

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

HELD

OCTOBER 25, 1976

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

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

There were present:

**Harold M. Jacobs, Chairperson
Patricia Carry Stewart, Vice Chairperson**

**Loretta A. Conway
Walter H. Crowley
Armand D'Angelo
Edith B. Everett**

**Ronald T. Gault
Gurston D. Goldin
Albert V. Maniscalco
Harriet R. Michel
David Z. Robinson**

**Professor David Valinsky, ex officio
Mr. Maynard S. Jones, ex officio**

Richard M. Catalano, Secretary of the Board

Chancellor Robert J. Kibbee

Vice Chancellor Mary P. Bass

The absence of Mr. Figueroa, Mr. Maas, Mr. Olivero and Dr. Piore was excused.

NO. 1. LONG-RANGE PLANNING COMMITTEE: A slate of eight people was nominated and seconded. The following four members were elected by secret ballot:

**Honorable Armand D'Angelo
Honorable Edith B. Everett
Honorable Gurston D. Goldin
Honorable Harriet R. Michel**

The election of the fifth member of the Committee was deferred to a special meeting of the Board to be held on November 8, 1976.

Upon motions duly made, seconded and carried, the meeting was adjourned at 5:20 p.m.

**RICHARD M. CATALANO
Secretary of the Board**

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

HELD

OCTOBER 25, 1976

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

The Chairperson called the meeting to order at 5:34 p.m.

There were present:

**Harold M. Jacobs, Chairperson
Patricia Carry Stewart, Vice Chairperson**

**Loretta A. Conway
Walter H. Crowley
Armand D'Angelo
Edith B. Everett
Ronald T. Gault**

**Gurston D. Goldin
Albert V. Maniscalco
Harriet R. Michel
Jack J. Olivero
David Z. Robinson**

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

Richard M. Catalano, Secretary of the Board

**Chancellor Robert J. Kibbee
President Milton G. Bassin
President Edgar D. Draper
Acting President Evangelos J. Gizis
President Leon M. Goldstein
President John W. Kneller
President Leonard Lief
Acting President Gerald W. Lynch
Acting President Bernard Mintz
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
Deputy Chancellor Seymour C. Hyman
Vice Chancellor Mary P. Bass
Acting Vice Chancellor Egon Brenner
Vice Chancellor Julius C.C. Edelstein
Vice Chancellor Anthony Knerr
Vice Chancellor J. Joseph Meng**

The absence of Mr. Figueroa, Mr. Maas and Dr. Piore was excused.

Upon motions duly made, seconded and carried, the following resolutions were adopted or action was taken as noted: (Calendar Nos. 1 through 7)

NO. 1. CHANCELLOR'S REPORT: RESOLVED, That the Chancellor's Report for October 25, 1976 (including Addendum Items) be approved, as amended as follows:

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

D.12 Hunter College - Personnel Action: RESOLVED, That Joseph Kiernan be appointed Higher Education Associate in the Office of the Vice President for Finance and Facilities from 10/1/76 to 6/30/77 at \$21,030 per annum, subject to financial ability; and be it further

RESOLVED, That Section 11.16 B of the bylaws be waived to effectuate this appointment.

(Approved by the HEO Screening Committee and the Office of Faculty & Staff Relations)

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

NO. 2. APPROVAL OF MINUTES: RESOLVED, That the minutes of the Board of Higher Education for the following meetings be approved as circulated:

August 2, 1976
September 27, 1976

NO. 3. COMMITTEE ON FACILITIES PLANNING AND MANAGEMENT: RESOLVED, That the following items be adopted:

A. BARUCH COLLEGE - REHABILITATION OF WINDOWS:

RESOLVED, That the Board of Higher Education approve the preliminary documents as prepared by the Office of Facilities Planning and Management and authorize said Office of Facilities Planning and Management to proceed with preparation of the final contract documents for the Rehabilitation of Windows at the Baruch College Building located at 17 Lexington Avenue, Manhattan at an estimated cost of \$350,000, chargeable to Capital Project HN-203; and be it further

RESOLVED, That the Director of Management and Budget be requested to approve said documents and authorize said expenditure for the proposed contract.

EXPLANATION: The main building, built around 1939, has steel projected sashes which are rusted and leaking. The oversized windows are causing excessive heat gains or losses. Most window panes are inaccessible to service and attempts to repair them have resulted in personnel injuries.

This project provides for:

(a) Replacing existing projected sash with new aluminum double hung windows on the elevations facing Lexington Avenue and 23rd Street (4th through 17th floors).

(b) Replacing existing windows on the middle portion of the South facade (ground through 17th floors).

(c) Rehabilitating all other windows.

To comply with conservation of energy requirements, the new windows will be reduced in area by one third.

The estimate of \$350,000 includes construction contingencies and cost escalation to bid date.

B. THE CITY COLLEGE - SUPPLEMENTAL AGREEMENT K (CITY UNIVERSITY ISSUE):

RESOLVED, That the form and substance of proposed Supplemental Agreement K, dated as of September 21, 1976, which bears a title page which reads: DORMITORY AUTHORITY OF THE STATE OF NEW YORK AND CITY UNIVERSITY CONSTRUCTION FUND AND BOARD OF HIGHER EDUCATION IN THE CITY OF NEW YORK - SUPPLEMENTAL AGREEMENT K DATED AS OF SEPTEMBER 21, 1976 (CITY UNIVERSITY ISSUE) is hereby approved; the Chairman of the Board of Higher Education is hereby authorized and directed to execute such Supplemental Agreement K and to cause the seal of such Board to be affixed thereto; and the Secretary of the Board of Higher Education is hereby authorized and directed to affix his signature thereto in attestation of such seal; and be it further

RESOLVED, That notwithstanding any other provision of this resolution, prior to the execution of such Supplemental Agreement K, changes, insertions and omissions may be made thereto as may be approved by the Chairman of the Board of Higher Education and the execution by said Chairman of such Supplemental Agreement K containing such changes, insertions, and the attestation thereto by the Secretary, shall be conclusive evidence of such approval.

EXPLANATION: This agreement will provide for an increase in the authorized project cost for the City College Leonard Davis Center for the Performing Arts from \$6,750,000 to \$7,110,000 and a compensating \$360,000 decrease in the authorized cost for the City College North Academic Complex. The increase is necessary to provide an adequate budget for the completion of the now suspended Davis Center construction. The State Division of the Budget has given its required approval for this increase.

NO. 4. COMMITTEE ON CENTRAL ADMINISTRATION: RESOLVED, That the following items be adopted:

A. YORK COLLEGE - CHARTER OF GOVERNANCE:

RESOLVED, That the Charter of Governance of York College be approved.

A copy of the Charter is on file in the Office of the Secretary of the Board.

B. MEDGAR EVERS COLLEGE - CHARTER OF GOVERNANCE:

RESOLVED, That the Charter of Governance of Medgar Evers College be approved.

A copy of the Charter is on file in the Office of the Secretary of the Board.

C. BYLAW AMENDMENTS:

RESOLVED, That section 6.9 of the bylaws is hereby amended, to read as follows:

Section 6.9 DISCONTINUANCE OF TENURED POSITIONS, a. Where a position in a department is to be abolished or discontinued, a person in any title on the permanent instructional staff who does not have tenure in that department shall be dismissed before a person in a title on the permanent instructional staff who does have tenure in that department.

b. A position held by a person upon the permanent instructional staff may be abolished or discontinued by the board for reasons which are not discriminatory against a particular person or persons. In the event that a position in a department is to be abolished or discontinued, such position shall be that of the person [last granted tenure in] last appointed to such department, save that, for special educational reasons which are not

discriminatory against a particular person or persons, the board may continue the services of a tenured person or persons whose position or positions would otherwise be abolished or discontinued, and abolish or discontinue the position or positions of the person or persons next most recently [granted tenure in] appointed to such department.

[c. If the board abolishes or discontinues the position of a person upon whom tenure is conferred and can find no position in the senior college or community college, as the case may be, in which such person has been serving which can be efficiently and capably filled by such person, then his/her name shall be placed and shall remain for three years upon a preferred eligible list of candidates for reappointment to fill a vacancy, or newly-created position may thereafter occur which can be efficiently and capably filled by such person.

d. There shall be a separate preferred eligible list for each title in each department in each college. Each such list shall be applicable only to the title, department and college for which it was created. Reappointments shall be made from such preferred eligible lists so that the person or persons whose position or positions were most recently discontinued shall be the first person or persons reappointed, provided that for special educational reasons which are not discriminatory against a particular person or persons, the person or persons whose position or positions were next most recently discontinued may be the first person or persons reappointed. Any person reappointed from a preferred eligible list shall be reappointed at a salary not less than that which he/she was receiving when his/her position was abolished or discontinued.

e. A member of the permanent instructional staff whose name is placed on a preferred eligible list shall be deemed to have a leave of absence without pay or increment credit during the time he/she is on such eligible list.

f. A position held by a person who has received an administrative certificate of continuous employment may be abolished or discontinued by the board for reasons which are not discriminatory against a particular person or persons. In the event that the position of a lecturer (full-time) in a department is to be abolished or discontinued, the person who last received his/her administrative certificate of continuous employment shall be the person whose position is first to be abolished, except that for special educational reasons which are not discriminatory against a particular person or persons, the position of a person next most junior may be abolished or discontinued.

If the position of a lecturer (full-time) is abolished or discontinued, the names of the persons whose positions were so abolished shall be placed and shall remain for three years on a departmental preferential eligible list to fill a vacancy that may thereafter occur in that department which can be capably and efficiently filled by said person.

Reappointments shall be made from such preferred eligible list so that the person or persons who first received the administrative certificate of continuous employment shall be the first to be re-hired, except that for special educational reasons that are not discriminatory against a person or persons, this rule may be waived by the board.

No person reappointed from a preferred eligible list shall be reappointed at a salary which is less than he/she was receiving when his position was abolished or discontinued.

g. Where a position held by a person in an adjunct title is abolished or discontinued because of the cancellation of a class due to financial inability, insufficient enrollment or changes in curriculum, the person whose position has been abolished or discontinued shall be granted preferential re-hiring rights within the department for identical or remedial courses which he/she has taught.

All individuals affected by such a reduction in force shall be placed on a departmental preferential re-hiring list established by date of initial employment.

The individual's name on a departmental preferential re-hiring list shall be deleted after three years.]

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

and be it further

RESOLVED, That five new sections be added to the bylaws, to be sections 6.10, 6.11,6.12,6.13 and 6.14 to read as follows:

6.10 TRANSFER EFFORTS (TENURE). a. When the position of a tenured member of the instructional staff is abolished or discontinued, the college shall attempt to find a vacant position in the college which can be efficiently and capably filled by such person. No priority shall obtain among persons whose positions have been abolished or discontinued for purposes of transfer efforts. A vacant position is a full-time position which the college has the financial ability to fill and intends to fill, and with respect to which there is no applicable preferred eligible list, or from which no person is on a leave of absence with or without pay.

b. If such position is found, the person who is offered and accepts such position shall have tenure therein, provided such position is on the permanent instructional staff. Tenure or seniority in the new department shall date from the effective date of appointment to the new position. Such person shall be advised of the title and salary of the new position.

c. The acceptance of a position pursuant to this section shall not preclude the placement of such person's name on the preferred eligible list for his/her original retrenchment unit as provided in section 6.11.

6.11 PREFERRED ELIGIBLE LISTS (TENURE) 1. Establishment of Preferred Eligible Lists. a. There shall be a separate preferred eligible list of discontinued tenured persons for each retrenchment unit, and each list shall be applicable to the retrenchment unit for which it was created. The retrenchment unit is the academic department of the college, or the division or program where the college is so organized, or, for other than academic departments, the administrative department, office, or functional unit, from which such person was discontinued.

b. When the position of a tenured member of the instructional staff is abolished or discontinued, the name of such person shall be placed forthwith on the preferred eligible list for the retrenchment unit in which he or she last served. The names on each such list shall be ranked in order of the effective date of appointment to the department or other retrenchment unit (normally September 1). If two or more persons were appointed effective the same date, the person with the longest full-time continuous service on the instructional staff shall be listed first, then the person with the longest combination of full- and part-time continuous service on the instructional staff, and finally, in random order. For purposes of this paragraph, continuous service shall include continuous service prior to an approved leave of absence without pay.

c. The head of each retrenchment unit shall forward to the president the names of all persons to be placed on the preferred eligible list(s). The president shall designate a person to be responsible for, coordinate, and update all preferred eligible lists.

d. A person who elects not to have his or her name placed on a preferred eligible list shall so indicate in writing to the president's designee in charge of lists. Such election shall constitute a permanent waiver of all preferred eligible rights.

2. Use of Preferred Eligible Lists. a. When a position on the instructional staff other than a lecturer position becomes vacant in the retrenchment unit or there is a newly-created position on the instructional staff other than a lecturer position in the retrenchment unit, appointment shall be offered to the person whose name is listed first on the preferred eligible list for that retrenchment unit, except that for special educational reasons, which are not discriminatory against a particular person or persons, the person or persons next on the list may be offered appointment in lieu thereof. For the purposes of use of preferred eligible lists, a vacant position is a full-time position which the college has the financial ability to fill, intends to fill, and from which no person is on a leave of absence with or without pay.

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b. If the position offered is in the same title as that held at the time of discontinuance, the person shall be deemed restored to his/her original position, and shall be appointed at a salary not less than that which he/she was receiving at the time of discontinuance.

c. If the position offered is not in the same title as held at the time of discontinuance, such person shall have tenure in the new position, provided it is on the permanent instructional staff, and the original date of tenure in the department shall be the tenure date. Such person shall be advised of the title and salary of the new position. Such person shall retain his/her place on the preferred eligible list.

d. If there is a vacant or newly created position in the lecturer title, and no person is on a preferred eligible lecturer list for such title in the retrenchment unit, such position shall be offered to persons on the preferred eligible list of tenured persons in accordance with subdivision c hereof.

e. Offers shall be made by certified mail to the address on file with the president's designee for lists. Acceptances shall be by certified mail to the president within four weeks of the mailing of the offer. The four week period may be reduced by the president if circumstances mandate.

f. Failure to accept an offer of appointment from a preferred eligible list to the title held when discontinued in the retrenchment unit from which discontinued, within the period specified herein, shall cause the name of such person to be removed therefrom forthwith, subject to subdivision g hereof.

g. If a person to whom an offer of an appointment from a preferred eligible list is made notifies the president within the time provided in subdivision e hereof that he/she cannot accept such offer for reasons which in the judgment of the president would otherwise justify a leave of absence with or without pay, or if such person demonstrates to the satisfaction of the president a present commitment to another employer, such appointment may be made effective for the term or semester commencing after the term or semester for which the offer is initially made, but in no event shall a person's name remain on the list for a period longer than three years. A substitute may be employed as interim appointee for the position.

h. All appointments of persons on preferred eligible lists shall be subject to the approval of the board of higher education and continued financial ability.

i. The restoration of a person from a preferred eligible list to the title held when discontinued, in the retrenchment unit from which discontinued, shall automatically remove his/her name from such list.

3. Terms and Conditions of Lists. a. Unless earlier removed as provided herein, a person's name shall remain on an eligible list for a period of three years and shall be removed at the end of such period.

b. The placement of a person's name on a preferred eligible list shall not preclude such person from accepting an appointment, if offered pursuant to the normal appointment procedures, to a vacant position within the university. Such person shall have tenure in the new position provided it is on the permanent instructional staff. Tenure in the new department shall date from the effective date of appointment to the new position. Such person shall be advised of the title and salary of the new position. Such person shall retain his/her place on the preferred eligible list for the original retrenchment unit.

c. A person who is employed by the board while his/her name is on a preferred eligible list, and who accepts an appointment from such eligible list to his/her original department shall retain no rights in or to the interim position.

d. A person whose name is placed on a preferred eligible list shall be deemed to be on leave without pay for the purpose of maintaining his/her status in any retirement system of which he/she is a member for the period his/her name is on the list, but service credit for retirement purposes shall not be accorded for such period. This paragraph shall not apply to persons who are employed by the board and are receiving service credit for retirement purposes as such employees while their names are on such lists.

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e. Except for the purposes of subdivision d hereof a person whose name is on a preferred eligible list shall not be deemed thereby to be an employee of the board of higher education, and shall not be entitled to increment credit during the time he/she is on such list.

f. Any knowing misstatement or omission of material fact supplied by a candidate for or person listed on a preferred eligible list shall cause the immediate removal of a person's name from the preferred eligible list.

g. A person shall be notified of the removal of his/her name from a preferred eligible list, but failure of notification shall not cause retention of such person's name thereon.

h. A person whose name is to be placed on a preferred eligible list shall complete and deliver such forms as shall be issued by the office of faculty and staff relations. It is the responsibility of the person listed to keep the college informed of his/her current address and to update other required information as necessary, and failure to do so shall be the sole responsibility of the person involved. The university reserves the right to rely upon the latest information supplied by persons on preferred eligible lists.

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6.12 DISCONTINUANCE OF CERTIFICATED POSITIONS a. Members of the instructional staff who have received certificates of continuous employment shall be discontinued after all other non-tenured persons in the retrenchment unit.

b. A position held by a person who has received a certificate of continuous employment may be abolished or discontinued by the board for reasons which are not discriminatory against a particular person or persons. In the event that a certificated position in a retrenchment unit is to be abolished or discontinued, the person who last received his/her certificate of continuous employment shall be the person whose position is first to be abolished, except that for special educational reasons which are not discriminatory against a particular person or persons, the position of a person next most junior may be abolished or discontinued.

6.13 TRANSFER EFFORTS (CERTIFICATE OF CONTINUOUS EMPLOYMENT) a. When the position of a lecturer holding a certificate of continuous employment is abolished or discontinued, the college shall attempt to find a vacant position in the college which can be efficiently and capably filled by such person, provided that transfer efforts shall be made for such lecturers only after such efforts are made pursuant to bylaw section 6.10 for any tenured member of the instructional staff whose positions have been abolished or discontinued. A vacant position is a full-time position which the college has the financial ability to fill and intends to fill, and with respect to which there is no applicable preferred eligible list, or from which no one is on a leave of absence with or without pay.

b. If such position is found, the certificate of continuous employment shall not be applicable thereto unless the position is that of lecturer. Seniority in the new department shall date from the effective date of appointment to the new department. Such person shall be advised of the title and salary of the new position.

c. The acceptance of a position pursuant to this subdivision shall not preclude the placement of such person's name on the preferred eligible lecturer list for his/her original retrenchment unit as provided in section 6.14 hereof.

6.14 PREFERRED ELIGIBLE LIST (CERTIFICATE OF CONTINUOUS EMPLOYMENT): 1. Establishment of Preferred Eligible Lists. a. There shall be a separate preferred eligible list for the lecturer title in each retrenchment unit and each list shall be applicable only to the lecturer title in the retrenchment unit for which it was created. Such list shall be called the preferred eligible lecturer list. The retrenchment unit is the academic department of the college, or the division or program, where the college is so organized, or, for other than academic departments, the administrative department office, or functional unit, from which such person was discontinued.

b. When the position of a member of the instructional staff with a certificate of continuous employment is abolished or discontinued, the name of such person shall be placed forthwith on the preferred eligible lecturer list for the retrenchment unit in which he or she last served. The names on each such list shall be ranked in order of effective date of appointment to the department or other retrenchment unit (normally September 1). If two or more persons have been discontinued on the same date, the person with the longest full-time continuous service on the instructional staff shall be listed first, the person with the longest combination of full and part-time continuous service on the instructional staff, and finally, in random order. For the purposes of this paragraph, continuous service shall include continuous service prior to an approved leave of absence without pay.

c. The head of each retrenchment unit shall forward to the president the names of all persons to be placed on preferred eligible lecturer list(s). The president shall designate a person to be responsible for, coordinate, and update all preferred eligible lists.

d. A person who elects not to have his or her name placed on the preferred eligible lecturer list shall so indicate in writing to the president's designee for lists. Such election shall constitute a permanent waiver of all preferred eligible rights.

2. Use of Preferred Eligible Lecturer Lists. a. When a lecturer position becomes vacant, or a new lecturer position is created in the department or other retrenchment unit, appointment shall be offered to the person whose name is listed first on the preferred eligible lecturer list for that department or other retrenchment unit except that for special educational reasons, which are not discriminatory against a particular person or persons, the person or persons next on the list may be offered appointment in lieu thereof. A person restored from a preferred eligible lecturer list shall be appointed at a salary not less than that which he/she was receiving when his/her position was abolished or discontinued. For the purposes of use of preferred eligible lecturer lists, a vacant position is a full-time lecturer position which the college has the financial ability to fill, intends to fill, and from which no person is on a leave of absence with or without pay.

b. Offers shall be made by certified mail. Acceptances shall be by certified mail to the president within four weeks of the mailing of the offer. The four week period may be reduced by the president if circumstances mandate.

c. Failure to accept an offer of appointment from a preferred eligible lecturer list within the period specified herein shall cause the name of such person to be removed therefrom forthwith subject to subdivision d hereof.

d. If a person to whom an offer of an appointment from a preferred eligible lecturer list is made notifies the president within the time provided in subdivision b hereof that he or she cannot accept such offer for reasons which in the judgment of the president would otherwise justify a leave of absence with or without pay, or if such person demonstrates to the satisfaction of the president a present commitment to another employer, such appointment may be made effective for the term or semester commencing after the term or semester for which the offer is initially made, but in no event shall a person's name remain on the list for a period longer than three years. A substitute may be employed as interim appointee for the position.

e. All appointments from preferred eligible lecturer lists shall be subject to the approval of the board of higher education and continued financial ability.

f. The restoration of a person from a preferred eligible lecturer list to the retrenchment unit from which discontinued shall automatically remove his or her name from such list.

3. Terms and Conditions of Lists. a. Unless earlier removed as provided herein, a person's name shall remain on an eligible list for a period of three years and shall be removed at the end of such period.

b. The placement of a person's name on a preferred eligible lecturer list shall not preclude such person from accepting an appointment, if offered pursuant to the normal appointment procedures, to a vacant position within the university. Such person shall be advised of the title and salary of the new position. Such person shall retain his/her place on the preferred eligible lecturer list for the original retrenchment unit.

c. A person who is employed by the board while his/her name is on a preferred eligible lecturer list, and who accepts an appointment from such eligible list to his/her original department shall retain no rights in or to the interim position.

d. Insofar as permitted by law a person whose name is placed on a preferred eligible lecturer list shall be deemed to be on leave without pay for the purpose of maintaining his/her status in any retirement system of which he/she is a member for the period his/her name is on the list, but service credit for retirement purposes shall not be accorded for such period. This paragraph shall not apply to persons who are employed by the board while their names are on such lists.

e. Except for the purposes of subdivision d hereof, a person whose name is on a preferred eligible lecturer list shall not be deemed thereby to be an employee of the board of higher education, and shall not be entitled to increment credit during the time he/she is on such list.

f. Any knowing misstatement or omission of material fact supplied by a candidate for or a person listed on a preferred eligible lecturer list shall cause the immediate removal of a person's name from such list.

g. A person shall be notified of the removal of his/her name from a preferred eligible lecturer list, but failure of notification shall not cause retention of such person's name thereon.

h. A person whose name is to be placed on a preferred eligible lecturer list shall complete and deliver such forms as shall be issued by the office of faculty and staff relations. It is the responsibility of the person listed to keep the college informed of his/her current address and to update other required information as necessary, and failure to do so shall be the sole responsibility of the person involved. The university reserves the right to rely upon the latest information supplied by persons on preferred eligible lecturer lists.

and be it further

RESOLVED, That subdivision 3 of a section entitled "Criteria to be Applied" of the Resolution entitled "Guidelines and Procedures for Retrenchment" (May 24, 1976, Cal. No. 7) be amended to read as follows:

3. Full-time instructional staff members holding certificates of continuous employment shall be discontinued in accordance with [Article 6.9(f)] section 6.12 of the bylaws before any employee holding statutory tenure.

and be it further

RESOLVED, That the section entitled "Tenured Instructional Staff" of such resolution be amended to read as follows:

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 11 of section 6206 of the education law, [section] and sections 6.9, 6.10, and 6.11 of the bylaws [and the Rules and Procedures for Preferred Eligible Lists] are applicable to these titles.

NOTE: Matter Underlined is new, matter in brackets to be deleted.

EXPLANATION: These amendments conform the bylaws to the "Guidelines and Procedures for Retrenchment" adopted by the Board on May 24, 1976 (Cal. No. 7) and set forth procedures for transfer efforts and the establishment and administration of preferred eligible lists for discontinued tenured and certificated instructional staff members. Bylaw provisions are required by Education Law Section 6206 (11) to be adopted for preferred eligible lists for tenured members of the instructional staff who have been discontinued.

Bylaw section 6.9(b) is amended to conform the bylaws to the controlling language in Education Law section 6206(11), which provides that where a tenured position is to be discontinued, such position shall be that of the person "last appointed to" the department.

NO. 5. COMMITTEE ON FISCAL AFFAIRS: RESOLVED, That the following items be adopted:

A. BROOKLYN COLLEGE - UNIFORMED GUARD SERVICE:

RESOLVED, That the Board of Higher Education authorize Brooklyn College to award a contract without public advertising, but after competitive bidding, to the lowest responsible bidder for uniformed guard service at the Brooklyn College campus for the period August 1, 1976 through June 30, 1977 at an estimated cost of \$339,102 chargeable to Brooklyn College Tax Levy Code 042-4500-403-01/77, subject to financial ability and pursuant to the Brooklyn College Declaration of Emergency dated July 9, 1976 addressed to the Vice Chancellor for Business Affairs as authorized under Article XI of the Purchasing Regulations approved by the Board of Higher Education meeting of May 27, 1968, Calendar No. 14.

EXPLANATION: The Brooklyn College contract with Electra Security Corporation for Uniformed Guard Services expired June 30, 1976. The college was authorized by the Board of Higher Education at its meeting on April 26, 1976, Calendar 4.I.B., to award a new contract for the July 1, 1976 - June 30, 1977 period with an option to renew for one year. The college was unable to advertise a new contract pending approval by the Director of the Budget. As a result, the college exercised its option to extend the contractual service with Electra Security per specification until midnight July 31, 1976.

The delay in obtaining the 1977 DM Certificate would deny the college uniformed guard service on August 1, 1976; therefore, upon the recommendation of the Director of Security and the Vice President for Planning and Administration, the Business Manager declared a state of emergency with respect to the preservation of health, safety and security on campus, and authorized the contract officer to solicit bids from qualified security guard companies without public advertising.

Bids and specifications for uniformed guard service approved by the Corporation Counsel of the City of New York were sent to nineteen (19) guard service companies and sealed bids were opened in the presence of witnesses at 9:30 a.m. on July 14, 1976.

The lowest responsible bid was accepted by Letter of Intent and the contract awarded for the period August 1, 1976 to June 30, 1977, subject to financial ability and approval by the Emergency Financial Control Board and registration by the Comptroller of the City of New York.

B. THE CITY COLLEGE - CONSTRUCTION OF AARON DAVIS HALL:

RESOLVED, That in order to permit the completion of the City College Center of Performing Arts, an agreement is hereby authorized between the Board on behalf of City College, The City College Fund, and the Bowery Savings Bank (hereinafter referred to as "Bowery") to provide in substance as follows:

1. The Bowery shall contribute \$6,200,000 to a joint venture with The City College Fund, to be invested in \$6,200,000 face amount of revenue bonds of the Dormitory Authority of the State of New York, Series J (hereinafter referred to as the "Bonds").

2. The City College Fund shall contribute to the joint venture with Bowery the existing investment portfolio and cash on hand (hereinafter referred to as the "Portfolio") held by it pursuant to an agreement dated November 24, 1971 by and among Leonard Davis and Sophie Davis, The City College Fund, and the Board, such Portfolio having a current market value of approximately \$2,300,000. The Portfolio shall be valued as of the effective date of the agreement and shall be deemed to maintain that value until the agreement has terminated, subject to paragraph 5.

3. The Board shall provide an amount (hereinafter referred to as the "Collateral") up to \$600,000 in cash or high grade corporate bonds as collateral to secure in part the payment of principal and interest of the Bonds. Such collateral shall be valued as of the effective date of the agreement and shall be deemed to maintain such value until the agreement has terminated subject to paragraph 5.

4. The Portfolio and the Collateral may be held by Bowery and shall be invested and reinvested by The City College Fund and the Board, respectively, so as to maintain optimum yield consistent with reasonable safety and prudent judgment.

5. As long as no default has occurred in the payment of principal or interest on the Bonds, interest on the investment of the Portfolio and Collateral shall be paid quarterly to The City College Fund and Board, respectively. On and after the date when the principal and interest due on the Bonds is equal to the combined actual value of the Portfolio and Collateral, the Portfolio and the Collateral will revert and be delivered by Bowery to The City College Fund and the Board respectively in pro-rated shares such that the combined actual value of the Portfolio and Collateral shall not exceed the principal and interest due on the Bonds. When principal and interest on the Bonds has been paid in full, the agreement shall terminate, and the assets of Portfolio and the Collateral shall revert respectively to The City College Fund and the Board.

6. In the event of a default on the Bonds, Bowery may terminate the agreement and retain the assets of the Portfolio and Collateral, less the value of the Bonds, turning over to The City College Fund and Board respectively pro-rated shares of the excess over the then unpaid principal of the Bonds plus accrued and unpaid interest and the costs of collection.

7. If, during the term of the agreement, a third party makes a binding offer to purchase the Bonds at a premium of 6½% prior to July 1, 1978; 5 ¾% prior to July 1, 1979; 5% prior to July 1, 1980; 4 ¼% prior to July 1, 1981; 3 ½% prior to July 1, 1982; 2 ¾% prior to July 1, 1983; and 2% prior to July 1, 1984, The City College Fund and the Board may terminate the agreement, and the Portfolio and Collateral will revert to them. If Bowery sells the Bonds at such premium, it shall receive the then unpaid principal amount of the Bonds plus unpaid interest to the date of sale, and the agreed upon premium. Any remaining proceeds of the sale will be paid pro-rata to The City College Fund and Board.

and be it further

RESOLVED, That the Secretary shall execute an agreement containing the provisions set forth in the above resolution upon approval as to form by the General Counsel; and be it further

RESOLVED, That up to \$600,000 of principal and interest of the gifts received as distributions from the Jacob R. Schiff Trust Fund by the Board pursuant to resolutions dated December 15, 1952 (Cal. No. 23), April 20, 1953 (Cal. No. 18), and October 21, 1963 (Cal. No. 20), now held in accounts No. C 162 and No. C 184, shall be delivered as collateral to Bowery to secure in part the payment of principal and interest of the Bonds described in the above authorized agreement, and insofar as any restriction or limitation on the use of such gifts inconsistent with the above authorized agreement is contained in such resolutions, such restriction or limitation is hereby repealed; and be it further

RESOLVED, That insofar as the President of City College may, under such resolutions, expend the principal or income of the Schiff Funds, such power is hereby suspended to the extent of that portion of the Funds held as collateral pursuant to the above authorized agreement until such agreement has terminated; and be it further

RESOLVED, That the Deputy Chancellor or the Vice Chancellor for Budget and Planning is hereby authorized to take such actions and to sign such documents as shall implement the above authorized agreement, including but not limited to the removal of securities from the presently designated custodian and depository, and the delivery thereof to Bowery, and the investment and reinvestment of the Collateral in accordance with such agreement and the resolution relating to Trust and Gift Transactions dated June 17, 1974 (Cal. No. 4 III. A).

EXPLANATION: The completion of the City College Center of Performing Arts (Aaron Davis Hall) authorized by the Board on September 25, 1972 (Cal. No.4.II.A) requires the issuance of additional obligations of the Dormitory Authority in the amount of \$6.2 million. Because of the current fiscal crisis in the City and State, obligations of the Dormitory Authority are not marketable in the usual manner.

The agreement authorized herein by and between the Bowery Savings Bank, City College Fund and the Board pursuant to which Bowery will purchase the Bonds in an investment pool or joint venture arrangement with The City College Fund and a collateral arrangement with the Board will permit completion of the Center. Chapter 909 of the Laws of 1976, adding Section 6203-a to the education law, declares that the use of gifts and grants held by the Board as collateral for obligations of Dormitory Authority Bonds is reasonable, prudent, proper and reasonable; authorizes the use of such funds as such collateral notwithstanding any other provision of law; and requires the State to save and hold harmless and indemnify members of the Board and its employees from any financial loss arising out of or in connection with any claim, suit or judgment relating to the use of such funds as collateral.

The Schiff Funds which will be used for this purpose are unrestricted gifts accepted by the Board on behalf of City College. Earlier resolutions referred to in these resolutions setting forth directions for the use of the Schiff Funds contain self-imposed limitations which are removed by these resolutions. Additionally, the power of the President to dispose of the principal or income of the two Funds here affected is restricted for the duration of the tripartite agreement.

A pool or joint venture arrangement between Bowery and The City College Fund is necessitated in the opinion of their respective counsel by the terms of the Davis gift which is to be used in implementing the agreement.

Mr. D'Angelo, on behalf of the Board, commended the Chancellor, President Marshak, and all other members of the College and University staff who had devised the method of financing the construction of Aaron Davis Hall. Mr. Crowley asked that the commendation include the Bowery Savings Bank for its participation in the program.

C. NEW YORK CITY COMMUNITY COLLEGE - LEASE FOR EDUCATIONAL OPPORTUNITY CENTER:

RESOLVED, That the Board on behalf of New York City Community College, authorize a five year and two month extension of a lease with an annual option to terminate effective August 31 of each year and funded solely from State funds received pursuant to an agreement with the State University of New York for the Educational Opportunity Center, Brooklyn, New York, for 55,000 square feet of space and the addition of 16,000 square feet of space, at 470 Vanderbilt Avenue, Brooklyn, New York, at an annual cost of \$176,000 for the period of September 1, 1976 through August 31, 1981, and a monthly rental of \$12,333.33 for the period of July 1, 1976 through August 31, 1976.

RESOLVED, That the Board authorize the President of New York City Community College to execute the above lease extension, subject to the approval as to form of the General Counsel.

EXPLANATION: Since 1967 the subject facility has housed the Brooklyn Educational Opportunity Center administered by New York City Community College pursuant to contract with the State University of New York. On August 2, 1976 (Cal. No. 9.) the Board authorized the continuation of the contract with State University through August 31, 1977.

Under the contract with State University, the Educational Opportunity Center must be accessible to Bedford-Stuyvesant, East New York, Williamsburg, Fort Greene, Greenpoint, and Red Hook among others. The present location of the Educational Opportunity Center makes it accessible. In addition, the present site responds to the needs of the Educational Opportunity Center which has extensive amounts of heavy equipment in place.

All financial costs of the lease will be met from funds made available to the Educational Opportunity Center by State University. The lease provides that the lease may be annually terminated and is subject to the availability of funds from State University.

Subject to the availability of funds from State University, the landlord has agreed to undertake improvements in the added space as per plans and specifications prepared by New York City Community College. The cost of this work will not exceed \$22,000 in 1976/77 and \$175,000 in 1977/78.

D. TRUSTS AND GIFTS - APPOINTMENT OF INVESTMENT COUNSEL:

RESOLVED, That Brundage, Story and Rose be reappointed as investment counsel for the period July 1, 1976 - December 31, 1976 for the Investment Pool, Baruch Endowment Fund, and Morton Wollman Fund at the same annual rate as last year; and be it further

RESOLVED, That Shearson Hayden Stone, Inc. be reappointed as investment counsel for the period July 1, 1976 - December 31, 1976 for the Voorhees Endowment Fund and the Silberman Scholarship Fund at the same annual rate as last year.

EXPLANATION: The Board of Higher Education uses investment counsel to provide professional assistance in managing its trusts and gifts activities.

Mr. D'Angelo informed the Board that the Committee on Fiscal Affairs will shortly undertake a comprehensive review of the performance of investment counsel, security transactions and related matters.

NO. 6. PRESIDENT - THE CITY UNIVERSITY GRADUATE SCHOOL AND UNIVERSITY CENTER: RESOLVED, That Harold M. Proshansky, Professor of Psychology, be designated President of The City University Graduate School and University Center effective November 1, 1976, with compensation at the rate of \$13,000 per annum in addition to his academic salary, subject to financial ability.

EXPLANATION: Harold M. Proshansky was designated President of The City University Graduate School and University Center effective November 1, 1973, for a period of three years. That term will expire on October 31, 1976. On the basis of Dr. Proshansky's outstanding performance in the capacity of President for the past three years, it was recommended that he be reappointed for an indefinite term effective November 1, 1976.

NO. 6A. ACTING PRESIDENT - BARUCH COLLEGE: Upon motions duly made, seconded and carried, the following resolution was adopted:

RESOLVED, That Bernard Mintz be designated Acting President of Baruch College with the annual salary of \$13,000 per annum in addition to his academic salary effective November 8, 1976, subject to financial ability and until such time as a permanent President has been selected by the Board of Higher Education.

NO. 7. UNIVERSITY REPORT: The Chancellor reported the receipt of the following two grants:

(a) \$74,000 to York College from the State Department of Education for the development of community personnel.

(b) \$252,000 from the Ford Foundation to the Center for Puerto Rican Studies for a three-part study of Puerto Ricans at CUNY, a sociolinguistic survey, and to conduct a three-level research training program.

Upon motions duly made, seconded and carried, the meeting was adjourned at 5:50 p.m.

RICHARD M. CATALANO
Secretary of the Board