

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

HELD

APRIL 24, 1978

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

The Chairperson called the meeting to order at 5:50 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
Joan B. Maynard
Joaquin Rivera
David Z. Robinson
Stuart Scheftel

David Valinsky, ex officio

Edward A. Roberts, ex officio

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

Chancellor Robert J. Kibbee
President Milton G. Bassin
President Roscoe C. Brown, Jr.
Acting President Peter J. Caffrey
President Leon M. Goldstein
President Leonard Lief
President Gerald W. Lynch
President Robert E. Marshak
President Harold M. Proshansky
Acting President Anthony Santiago
President Kurt R. Schmeller

President Joel Segall
President Joseph Shenker
Acting President Nathaniel H. Siegel
Acting President Joshua L. Smith
President Richard D. Trent
President Edmond Volpe
President Jacqueline G. Wexler
Vice Chancellor Kenneth M. King
Vice Chancellor J. Joseph Mieng
Vice Chancellor Jerald Posman

The absence of 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 9)

NO. 1 UNIVERSITY REPORT: RESOLVED, That the University Report for April 24, 1978 (including Addendum Items) be approved, as amended as follows:

(a) Item BJ.10.7 (Baruch College): The promotion from Assistant to Associate Professor of Harrison E. Tucker is to be withdrawn.

(b) Items listed in PART E - ERRATA, to be withdrawn or changed, as indicated.

EXPLANATION: The University Report consists of annual instructional appointments at a salary of \$15,000 and above and other resolutions and actions of a non-policy nature which require approval by the Board of Higher Education.

NO. 2. CHANCELLOR'S REPORT: RESOLVED, That the Chancellor's Report for April 24, 1978 (including Addendum Items) be approved, as amended as follows:

(a) Section CIII - Trusts and Gifts (Bronx Community College): The wording of the first grant is to be amended to read as follows:

<u>Amount</u>	<u>Donor</u>	<u>Purpose, etc.</u>
\$18,775	The University of the State of New York, The State Education Department	This grant will assist all students in the Engineering Technologies curriculum in their introductory math and physics courses; a series of comprehensive bilingual study guides will be prepared for this purpose, under the direction of Dr. Jack Prince, Physics Dept. Period:2/1/78-9/30/78

(b) Item CIII.9.1 - Trusts and Gifts - Hugh L. Patrick Donation (Lehman College): Withdrawn

(c) Item D.I. City College - Waiver of Tuition: Withdrawn

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

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

NO. 3. APPROVAL OF MINUTES: RESOLVED, That the minutes of the Board of Higher Education meeting of March 27, 1978 be approved as circulated.

NO. 4. JACK JOHN OLIVERO - APPRECIATION OF SERVICES: WHEREAS, Jack John Olivero was appointed to the Board of Higher Education by Governor Hugh L. Carey on July 6, 1976 and has served on several Standing Committees of the Board and with particular distinction as the Chairperson of the Bronx Community College Presidential Search Committee; and

WHEREAS, Mr. Olivero has resigned from the Board of Higher Education, effective March 31, 1978, because of a variety of other responsibilities; therefore be it

RESOLVED, That the members of the Board note his resignation with regret and express their appreciation for his services.

NO. 5. COMMITTEE ON FACILITIES PLANNING AND MANAGEMENT: RESOLVED, That the following items be adopted:

A. COMMUNITY COLLEGES - REMOVAL OF ARCHITECTURAL BARRIERS TO HANDICAPPED:

RESOLVED, That the Board of Higher Education approve the contract documents as prepared by the Office of Facilities Planning and Management, and authorize the Office of Facilities Planning and Management to bid and award the contract to the lowest responsible bidder for the removal of architectural barriers for the handicapped at various community college campuses at an estimated cost of \$200,000, chargeable to Third Year Funds of the Federal Government's Community Development Act in the amount of \$100,000 and to a matching amount from funds appropriated in the New York State Capital Budget; 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: Alterations and Site Work are required at seven community colleges to remove various barriers for the handicapped. These alterations include ramps, door modifications and toilet alterations.

The City of New York has allocated \$100,000 of Third Year Funds of the federally funded Community Development Act for use by CUNY community colleges and the State has appropriated in its 1977-78 capital budget a matching amount.

B. BARUCH COLLEGE - WINDOW REPLACEMENT:

RESOLVED, That the approval of the Board of Higher Education of January 24, 1977, Cal. No. 4D, for labor and materials necessary and required for the rehabilitation of windows at Baruch College at 17 Lexington Avenue, Manhattan, at an estimated cost of \$350,000, chargeable to Capital Project HN-203, be amended to authorize an estimated cost of \$412,000 (including the low bid amount of \$392,240 together with a 5% contingency allowance).

EXPLANATION: This resolution is required in order to award the contract to the lowest responsible bidder. The next lowest bid was \$869,200. The bids reflect the complexity of the work and cost escalation since the date of the earlier cost estimate approved by the Board on January 24, 1977. The Office of Facilities Planning and Management believes that rebidding would not result in a lower bid and recommends award of the contract to the lowest bidder. The Office of Management and Budget has approved the increase in funding necessary to award this contract (Certificate 13166, dated March 11, 1978).

C. BROOKLYN AND CITY COLLEGES - COMPUTERIZED ENERGY MANAGEMENT SYSTEM:

RESOLVED, That the Board of Higher Education approve the contract documents as prepared by the Office of Facilities Planning and Management and authorize The City University to enter into an agreement with the International Business Machines Corp. for modifications and additions to an existing IBM System 7 computer and all attendant installation and wiring costs for the purpose of reducing energy consumption at the City College Science and Physical Education Building and four (4) buildings at Brooklyn College at an estimated cost of \$140,000 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: It is proposed to centrally locate the computer at the University Computer Center on West 57th St., Manhattan, to manage the energy systems at the Science and Physical Education Building of the City College and at James Hall, the Plaza Building, Roosevelt Hall Extension and Ingersoll Hall Extension at Brooklyn College. While the computer is to be centrally located at the Computer Center, each college will have control of its own system through the use of local terminals. Programs would be applied to achieve a reduction in electricity and fuel consumption as well as electrical demand by turning off selected motor loads for short periods and by holding down peak electric usage. The computer has the capacity for controlling additional buildings at other campuses in the future.

It is estimated that the capital cost of installation at the three (3) locations will be \$140,000, including contingency and escalation to the contract date. Anticipated annual savings through the reduced use of electricity and fuel will be \$115,000. An annual cost of \$15,000 will be required to operate the energy management systems. Net operating savings would be \$100,000 annually.

The Board had previously approved a resolution at its March 28, 1977 meeting (Calendar No. 5A) to accomplish these savings by competitively bidding an entire system including a new computer. The Office of Management and Budget, however, rejected this and recommended that an existing IBM System 7 computer, presently located at Brooklyn College and not fully utilized, be used.

NO. 6. COMMITTEE ON ACADEMIC AFFAIRS: RESOLVED, That the following items be adopted:

A. LAGUARDIA COMMUNITY COLLEGE - A.S. IN DIETETIC TECHNICIAN EDUCATION:

RESOLVED, That the program in Dietetic Technician Education leading to an Associate in Science (A.S.) degree, to be offered at LaGuardia Community College, effective September 1978, be approved subject to financial ability.

EXPLANATION: The program is a career oriented program which conforms to the educational and professional standards of the American Dietetic Association. This program prepares graduates for middle management positions that presently exist in the food service industry. The cost of the program is currently supported by grant monies. The program will be articulated with the City University's senior college programs.

B. DESIGNATION OF DISTINGUISHED PROFESSORS:

RESOLVED, That the following be designated Distinguished Professors for the period 9/1/78-8/31/79 in the colleges and specialties indicated, with compensation at the rate of \$5,000 per annum in addition to their regular academic salary, subject to financial ability:

<u>College</u>	<u>Name</u>	<u>Specialty</u>
Brooklyn Graduate School	Pearlstein, Philip Himmelfarb, Gertrude	Art History

EXPLANATION: Professor Pearlstein is one of the most distinguished artists in the United States who is internationally recognized as a leading figurative painter. As a major leader of the contemporary school known as "The New Realism," he has influenced a generation of younger artists. He is the recipient of prestigious awards and prizes.

Professor Himmelfarb is an academic and an intellectual who has achieved an international reputation in her field. She is counted among the top rank of British intellectual historians. Her record of publication is impressive as is the list of prestigious awards and fellowships she has won.

NO. 7. COMMITTEE ON CENTRAL ADMINISTRATION: RESOLVED, That the following item be adopted:

A. BYLAW AMENDMENT:

RESOLVED, That section 6.5 of the Bylaws be amended to read as follows:

Section 6.5 APPOINTMENTS WITHOUT TENURE. Nothing contained in this article shall be construed as conferring or permitting tenure, or service credit toward the achievement of tenure in the positions of chancellor, deputy chancellor, vice-chancellor, university administrator, university associate administrator, university assistant administrator, president, vice-president, assistant vice-president, university dean, university associate dean, university assistant dean, dean, associate dean, assistant dean, administrator, associate administrator, assistant administrator, director of campus schools, department chairperson, chief librarian, principal, supervisor, distinguished professor, visiting professor, visiting associate professor, visiting assistant professor, adjunct professor, adjunct associate professor, adjunct assistant professor, adjunct lecturer, higher

education officer, higher education associate, higher education assistant, assistant to higher education officer, higher education intern, research associate, research assistant, clinical assistant, lecturer (full-time), lecturer (part-time), instructor appointed after October 1, 1968; business manager, assistant business manager, assistant to business manager, all positions in the early childhood centers programs, or any other instructional positions not included on the permanent instructional staff, except that prior service as a full-time lecturer or lecturer (full-time) may be considered toward the award of tenure to persons in a title on the permanent instructional staff. Appointment to any such non-tenure-bearing position, or removal therefrom, however, shall not deprive the person so appointed or removed of tenure in the highest position on the staff held with tenure prior to his/her appointment to such office, or conjointly with such office, nor shall such appointment or removal deprive any person of service credit toward the achievement of tenure under the provisions of this article. All persons appointed chancellor, deputy chancellor, president, vice-chancellor, vice-president, university dean, university associate dean, university assistant dean, dean, associate dean, assistant dean, director of campus schools, or principal; if not already appointed to a position on the permanent instructional staff, may be appointed to an instructional position.

EXPLANATION: The title higher education intern was inadvertently omitted from section 6.5 of the bylaws. The amendment corrects this clerical error.

Note: Matter underlined is new.

NO. 8. COMMITTEE ON FISCAL AFFAIRS RESOLVED, That the following items be adopted:

A. HUNTER COLLEGE - 1978-79 UNIFORMED GUARD SERVICE:

RESOLVED, That the Board of Higher Education approve the contract documents and authorize the Business Manager of Hunter College to advertise for, receive and open bids, and award a contract to the lowest responsible bidder for furnishing Uniformed Guard Service for Hunter College at an estimated cost of \$475,000 chargeable to State Budget Code 7003-176-7901-806-2-34801-430 in the amount of \$400,000 and City Budget (Campus Schools) 042-400-430-01-79 in the amount of \$75,000 for the period July 1, 1978 to June 30, 1979 with a one year option to renew, subject to financial ability.

EXPLANATION: To provide Uniformed Guard Service to safeguard the faculty, staff, students and property of the College.

B. NEW YORK CITY COMMUNITY COLLEGE - USE OF VOORHEES INCOME:

RESOLVED, That the Board of Higher Education authorize the expenditure of a sum, not to exceed \$300,000 of income from the Voorhees Endowment Fund, for the purchase of educational supplies and/or equipment, to support the Technical and Industrial educational programs of the New York City Community College during the fiscal year 1978-79.

EXPLANATION: As a result of the prior years budgetary reductions, additionally compounded by the expected 1978-79 budgetary reductions, the New York City Community College deems it imperative to supplement the Other Than Personal Service cost for the Technical programs taught at the college. Under the terms of the court order, which transferred the assets of the Voorhees Technical Institute to the Board of Higher Education, . . . "Income from the Endowment Fund, . . . shall be used by the Board of Higher Education to support the Technical and Industrial educational programs in such areas as Library Resources, Educational Equipment, Supplies and Materials, Student Financial Aid, Facilities Renovation and other items that will improve Technical and Educational programs."

C. BROOKLYN COLLEGE - LEASE PURCHASE OF CORE MEMORY AND DISK MEMORY:

RESOLVED, That the Board of Higher Education authorize Brooklyn College to advertise and award a contract to the lowest responsible bidder, a five year lease/purchase of additional core memory and disk memory equipment at an estimated total cost of \$150,000, and an estimated annual rate not to exceed \$30,000 per year, chargeable to code 7001-176-7801-806-2-22120-14-62 and/or equivalent codes in subsequent years for which the contract will be in effect.

EXPLANATION: Brooklyn College has an ongoing requirement to support a variety of projects which require "on-line" computing resources. The current resources are not capable of providing services to more than one administrative department in a timely and accurate fashion. The College recognizes the need for additional equipment and proposes to acquire the following:

- a) Disk memory - Currently, one or two major applications are available to the administrative departments at one time. Additional disk memory will provide greater availability to more departments for "on-line" computing. In turn, this will eliminate or reduce the delays currently experienced.
- b) Internal memory - Currently, the operating system of the Brooklyn College computer utilizes 512K bytes. The greater number of applications currently needed cannot be handled by the existing internal memory size. Studies by internal and IBM consultants have established that additional memory will minimize the conflict for simultaneous use of the internal memory. Studies have suggested an increase in the throughput capacity of approximately 50% by the addition of 512K bytes of internal memory.

D. 1978-79 STATE SUPPLEMENTAL BUDGET REQUEST:**(1) SENIOR COLLEGES:**

RESOLVED, That the supplemental budget request for the senior colleges of \$16.5 million be adopted.

EXPLANATION: The \$311.1 million senior college budget recommended by the Governor and adopted by the Legislature is deficient in a number of areas. This supplemental budget request attempts to correct some of these deficiencies. The \$16 million request is made up of the following components:

- Individual college needs	\$7.7 million
- Funding of Unemployment Insurance	\$2.8 million
- Revision of senior college share of costs of University Management and the College of Staten Island	\$2.5 million
- Establishment of fund for building repairs	\$2.0 million
- Additional rental requirements	\$.7 million
- Implementation of freshmen skills assessment testing	\$.3 million
- Reduction of student-counselor ratio in the SEEK Program to 75 to 1	\$.5 million

(2) COMMUNITY COLLEGES:

RESOLVED, That the supplemental budget request for the community colleges of \$3.5 million be adopted.

EXPLANATION: The \$61.4 million of State Aid to the CUNY community colleges appropriated by the Legislature provides full funding for a projected 64,743 FTE students in 1978-79. The funding formula upon which State Aid is based has also been changed to increase the State share of rental costs and to provide a bonus amount of \$75 for students enrolled in Business programs. The formula, however, still has not been revised to account for the impact of inflation. Therefore, the University is requesting that the base aid per student be raised from \$705 to \$750 - an increase of 6 percent - and the funding for disadvantaged students be increased from \$180 to \$210 to reflect the extremely high costs of remediation.

At this point the Board considered an added item, and upon motions duly made, seconded and carried, the following resolution was adopted:

NO. 8X. HAYES V. CITY UNIVERSITY OF NEW YORK: RESOLVED, That in an action entitled Hayes et al v. City University of New York, et al in the United States District Court for the Southern District of New York (77 Civ. 5476) challenging, inter alia, the propriety of certain reductions in public assistance grants by the New York City Department of Social Services on account of amounts received by SEEK and CD stipend recipients who are also recipients of public assistance grants, the Board wishes to assert the position that the Human Resources Administration is unauthorized by law to reduce public assistance grants by any portion of a SEEK or CD stipend (provided such SEEK or CD stipend has been calculated on the basis of fully disclosed income, including any public assistance grants).

EXPLANATION: City University and the New York City Human Resources Administration are co-defendants in Hayes et al v. City University of New York, et al. HRA will assert in its defense the propriety of its independent determination as to what portions of the SEEK or CD stipend represent necessary expenses, and of taking federally administered grants and loans into account in determining the amount received for educational expenses. This position is in conflict, in the opinion of the Board, with Section 6452(4)(a) of the education law, permitting the Board to determine the amount of necessary supplemental financial assistance including the costs of books and necessary maintenance pursuant to criteria promulgated by the University and approved by the Regents and the State Director of the Budget; with Section 507 of the Higher Education Amendments of 1968 (Pub. Law 90-575) and Section 18NYCRR 352.16 prohibiting any grant or loan to an undergraduate for educational purposes made or insured under any program administered by the United States Commissioner of Education from being considered as income or resources in determining need or amount of assistance. The Corporation Counsel has requested the Board's position be memorialized by resolution so that a conflict of interest may be declared between the Board and HRA.

Mr. D'Angelo requested that the record show that the resolution was adopted on the advice of Counsel.

NO. 9. QUEENS COLLEGE PRESIDENCY: Chancellor Kibbee presented a resolution designating Dr. Saul B. Cohen as President of Queens College. The resolution was moved and seconded.

Mr. D'Angelo moved that the resolution be tabled. Mr. Crowley seconded the motion. The motion was lost. Mr. D'Angelo and Mr. Crowley voted Yes; Ms. Conway, Mrs. Everett, Mr. Gault, Dr. Goldin, Mr. Jacobs, Mr. Maniscalco, Ms. Maynard, Mr. Rivera, Dr. Robinson, Mr. Scheftel and Mrs. Stewart voted NO.

At this point, the Board heard the following who spoke in opposition to the resolution:

Mr. Joseph Bigman, Queens College student member of the Presidential Search Committee
Mr. Brian Kanzaki, Legislative Director, University Student Senate
Mr. Bob Citelli, Queens College Student Association President

Following discussion, the Board recessed for five minutes. Upon its return, the following resolution was adopted:

RESOLVED, That Dr. Saul B. Cohen be designated President of Queens College and Professor with tenure, effective July 1, 1978, with compensation at the rate of \$13,000 per annum, in addition to his academic salary, subject to financial ability.

Ms. Conway, Mrs. Everett, Mr. Gault, Dr. Goldin, Mr. Jacobs, Mr. Maniscalco, Ms. Maynard, Dr. Robinson, Mr. Scheftel and Mrs. Stewart voted YES; Mr. Crowley, Mr. D'Angelo and Mr. Rivera voted NO.

Upon motions duly made, seconded and carried, the meeting was adjourned at 6:53 P.M.

RICHARD M. CATALANO
Secretary of the Board