for Monday, May 24, 1976. Thanking you for your attention in this matter. I remain,

Very truly yours,

John Crumedy
President - Local 1597
N.Y.C. Custodial Employees

Upon motions duly made, seconded and carried, the meeting was adjourned at 5:52 P.M.

Etta G. Grass
Acting Secretary of the Board