

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

HELD

AUGUST 2, 1976

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

At the request of the Board, Mr. Jacobs served as Chairperson Pro-tem and called the meeting to order at 7:15 P.M.

There were present:

Harold M. Jacobs, Chairperson
Walter H. Crowley
Armand D'Angelo
Edith B. Everett
Nicholas Figueroa
Ronald T. Gault
Gurston D. Goldin

Albert V. Maniscalco
Peter Maas
Harriet R. Michel
Jack J. Olivero
Emanuel R. Piore
David Z. Robinson
Patricia C. Stewart

David Valinsky, ex officio
Maynard S. Jones, ex officio

Richard M. Catalano, Secretary of the Board

Chancellor Robert J. Kibbee
President Candido A. de Leon
President Leon M. Goldstein
President John W. Kneller
Acting President Gerald W. Lynch
President Robert E. Marshak
President Joseph S. Murphy
President Kurt R. Schmeller
President Joseph Shenker

President Herbert M. Sussman
President Edmond Volpe
President Clyde J. Wingfield
Deputy Chancellor Seymour C. Hyman
Vice-Chancellor Mary P. Bass
Vice-Chancellor Julius C.C. Edelstein
Vice-Chancellor Anthony Knerr
Vice-Chancellor Peter S. Spiridon

The absence of Ms. Loretta A. Conway was excused.

The Chairperson Pro-tem introduced the fourteen members of the Board and called for nominations for the fifteenth member, as provided for in the recently enacted State law.

X. FIFTEENTH MEMBER OF THE BOARD: Dr. Robinson nominated Dr. Emanuel R. Piore as the fifteenth member of the Board. Mr. Jones nominated Mrs. Vinia R. Quinones. A motion was made and seconded that the nominations be closed. Dr. Piore was elected unanimously.

The Chairperson Pro-tem introduced Dr. Piore as a renowned physicist, member of the National Science Board and the National Academy of Science and chairman of the board of the New York City Hall of Science, and welcomed him as a member of the Board.

Mr. Jones asked to be recorded as objecting to the manner in which the election was held.

Upon motions duly made, seconded and carried, the following resolutions were adopted or action was taken as noted: (Calendar Nos. A through 14)

A. BYLAW AMENDMENTS: RESOLVED, That the following bylaw amendments presented by Ms. Mary P. Bass, General Counsel and Vice-Chancellor for Legal Affairs, be adopted:

1. RESOLVED, That such portions of Section 5.1 of the bylaws, entitled Amendments to the Bylaws, which provide that no proposed amendment shall be adopted except upon the affirmative vote of seven members of the Board, be waived; and be it further

EXPLANATION: Waiver of the bylaws to permit adoption of amendments reflecting the changed composition of the Board is appropriate at this first meeting.

2. RESOLVED, That such portion of Bylaw Section 5.1 which requires that amendments to the bylaws be proposed at a meeting preceding the meeting at which a vote is taken be waived.

EXPLANATION: Waiver of notice provisions relating to bylaw amendments to permit the adoption of amendments reflecting the changed composition of the Board is appropriate at this first meeting.

3. RESOLVED, That Section 1.3 of the bylaws, entitled Meetings, be amended to read as follows:

Section 1.3 QUORUM OF THE BOARD. [Six] Eight members of the Board shall constitute a quorum.

EXPLANATION: Section 41 of the General Construction Law provides that the majority of the whole number of the membership of a public board constitutes a quorum.

4. RESOLVED, That the first paragraph of Section 5.1 of the bylaws is hereby amended to read as follows:

Section 5.1 AMENDMENTS TO BYLAWS. An amendment to the bylaws may be adopted at any stated or special meeting of the Board succeeding the stated or special meeting at which it was proposed. Copies of the proposed amendment must be mailed to each member of the Board at least ten days before it is voted upon, together with a statement of the name of the introducer and of the meeting at which it is to be acted upon. Copies of the proposed amendments shall be delivered to the collective negotiation representative if required by a contract entered into with such representative. No proposed amendment shall be adopted except upon the affirmative vote of [seven] eight members of the Board.

EXPLANATION: The amendment permits a majority of the whole number of the voting members of the Board to amend the bylaws.

5. RESOLVED, That Section 5.2 of the bylaws be amended to read as follows:

Section 5.2 WAIVER OF THE BYLAWS. Any provision of these bylaws may be waived at any meeting of the Board for some special purpose by the affirmative vote of [six] eight members of the Board.

EXPLANATION: The amendment permits a majority of eight to waive a provision of the bylaws.

6. RESOLVED, That the Board of Higher Education hereby ratifies, approves, and confirms all bylaws, resolutions heretofore adopted and other formal actions heretofore taken by the Board of Higher Education and, until further notice, hereby continues all policies of the Board of Higher Education presently in effect.

EXPLANATION: Chapter 345 of the Laws of 1976 continued the Board of Higher Education, but changed its composition. The resolution assures the continued legal validity of past Board actions.

Mr. Olivero asked to be recorded as abstaining.

7. RESOLVED, That Section 2.2 of the bylaws be amended to read as follows:

Section 2.2 TERM OF OFFICE: a. The term and manner of selection of the members of the Board [and the chairman and vice chairman] shall be as provided for in section [6201] 6202 of the education law.

b. A chairperson and a vice-chairperson shall be elected by ballot from among the voting members of the board to serve for one year, or until their successors are elected. The election for the office of the chairperson and the vice chairperson shall take place at the stated June meeting and their terms shall commence July 1. In the event of a vacancy occurring in the office of chairperson or vice-chairperson, a successor shall be chosen by ballot to serve for the balance of the term. The chairperson and vice-chairperson first elected after July 1, 1976 shall be deemed to be serving for the balance of terms commencing July 1, 1976.

c. The general counsel and the secretary shall serve at the pleasure of the board.

NOTE: Matter underlined is new; matter in brackets to be deleted.

B. ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON: Mr. D'Angelo nominated Mr. Jacobs as chairperson of the Board. The nomination was seconded by Dr. Goldin.

Mr. Jones nominated Mr. Maas as chairperson of the Board. Mr. Maas withdrew his name from consideration.

Mr. Jacobs was elected by secret ballot and made the following statement:

Our procedures do not necessarily require an acceptance speech, but I would like to express my appreciation for the confidence my colleagues have expressed in me. I would also like to reaffirm the commitment I made when I became the chairperson of the former Board: that I would do all within my power to preserve and enhance this great University.

The University faces both short- and long-range problems of immense proportions. As you know, the University is currently undergoing an agonizing retrenchment in order to conform to the reduced 1976-77 budget. Under guidelines developed by the Chancellor, the specific cuts are being determined at the college level, but the duty of the Board has been and will continue to be to insure that the retrenchment and budget allocation guidelines are administered fairly and equitably with a priority concern for the academic quality of the colleges.

We are also faced right now with the related problems of diminished morale among members of our faculty and administrative staffs and a lack of confidence in the leadership of our University. During the past year of financial crisis, there were those who criticized both the Board and the Chancellor for what they perceived to be a lack of decisiveness and leadership.

It makes no difference and is not relevant now whether those persons were right or wrong, but it is critical that the Chancellor and the Board, working closely together, re-establish public confidence in the University and its leadership. Vision, courage and determination will be required of us all. I would hope that, as a first step, the Chairperson, the Chancellor and other members of the Board can have a number of candid, informal meetings with the Presidents, representatives of the faculty, other University officers, students, and other members of the University community.

We face longer-range problems of redefining the role, scope, size, program and structure of the University in view of projected New York City and State financial difficulties. Although the findings of the Governor's Temporary Commission on Post-Secondary Education in New York State will be of major importance here, the Board, the Chancellor and the Presidents must exercise close collaboration and initiative in developing long-range plans to help the University meet the educational needs of the City and State of New York.

It will be our continuing role as Board members, with the strong and close collaboration of the Chancellor and the Presidents, to develop educational policy that will preserve the academic excellence of the University and its treasured role of offering higher educational opportunities and access to all those who can benefit from them, regardless of race, creed, color or economic status.

I look forward to working with all of you. We have a large and important job to do.

Let us now proceed with the remainder of our Calendar.

The election of the vice-chairperson was laid over.

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

- (a) Item BRI.10.11 (Baruch College): Delete transfer of Assoc. Prof. Philip Atkinson.
- (b) Items listed in PART E - ERRATA, to be withdrawn or changed as indicated.

NO. 2. BOARD COMMITTEES: Tabled.

NO. 3. BOARD MEETINGS: For the information of the Board there is reprinted below a schedule of the dates for the formal meetings of the Board for the academic year 1976-77, which was approved by the Board at its meeting of June 21, 1976, Cal. No. 2:

September 27, 1976
 October 25, 1976
 November 22, 1976
 December 20, 1976 (Third Monday)
 January 24, 1977
 February 28, 1977

March 28, 1977
 April 25, 1977
 May 18, 1977 (May 18 is a Wednesday.
 The fourth Monday, May 23, is a holy day.)
 June 20, 1977 (Third Monday)

NO. 4. CENTRAL OFFICE - CONTRACT FOR PURCHASE OF DATA PROCESSING SYSTEMS:

RESOLVED, That the Board of Higher Education approve the specifications and contract documents and authorize the Central Office to advertise for, receive and open bids and award the contract to the lowest responsible bidder for keypunching, keytaping and verification of data processing documents for the Central Office for the period July 1, 1976 to June 30, 1977, with an option to renew contract for one year, in an estimated amount of \$95,000, chargeable to Code 042-2400-403-01-77, Office Service; and be it further

RESOLVED, That the Director of the Budget be requested to approve this expenditure.

EXPLANATION: Due to normal and anticipated growth of financial aid and various other CUNY administering management programs, various records for The City University of New York are expected to be keypunched and verified.

Dr. Piore asked to be recorded as Not Voting.

NO. 5. MAINTENANCE OF MATRICULATION FEE FOR MASTER'S DEGREE STUDENTS:

The resolution was moved and seconded.

Mr. Jones raised the question of allowing students involved in maintenance of matriculation to participate in student activities. Mr. Steven Kaye, a graduate student, was also heard on this matter. The Chancellor was requested to discuss this matter with the Presidents and student representatives and to report back to the Board.

The following resolution was adopted:

RESOLVED, That effective September 1, 1976, students enrolled in Master's Degree Programs at the senior colleges or at the Graduate School and University Center be charged a fee of \$125 for any semester in which they are not enrolled in regular course work but wish to maintain their matriculated status; and be it further

RESOLVED, That students who are enrolled in a Master's Degree Program must maintain matriculated status in the semester in which they obtain their degree.

EXPLANATION: The charge for maintenance of matriculation contained in the first of the foregoing resolutions replaces the scheduled charge stipulated in Resolution IB, Master's Programs at the Senior Colleges approved by the Board on July 28, 1975 (Cal. Item No. 6) which increased on a sliding scale the charge for maintenance of matriculation from \$25 to \$250 per semester. It appears that this rate increase was too rapid and has resulted in very high attrition. Reducing the charge to \$125 should increase enrollment in this category of student. The resolution also specifically applies the \$125 charge to students enrolled in Master's Programs at the Graduate School as well as at the senior colleges.

NO. 6. CHANGE IN DEFINITION OF SECOND AND THIRD LEVELS IN DOCTORAL PROGRAM:

The resolution was moved and seconded.

Mr. Jones moved that the schedule of tuition and fees for students be revised to achieve parity of such fees and tuition for graduate students of CUNY with those for graduate students of SUNY. The motion was seconded. The motion was lost.

The following resolution was adopted:

RESOLVED, That the schedule of tuition and fees for students matriculated in doctoral programs at the City University be revised, effective September, 1976, to define Second Level and Third Level as follows:

Second Level - from semester following completion of 30 credits fully earned and evaluated, to completion of required coursework.

Third Level - from semester following completion of required coursework to completion of degree.

EXPLANATION: During the period between the completion of required coursework and Advancement to Candidacy students engage in such activities as completing language requirements, taking the Second Examination, and identifying the topic of dissertation research. These activities are comparable to Third Level activities, and this period should therefore be included in the definition of Third Level instead of Second Level.

NO. 7. TUITION FEE SCHEDULE RE NON-NEW YORK CITY RESIDENTS OF NEW YORK STATE: RESOLVED, That paragraph 6 of the tuition fee schedule adopted by the Board of Higher Education on June 14, 1976, is hereby rescinded and a new paragraph 6 is added thereto which shall read as follows:

SENIOR COLLEGES - Tuition fees of a New York State resident who has obtained a certificate of residence from a county outside New York City shall be reduced by the amount of the chargeback to be collected from the county of residence. The certificate of residence must have been issued within two months prior to the completion of registration and must be filed with the registrar before completion of registration. A certificate of residence is valid for a period of one year from the date of issuance.

The Board hereby elects to charge to each county within New York State outside New York City, which has issued a certificate or certificates of residence, the share of the tuition and fees charged to residents of each such county which it has elected to pay by reason of the attendance of its residents at the senior colleges of the City University.

COMMUNITY COLLEGES - A non-New York City resident of New York State must obtain and file a certificate of residence to be eligible to be admitted to a community college. The certificate of residence must have been issued within two months prior to the completion of registration and must be filed with the registrar before completion of registration. A certificate of residence is valid for a period of one year from the date of issuance.

Such student shall be charged the non-city resident tuition fee of \$712.50 per semester full-time and \$55 per credit part-time. Upon receipt of the chargeback payment from the student's county of residence, the student shall be entitled to a refund or credit in the amount of the chargeback received but not to exceed \$325 per semester for a full-time student and \$20 per credit for a part-time student.

The Board hereby elects to charge to each county within New York State outside New York City which has issued a certificate or certificates of residence on the basis of which its residents are attending the community colleges the total allowable chargeback pursuant to Section 6305 of the education law.

The Board hereby determines and approves a charge to each county within New York State outside New York City which has issued a certificate or certificates of residence on the basis of which its residents are attending the community colleges, a capital cost chargeback in the sum of \$300 per year per full-time student equivalent.

EXPLANATION: Chapters 345 and 346 of the Laws of 1976 apply the mandatory chargeback provisions in effect at community colleges elsewhere in the State to City University community colleges, and authorize the other provisions of these resolutions. The above resolutions pertaining to community college students ensure that the net tuition charged to New York State residents who reside outside New York City shall be no less than the tuition charged New York City residents.

Differences in the chargeback provisions in the above resolutions reflect differences in the laws governing the senior and community colleges.

NO. 8. KINGSBOROUGH COMMUNITY COLLEGE - PERSONNEL ACTION: WHEREAS, Disciplinary charges were served upon tenured Full Professor Sophia Yaczola on May 27, 1975; and

WHEREAS, On May 27, 1975 the Board appointed an impartial committee to hear those charges (Cal. No. 8a); and

WHEREAS, From June 11, 1975 through January 29, 1976, fourteen hearing sessions were held on the charges, before the impartial committee (a copy of the charges, as amended at the hearing, is on file in the Office of the Secretary of the Board); and

WHEREAS, On May 26, 1976 the impartial committee unanimously sustained the charges of neglect of duty and conduct unbecoming a member of the staff as specified in charges (chronological order by date) C(1)(b), C(1)(c), B(4)(a & b) and C(3)(a), C(2)(a), B(4)(c) and C(3)(b), C(2)(c), B(3)(b) and C(5)(a), B(3)(c) and C(5)(b), C(1)(e) and C(2)(b), C(2)(a), B(3)(d) and C(5)(c, d, and e), and C(4)(a); and

WHEREAS, On May 26, 1976 the impartial committee recommended that the person charged be removed from her position; and

WHEREAS, The Board has considered the charges and specifications, a memorandum of law submitted by counsel for the person charged, post hearing memoranda from both sides submitted therein, and the decision and report of the impartial hearing committee; it is hereby

FOUND, That on the basis of the record, Professor Sophia Yaczola engaged in the conduct as specified in charges (chronological order by date) C(1)(b), C(1)(c), B(4)(a & b) and C(3)(a), C(2)(a), B(4)(c) and C(3)(b), C(2)(c), B(3)(b) and C(5)(a), B(3)(c) and C(5)(b), C(1)(e) and C(2)(b), C(2)(a), B(3)(d) and C(5)(c,d, and e), and C(4)(a); and the Board incorporates herein pages 8-21 of the decision and report of the impartial hearing committee sustaining those charges and citing the evidence in support thereof; and it is hereby

DETERMINED, That Sophia Yaczola is guilty of neglect of duty and conduct unbecoming a member of the staff as charged in specifications (chronological order by date) C(1)(b), C(1)(c), B(4)(a & b) and C(3)(a), C(2)(a), B(4)(c) and C(3)(b), C(2)(c), B(3)(b) and C(5)(a), B(3)(c) and C(5)(b), C(1)(e) and C(2)(b), C(2)(a), B(3)(d) and C(5)(c,d, and e) and C(4)(a); and it is hereby

RESOLVED, That Sophia Yaczola is hereby removed for cause from the permanent instructional staff as Full Professor effective immediately.

NOTE: The hearing record is on file with the Secretary of the Board.

It was noted that Prof. Yaczola's attorney, Mr. Michael Meltzer, was heard by the Board prior to the meeting.

Mr. Crowley asked to be recorded as abstaining.

NO. 9. EDUCATIONAL OPPORTUNITY CENTERS - BOROUGH OF MANHATTAN COMMUNITY COLLEGE AND NEW YORK CITY COMMUNITY COLLEGE: RESOLVED, That the Board of Higher Education authorize one year extensions for 1976-1977, of the contracts with the State University of New York for the operation of two Educational Opportunity Centers, one in Brooklyn, and one in Manhattan.

RESOLVED, That the Presidents of New York City Community College and Borough of Manhattan Community College respectively be authorized to sign the contracts.

EXPLANATION: Since 1966, the Borough of Manhattan Community College and New York City Community College have each operated an Educational Opportunity Center (formerly called Urban Center) pursuant to contract with the State University of New York.

NO. 10. BROOKLYN COLLEGE - HEATING PLANT: RESOLVED, That the Board of Higher Education approve contract documents and specifications and authorize Brooklyn College to advertise for, receive and open bids and award a contract to the lowest responsible bidder for the installation of Domestic and Fire Water Supply Pumps at the Brooklyn College Heating Plant, pursuant to CP-11597 as approved by the Bureau of the Budget on June 20, 1975, at an estimated cost of \$132,000 including contingencies, chargeable to Capital Project HN-203, Code 042-0607-12-53.

EXPLANATION: A detailed inspection of the elevated domestic and fire water storage tanks indicates deterioration that, particularly in the case of the domestic water tanks, has advanced to a potentially hazardous condition. Internal tank supports have corroded to the extent that some have actually parted. This has allowed already badly rusted side plates to bulge and some overstrained seams have begun leaking.

Installation of these original tanks flanking the main heating plant flue and built into masonry work some 100 feet above ground level makes major repair or replacement of these tanks excessively costly. The proposed construction will add pumps to provide the needed line pressures, permitting abandonment of the tanks.

NO. 11. BYLAW AMENDMENTS: Notice was served of proposed amendments to Article VI of the bylaws of the Board relating to discontinuance of positions, transfer efforts and preferred eligible lists for tenured members of the instructional staff and lecturers holding certificates of continuous employment.

In accordance with bylaw provisions, the text of the bylaw amendments will be circulated ten days before the next regularly scheduled meeting of the Board.

EXPLANATION: These amendments conform the bylaws to the Education Law, the Guidelines and Procedures for Retrenchment adopted by the Board on May 24, 1976 (Cal. No. 7), and establish procedures for transfer efforts, and the establishment and use of preferred eligible lists.

NO. 12. AMENDMENT OF BOARD ACTION: RESOLVED, That paragraph 2 of the section entitled "Criteria to be Applied" of the "Guidelines and Procedures for Retrenchment" adopted by the Board on May 24, 1976 (Cal. No. 7, Attachment A) is hereby amended to read as follows:

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.* Continuous service shall be deemed to include periods of continuous service prior to approved leaves of absence without pay, but the periods of leaves of absence without pay shall not be counted.

NOTE: Underlined matter is new.

RESOLVED, That the Board of Higher Education hereby ratifies and approves all actions which have heretofore been taken based upon the policy expressed herein.

EXPLANATION: The resolution amends the Guidelines and Procedures for Retrenchment which had in effect excluded periods prior to approved leaves of absence without pay from computation of continuous service for retrenchment purposes.

NO. 13. BUDGET 1976-77: The resolution was moved and seconded.

At this point the Board heard Mr. Al Greco, Vice-President, and Mr. Robert Krauz, Treasurer, of the Queens College Evening Student Association, who asked that the Schools of General Studies not suffer disproportionately through retrenchment.

The Board also heard Pres. Joseph S. Murphy of Queens College, Pres. John W. Kneller of Brooklyn College, and Pres. Robert E. Marshak of The City College, who spoke on the current status of the School of General Studies in their respective colleges.

Dr. Goldin informed the Board that he would abstain from voting on Cal. No. 13 for the reasons set forth in the following statement which he submitted for the record:

I cannot in good conscience vote tonight on a budgetary proposal which I consider to be deficient in terms of its failure to develop a comprehensive educational policy relating to the nature and mission of the University to serve as the conceptual framework for the formulation of specific budgetary allocations.

A budget is not simply a fiscal document.

It is an instrument of policy.

No educational policy relating to the mission and nature of the University has been submitted by the administration of the University to serve as the conceptual base for a budgetary proposal.

I shall abstain on Calendar No. 13.

The following resolution was adopted:

RESOLVED, That the Board of Higher Education approve the \$495.6 million budget of which \$470.0 million is for operating costs as specified under the terms of the State legislation of June 1976.

EXPLANATION: The operating budget has been allocated to the colleges on the basis of a differential funding model which takes into account differences in types of institutions, costs of programs, and projected enrollment.

Dr. Goldin asked to be recorded as Not Voting.

NO. 13A. MEDGAR EVERS: Upon motions duly made, seconded and carried, the following resolution was adopted:

RESOLVED, That a resolution entitled "Medgar Evers," adopted April 5, 1976 (Cal. No. 3) is hereby repealed; and be it further

RESOLVED, That Medgar Evers College continue to be so denominated; and be it further

RESOLVED, That, effective September 1, 1976, such College be a community college authorized to offer associate degree programs; and be it further

RESOLVED, That the authorization of such College to offer baccalaureate degree programs be terminated effective July 1, 1978, except that such College be authorized to continue to offer four-year baccalaureate degree programs in nursing, medical sciences (pre-medical), accounting and business, competency based public administration, and competency based teacher education.

EXPLANATION: Chapter 345 of the Laws of 1976 provides that the expenses of the baccalaureate degree programs at Medgar Evers College in the areas named in the resolution be funded as senior college expenses. The expenses of the associate degree programs will be funded as community college expenses.

NO. 14. UNIVERSITY REPORT: The Chancellor introduced the College Presidents present at the meeting and presented the following oral report on matters of Board and University interest:

1. During the past year the Middle States Association of Colleges and Universities has evaluated nine CUNY colleges, namely, Brooklyn, City, Medgar Evers, John Jay, Queens, York, Kingsborough, LaGuardia, and New York City Community College, and all have received excellent reports.
2. The Regents have given the University's French and Spanish doctoral programs an AI rating - the highest possible rating.

Upon motions duly made, seconded and carried, the meeting was adjourned at 8:50 p.m.

RICHARD M. CATALANO
Secretary of the Board