

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

HELD

DECEMBER 20, 1976

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

The Vice Chairperson called the meeting to order at 6:27 p.m.

There were present:

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

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

Richard M. Catalano, Secretary of the Board
Mary P. Bass, General Counsel & Vice Chancellor for Legal Affairs

Chancellor Robert J. Kibbee
President Milton G. Bassin
President Edgar D. Draper
President Evangelos J. Gizis
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
President Jacqueline G. Wexler
Deputy Chancellor Seymour C. Hyman
Acting Vice Chancellor Egon Brenner
Vice Chancellor Julius C.C. Edelstein
Vice Chancellor Anthony Knerr
Vice Chancellor J. Joseph Meng

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

Upon motions duly made, seconded and carried, the following resolutions were adopted or action was taken as noted: (Cal. Nos. 1 through 10)

At this point the Board considered Cal. No. 8.

NO. 8. POLICY STATEMENT ON CITY UNIVERSITY: The resolution was moved and seconded.

Dr. Goldin moved to amend the last paragraph of the Statement to read as follows:

And it is the resolve of the Board of Higher Education that all officers and administrators of the Board support the efforts aimed at the survival and preservation of the City University and of its distinct identity and missions - and of an appropriate and essential budget from both the State and the City, sufficient to meet the vital needs of the University.

The motion to amend was seconded by Prof. Valinsky. The motion to amend was lost.

The following resolution was adopted:

RESOLVED, That the Board approve the following policy statement:

It is the policy and purpose of the Board of Higher Education to pursue, in every possible and appropriate way, the permanent recognition, by State law and through State and City funding, of the City University as a separate and independent institution, with its present range of differentiated but articulated parts, and all of its current missions.

It is the policy and purpose of the Board of Higher Education to preserve, enhance, and improve the City University as an institution of the highest quality and standards, with a faculty and administration charged to fulfill both the general and specific missions of the University: - to educate and serve the people of New York City, to constitute an urban-oriented institution of higher education, and to engage persistently in the search for knowledge and truth. It is the further view of the Board that the maintenance of the specialized missions of the City University and specifically of its functions as an institution related to and essential to the future of the City must be assiduously striven for.

The Board recognizes the difficult fiscal position of the City and the State - and it is essential that the University operate at an austere funding level and with all unnecessary duplication eliminated. We believe that the drastic reductions of over \$90 million have more than accomplished those goals and have badly affected the University. For this reason it is further the policy of the Board that a budget sufficient to discharge the purposes and mission of the University be actively sought and fought for from State and City, and that any deliberate further shrinkage of the enrollment, access, quality and mission of the University, through budget cuts or otherwise, be strongly opposed.

Therefore it is the purpose of the Board of Higher Education that a broad and pervasive mobilization of all elements, constituencies, and friends of the University and of each of its parts be conducted to achieve the above ends.

And it is the resolve of the Board of Higher Education that all officers and administrators of the Board be directed, exhorted, and admonished that the efforts aimed at the survival and preservation of the City University and of its separate identity and missions - and of an appropriate and essential budget from both the State and the City, sufficient to meet the vital needs of all present elements of the City University - shall be the first priority of each of such officers and administrators.

Dr. Goldin asked to be recorded as voting No and made the following statement:

I fully support the objective of maintaining our University's capability, at this time of extreme financial difficulty, to provide those educational opportunities which are central to its basic educational mandate. I continue to urge that the Board of Higher Education establish, within the context of a severe financial constraint, a schedule of academic priorities which will be supportive of CUNY's primary educational mission.

However, the Resolution before us will be perceived as an ill-timed and unrealistic appeal for the maintenance of the status quo in mission, structure and program rather than as a responsible exhortation for the exercise of prudent and pragmatic managerial leadership by the University administration.

The Policy Statement on City University is deficient in terms of its failure to recognize that fiscal exigencies and sound educational management compel the Board of Higher Education to initiate immediately a long-range educational planning process, involving probable changes in the administrative configuration of the University and a realignment of the educational missions of its constituent institutions.

I have previously rejected the contention that such a planning process, concerned with the formulation of effective administrative structures and academic programs within the conceptual framework of a comprehensive educational policy for the University, would constitute a self-fulfilling prophecy. Such an argument is untenable and specious.

In view of the fact that this Resolution will serve no practical purpose in operational terms - its approval is not required to implement a CUNY public relations campaign or to promote efforts by our friends to mobilize external support - its adoption at this time, in view of recent media developments, would be an imprudent and gratuitously provocative act. I am troubled that its passage would be perceived as a self-serving plea for maintaining the status quo and have an adverse impact on our public image as a responsible Board and damage the University's public relations posture.

I am also disturbed by the admonition in the last paragraph of the Resolution which has been interpreted, in some quarters, as imposing a "gag-order" on the officers of the University in order to suppress dissent and discourage alternative proposals for the resolution of our intractable difficulties. Such language is an especially unfortunate and inappropriate idiom for an academic community which should encourage the free exchange of ideas.

To my great regret, I am not able, in good conscience, to cast an affirmative vote today for Cal. No. 8 as it was written on the calendar.

Mr. D'Angelo made the following statement for the record:

We are going to be coming into very trying times. This Resolution indicates the importance of mobilizing all the friends of CUNY throughout the City to support our efforts, and that was the purpose of the Resolution.

Prof. Irwin Polishook, President of the Professional Staff Congress, presented a statement for the record in support of the Resolution.

NO. 1. CHANCELLOR'S REPORT: RESOLVED, That the Chancellor's Report for December 20, 1976 (including Addendum Items) be approved as amended as follows:

(a) Item BIII.5.1 (Queens College Student Activity Fee): Tabled to the January meeting of the Board.

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

D.6. Baruch College - Administrative Designation (11):

Dept. & Title	Name	Eff.	Sal. Supplement
School of Business & Public Administration - Dean	Samuel F. Thomas	2/1/77	\$7,000/A

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

EXPLANATION: The Chancellor's Report consists of those resolutions and actions of a non-policy nature which require approval by the Board of Higher Education.

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

November 8, 1976 (Special Meeting)
November 22, 1976

NO. 3. CLYDE J. WINGFIELD - APPRECIATION OF SERVICES: WHEREAS, Clyde J. Wingfield became the second President of Bernard M. Baruch College on July 1, 1971, after having served with distinction at Southern Methodist University, The University of Texas at El Paso, Northern Illinois University, and The Pennsylvania State University; and

WHEREAS, His intellectual interests and accomplishments in public administration, witnessed by his published work in the field and by his service as consultant to various government agencies, have promoted the expansion and excellence of Bernard M. Baruch College as a center of business leadership, municipal management and urban studies related to the problems of New York City; and

WHEREAS, Dr. Wingfield has left Bernard M. Baruch College to assume the post of Provost and Executive Vice President of the University of Miami; now therefore be it

RESOLVED, That the Board of Higher Education expresses its regret over Dr. Wingfield's resignation and its deep appreciation for his devoted efforts on behalf of Bernard M. Baruch College and the City University.

NO. 4. COMMITTEE ON ACADEMIC AFFAIRS: RESOLVED, That the following item be adopted:

A. TRANSFER OF REGIONAL CENTER FOR VOCATIONAL TEACHER EDUCATION:

RESOLVED, That the Board of Higher Education approve the transfer of the Regional Center for Vocational Teacher Education from the Teacher Education Unit of Central Staff to the Department of Industrial Education, in the School of Education at City College, effective December 1, 1976.

EXPLANATION: A Review Committee which included representatives of the State Education Department, CUNY's Office of Academic Affairs and the instructional staff from City College, recommended the transfer of this program to a college-based department. The Department of Industrial Education at City College is deemed the most appropriate site for such transfer.

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

A. 1976-77 COMMUNITY COLLEGE OPERATING BUDGETS:

RESOLVED, That the Board of Higher Education approve the adjusted operating budget for the community colleges, as indicated below:

Community College Budgets	Adjusted Community College Operating Budget
\$110,672,000	\$154,083,271

EXPLANATION: The State Division of the Budget has requested a Board resolution approving the adjusted budget for the community colleges on a University basis for purposes of approving the payment of State Aid. The adjusted community college operating budget (shown in the second column) is the sum of:

1. The individual community college operating budgets as allocated for the 1976-77 Fiscal Year (shown in the first column) and
2. The budgets for the College Discovery Program, fringe benefits, University Programs and University Management, which are related to community college operations, the state aid for which is provided through the state community college aid formula.

This resolution complies with the request of the State Division of the Budget and also with Chapter 708, Section 6, Laws of 1973 of the State of New York, which permits City University Community Colleges to file for state aid as a single unit.

B. CITY UNIVERSITY 1977-78 CAPITAL BUDGET:

RESOLVED, That the Board approve a request to the City Office of Management & Budget to include funds for the following projects in the 1977-78 New York City Capital Budget as follows:

PROJECT TITLE	1977-78 CAPITAL BUDGET REQUEST
HN 60 City University Staff & Administrative Expenses of the Office of Facilities Planning and Management	\$ 1,800,000
HN 191 City University, Purchase of Electronic Data Processing Equipment for Instructional Research & Administrative Purposes in the Senior Colleges	\$ 2,700,000
HN 192 City University, Purchase of Electronic Data Processing Equipment for Instructional Purposes in the Community Colleges	\$ 263,000
HN 203A City University, Library Books, Education & Office Equipment & Related Costs, Senior Colleges	\$ 5,000,000
HN 203B City University, Rehabilitation, Alterations to Existing Buildings, Senior Colleges	\$ 3,507,100
HN 206 City University, Alterations to Existing Buildings, Campuses & Equipment, Community Colleges	\$ 1,113,000 \$ 1,113,000s
	\$ 2,226,000

HN 223	City University, Purchase of Trucks & Other Heavy Automotive Equipment including Replacement Automotive Vehicles, Community Colleges	\$ 80,000
	Total City Capital Funds	\$14,463,100
	Total State Funds	\$ 1,113,000s
	Grand Total - Capital Projects	\$15,576,100

PROJECTS OUTSIDE CERTIFICATE

City payment to the City University Construction Fund for Senior and Community Colleges	\$32,200,000 oc \$32,200,000 s
	\$64,400,000
Total Capital Funds Outside Certificate	\$32,200,000 oc
Total State Funds	\$32,200,000 s
Total Projects Outside Certificate	\$64,400,000

EXPLANATION: The University's 1977-78 capital budget has been constructed to fund as in the past the following capital and capital-related activities: renovations at the Senior and Community Colleges and purchase of computer equipment; purchase of education and office equipment and minor repairs at the senior colleges; purchase of library books for the senior colleges; purchase of automotive equipment for the community colleges. The 1977-78 capital budget will also be used to support certain operating costs including personnel and administrative expenses related to planning and management of facilities.

The annual payment to the Construction Fund is jointly shared by the City and State.

C. APPOINTMENT OF INVESTMENT COUNSEL:

RESOLVED, That Brundage, Story and Rose be reappointed as investment counsel for the period January 1, 1977 - June 30, 1978 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 January 1, 1977 - June 30, 1978 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. Gault asked that the record show that the Fiscal Affairs Committee of the Board had met and interviewed both investment counsel firms, that it had reviewed their performance over a time and had requested information concerning Affirmative Action from both firms. Brundage, Story and Rose failed to provide adequate information that would present a clearer picture on the employment of women and minorities. The Committee has asked the staff to notify Brundage, Story and Rose of its concern in this area and that it would monitor the firm's actions over the time of this appointment and that the findings of this monitoring will be factored into the consideration of the firm's reappointment.

Mr. D'Angelo commended Mr. Gault for taking an active interest in this matter.

D. STATEMENT ON INVESTMENT POLICIES, GUIDELINES, AND PROCEDURES:

RESOLVED, That the Guidelines for University Investment Policy adopted by the Board on October, 1972 be supplemented by the following Statement on Investment Policies, Guidelines, and Procedures:

The Board of Higher Education is responsible for the investment of the following funds of the University: Silberman Fund, Baruch Fund, Wollman Fund, Voorhees Fund, and the Investment Pool. The Board believes that this responsibility is most effectively discharged by retaining outside professional investment counsel to buy and sell securities, in accordance with the investment policy and guidelines outlined below.

Investment Policy

The Investment Policy of the Board of Higher Education shall be to: (1) ensure preservation of principal, (2) ensure sufficient current income to meet the purposes provided for in the respective funds, and (3) in the context of nos. (1) and (2), maximize total return including realized and unrealized capital appreciation. The Board intends that this policy be carried out in a manner which is fully consistent with the objectives and restrictions of each of the respective funds and which is in concert with the special conditions and the social and ethical responsibilities prevailing in the educational community.

Investment Guidelines

1. At least 70% of the common stock portion (including securities convertible into common stock) of the University's investment assets at market value shall be in securities listed on the New York Stock Exchange or the American Stock Exchange.
2. Except for securities issued or guaranteed by the United States of America, the University shall not purchase the securities of any issuer if such purchase would then cause the University to have more than 10% of its investment assets at market value invested in the securities of such issuer.
3. The University shall not purchase stock (or securities convertible into stock) of any issuer if such purchase would then cause the University to own more than 1% of the outstanding voting stock, or more than 1% in value of all outstanding shares of all classes of stock, of such issuer (assuming all conversions had been made by the University).
4. The University shall not purchase securities on margin, sell short, trade in commodity futures, or purchase put and call or other option contracts.
5. Specific purchases and sales of securities inconsistent with the guidelines must be individually approved by the Fiscal Affairs Committee of the Board.

Procedures

Investment counsel shall report all purchases, sales, and other transactions to the Vice Chancellor for Budget and Planning promptly as executed, in a manner requested by the Vice Chancellor, who will provide a monthly summary of such transactions to the Committee. The Fiscal Affairs Committee shall be responsible for the selection of investment counsel, brokers and custodians for the funds and otherwise oversee the administration of the investments. Investment counsel shall meet at least three times a year with the Fiscal Affairs Committee to review performance and outlook, and to explain their current approach to investing University funds.

EXPLANATION: The Guidelines for University Investment Policy adopted by the Board on October, 1972 outline University Investment Policy in broad terms. More specific guidelines regarding the investment of funds under the jurisdiction of the Board of Higher Education are desirable.

NO. 6. COMMITTEE ON CENTRAL ADMINISTRATION: RESOLVED, That the following items be adopted:

A. BYLAW AMENDMENTS:

At the meeting of the Board held November 22, 1976, Cal. No. 5F, notice was served of proposed amendments to Article I of the bylaws of the Board clarifying the policy of the Board relating to public hearings and permitting the Board to give fuller consideration to statements made by members of the public at Board meetings.

Notice was served of proposed amendments to Article I and Article III of the bylaws of the Board which include the above proposed amendments and in addition, conform the bylaws to the Open Meetings Law (L. 1976, Ch. 511).

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.

B. ESTABLISHMENT OF RESIDENT TITLE SERIES:

The resolution was moved and seconded.

Prof. Irwin Polishook, President of the Professional Staff Congress, presented a statement for the record in support of the resolution.

The following resolution was adopted:

RESOLVED, That the following titles with rates of pay set forth be established for the period commencing with the adoption of this resolution and ending June 30, 1977 or later under applicable statutes governing employment of retirees and upon authorization by the Chancellor:

Resident Professor	\$1,000 per credit hour
Resident Associate Professor	850 per credit hour
Resident Assistant Professor	700 per credit hour
Resident Instructor	600 per credit hour
Resident Lecturer	600 per credit hour

Those individuals eligible for appointment to or employment in these titles must be members of the instructional staff of The City University of New York, at least 55 years of age and eligible for service or age retirement, and must retire prior to the attainment of the mandatory retirement age, under the retirement system of which he/she is a member.

To be eligible to receive appointment in these titles the individual meeting the above requirements shall retire on or after February 1, 1977, and shall first exhaust retirement leave benefits under Section 3107 of the Education Law. Appointment to these titles shall be discretionary with the Board on recommendation of the college and be made only where educationally and financially advantageous to the instructional unit and college.

The title assigned to the individual shall correspond to the title held prior to retirement:

Professor	Resident Professor
Associate Professor	Resident Associate Professor
Assistant Professor	Resident Assistant Professor
Instructor	Resident Instructor
Lecturer	Resident Lecturer

The duration of the appointment in these resident series titles shall be for a period of no more than three years but shall not in any case continue beyond the date at which an individual would have been compelled to retire under mandatory retirement age provisions of the retirement system of which he/she was a member and providing the other conditions of appointment are met.

Employees in these titles shall be members of the collective bargaining unit represented by the Professional Staff Congress/CUNY.

The conditions of such employment shall be as follows:

1. Persons holding a title in the Resident Series may teach no more than two courses during each academic year.
2. The assignment of courses shall be within the discretion of the departmental chairperson and/or other properly constituted college official.
3. The assignment of courses shall be within the range and frequency of offerings previously taught by the Resident staff member.
4. The offering of a particular course by the Resident staff member shall be subject to conditions of student enrollment and also subject to financial ability.
5. Disputes arising under the provisions of this resolution for early retirement shall be subject to the complaint provisions of the collective bargaining agreement, with an appeal permitted to the Chancellor or the Chancellor's designee.
6. An individual who accepts early retirement under this plan shall retain faculty prerogatives under the bylaws, except that no such person may serve as chairperson, in an excluded management title, or serve on a departmental personnel and budget committee or other personnel committee.
7. Acceptance of a Resident series title shall not preclude the individual from receiving benefits under the CUNY Faculty Welfare Fund to which he/she is otherwise entitled as a retiree.

EXPLANATION: In order to maintain a diversified faculty during a period of budget stringencies, the Chancellor and the PSC have agreed to encourage members of the staff to request retirement prior to the time when they would otherwise be required to retire by virtue of the mandatory age provisions of the applicable retirement systems. At the same time, the proposal enables the college to continue to receive the valuable contributions of early retirees in the areas of their specialty. The parties further have agreed to support passage of legislation to promote early payability for retirement at any age after 20 years of City service in ERS or TRS to promote early retirement and provide that ERS members who purchased prior City service credit shall have the right to apply such credit as Eligibility Credit in order to promote early retirement.

NO. 7. COMMITTEE ON EXPANDED EDUCATIONAL OPPORTUNITY: RESOLVED, That the following item was noted:

A. REVISION OF ACADEMIC ELIGIBILITY CRITERIA FOR SEEK AND COLLEGE DISCOVERY:

The resolution was moved, seconded, and failed to secure a majority, with Mr. Crowley, Mr. D'Angelo, Mrs. Everett, Mr. Maniscalco, Mrs. Michel, Mr. Robinson and Mrs. Stewart voting Yes, Mr. Gault and Dr. Goldin abstaining.

NO. 9. ACTING PRESIDENT - QUEENS COLLEGE: Tabled.

NO. 10. UNIVERSITY REPORT: The Chancellor presented the following report on matters of Board and University interest.

(a) The Commission on Postsecondary Education in New York State (Wessell Commission) has scheduled a series of hearings throughout the State. The first will be held on January 6 in New York City at the Graduate Center.

(b) The bond issue for senior college construction tentatively planned for January has been postponed by the Dormitory Authority in view of the current uncertainty over the senior colleges and the City's problems in connection with note repayment.

(c) The Chancellor reported the receipt of a grant of \$420,000 by John Jay College for a program in police training and juvenile offender diversion.

Upon motions duly made, seconded and carried, the meeting was adjourned at 7 p.m.

RICHARD M. CATALANO
Secretary of the Board