

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

HELO

AUGUST 7, 1978

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

The Chairperson called the meeting to order at 6:10 P.M.

There were present:

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

**Walter H. Crowley
Edith B. Everett
Gurston D. Goldin
Albert V. Maniscalco
Joan B. Maynard**

**Emanuel R. Piore
Joaquin Rivera
David Z. Robinson
Stuart Scheftel**

**Etta G. Grass, Acting Secretary of the Board
Mary P. Bass, General Counsel and Vice Chancellor for Legal Affairs**

**Chancellor Robert J. Kibbee
President Roscoe C. Brown, Jr.
Acting President Peter J. Caffrey
President Saul B. Cohen
President Leon M. Goldstein
President John W. Kneller
President Gerald W. Lynch
Acting President Anthony Santiago
President Joel Segall**

**President Joseph Shenker
President Joshua L. Smith
President Edmond Volpe
President Jacqueline G. Wexler
Deputy Chancellor Egon Brenner
Vice Chancellor Richard M. Catalano
Vice Chancellor Dolores Cross
Vice Chancellor Julius C.C. Edelstein**

The absence of Ms. Conway, Mr. D'Angelo and Mr. Gault was excused.

Upon motions duly made, seconded and carried, the following resolutions were adopted: (Calendar Nos. 1 through 10)

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

(a) Item B1.5.6. Appointment (Queens College): Change title of Bert Nelson, Accounting & Information Systems Department, from Instructor to Lecturer.

(b) Item D.9. City College: Appointment of Cyril D. Tyson is as Assistant Vice-President, effective 7/17/78.

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

D.14. RESCISSION OF APPOINTMENT: RESOLVED, That Calendar No. 5X, June 26, 1978, appointment of Dr. Herman Sulsona as President of New York City Community College and Professor of Engineering Technology, with tenure, be rescinded.

(d) Items listed in PART E - ERRATA, to be withdrawn or changed, as indicated.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: A motion was made and seconded to approve the Chancellor's Report.

At this point the Board heard the following who spoke in opposition to Item BIV - Queens College Student Union fee increase:

Mr. Robert Levi, member of the Queens College Academic Senate and chairperson of the Student Union Finance and Budget Committee; and

Mr. McKen Carrington, who read the following statement for Mr. Edward A. Roberts, chairperson of the University Student Senate and ex officio member of the Board:

Due to my attendance at the National Student Association/National Student Lobby Conference in Boulder, Colorado I am unable to attend this meeting of the Board of Higher Education. I, however, would still like to express my concern about the methods used to raise the Student Union Fees at Queens College.

From all appearances, it seems that this increase violates the duly established method for the increase of Student Fees as set forth by this Board.

While I do not believe that a referendum is the only means of increasing a Student Fee, those who seek to raise a fee must allow for the widest student participation possible. However, this attempted increase by the Queens College Administration is not one that sought to include students in the decision-making process as widely as possible.

Another area of concern is the exorbitant nature of the increase. Neither the Director of the Center nor any college official can prove that the fees generated by the increase are warranted at this time. Certainly all evidence that I have seen indicates that services will not be cut if there is no increase.

Another question raised by the issue is to what degree a college administration needs student input for an administration initiated student increase. Should only student initiated increases be brought before the Board's Central Administration Committee?

It is therefore my judgment that the decision need not be made at this time. I therefore urge the Board to defer action at this time and send the item to the Central Administration Committee for its consideration at its September meeting.

The following resolution was adopted:

RESOLVED, That the Chancellor's Report for Summer 1978 (including Addendum Items) be approved, as amended as follows:

(a) Item A-1.5.1 - Queens College: Withdraw the following:

Concentration in Dramatic Studies, and B.A. in Application of Mathematics

(b) Item BIV - Queens College: The following resolution re increases in College Union fees is substituted:

RESOLVED, That the College Union fees (Student Services Corporation) be increased in accordance with the following schedule:

	Current	Proposed	Change
Undergrad - F/T	\$30.00	\$36.00	+ \$6.00
Undergrad - P/T	25.00	30.00	+ 5.00
Graduate	25.00	30.00	+ 5.00
Coop Teachers	25.00	30.00	+ 5.00

and

BE IT FURTHER RESOLVED, That this increase shall be effective for the Fall, 1978 semester and that unless the Board takes additional action, the fees shall revert to the level currently in effect for the following semester.

EXPLANATION: The above increase is temporary pending the outcome of a management study by the college of the Union's operation.

Dr. Robinson stated that he had moved the above resolution because it was for one semester and on the assumption that there would be a careful review which could result in a decrease in fees as well as a possible increase.

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

D.15. CITY COLLEGE - WAIVER OF TUITION: RESOLVED, That there be a waiver of tuition for 20 full-time undergraduate students in the Physician's Assistant Program at The City College from 9/1/78 to 6/30/79 (in accordance with Section III, Fee Waivers by the University, of the Minutes of the Board of June 22, 1970, Senior Colleges, Calendar No. 50, p. 117) pending final notification of the grant award.

EXPLANATION: The Board of Higher Education approved the Physician's Assistant Program leading to the Bachelor of Science degree, to be offered at The City College, effective September 1978, subject to funding by grant monies from the U.S. Department of Health, Education and Welfare. This program will be sponsored by The City College Sophie Davis Center for Biomedical Education and financed with a five-year training grant from the Department of HEW. Harlem Hospital will serve as the performance site for the program. The program will combine courses in the behavioral and natural sciences such as Psychology, Sociology, Anatomy and Physiology, Organic Biochemistry and Microbiology with the clinical practicums in the five major areas of Medicine (Internal Medicine, Surgery, Pediatrics, Obstetrics and Psychiatry). The Physician's Assistant program will provide a broad background in medical education that will enable graduates to accept employment in various health care settings.

The following statement is adopted as general policy:

1. Name of program: Physician's Assistant Program
2. Name of grantor: Bureau of Health Manpower, Health Resources Administration, DHEW
3. Amount requested of grantor: \$343,531
4. Charge(s) to be waived:
Tuition: 20 full-time upper division students: 20 x \$925.00 = \$18,500.00
5. Level of students affected: undergraduate (upper division)
6. Number of students involved: 20
7. Dollar amounts of funds involved in waiver: \$18,500.00
8. Specific charges and amounts to be available from grant to cover waiver request
(includes adjunct faculty, professional/technical support staff, equipment, supplies, communications: \$283,622)

(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 June 26, 1978 be approved as circulated.

NO. 4. HUNTER COLLEGE SCHOOL OF HEALTH PROFESSIONS - CONSTRUCTION AND INSTALLATION OF LABORATORIES: RESOLVED, That the Board approve final contract documents, plans, specifications and estimate of cost for construction and installation of new laboratories at Hunter College School of Health Professions, located at 425-27 East 25th Street, New York, New York, as prepared by Pomerance and Breines, Architects P.C., at an estimated cost of construction, as of June 23, 1978, of \$631,000, chargeable to Capital Budget HN-203 and other funds subject to financial ability; and be it further

RESOLVED, That the Director of the Office of Management and Budget be and is hereby requested to approve said contract documents including plans and specifications with cost limitation of \$631,000.

EXPLANATION: The Hunter College Health Institute is operating in unsatisfactory leased space at 105 East 106th Street and 118 East 107th Street.

The move to 425-27 East 25th Street which the City of New York has turned over to the Board of Higher Education for use by Hunter College School of Health Professions will permit Hunter College Schools of Nursing and Health Professions to operate within the same complex thereby allowing a shared usage of space.

Also, the development of this program will permit a savings of \$288,372 per year in rental costs.

NO. 5. CITY COLLEGE - RESTORATION OF ELEVATIONS ON SHEPARD HALL: RESOLVED, That the Board of Higher Education approve the contract documents, specifications and expenditures and authorize The City College to award the contract to the lowest responsible bidder General Restoration Co., Inc. for furnishing all labor and material, tools and equipment required for the Restoration of Exterior Masonry of Shepard Hall in accordance with Priorities I, II, IV and V as set forth in the contract documents at a cost of \$215,500.00 which is \$500.00 in excess of the original estimate and within the 10% allowed over estimated cost, chargeable to Capital Project HN 203, subject to financial ability, as approved by the Budget Director under Certificate No. 13195 dated May, 1978.

EXPLANATION: Resolution was approved by the Board of Higher Education at their January 30, 1978 meeting, Cal. No. 4A. The college advertised proposed contract in the City Record for fifteen (15) consecutive days and solicited bids from eleven (11) prospective contractors having capability to implement the requirements as set forth in the contract specifications. Eight (8) bids were picked up by prospective contractors, only one bid was received, that of General Restoration Co., Inc., 2630 Park Avenue, Bronx, New York 10451, in the amount of \$215,500. Recommendations and approval to accept the bid received were made by the Director of Campus Planning and the Superintendent of Buildings & Grounds. It is imperative that the restoration of exterior masonry which dates back to 1907 be done at this time to prevent continuous interior damage due to inclement weather.

NO. 6. CITY COLLEGE CENTER FOR BIO-MEDICAL EDUCATION - AFFILIATION AGREEMENTS: RESOLVED, That the Board of Higher Education authorize the Secretary of the Board to enter into a series of independent negotiated affiliation agreements on behalf of the City College Center for Bio-Medical Education with the medical institutions indicated herein for the period and the amounts set forth herein, for the purpose of providing pertinent educational experience to students enrolled in the Center for Bio-Medical Education Baccalaureate Program of The City College for the estimated amount of \$407,908.00, chargeable to Code 7002-176-7801-806-2-21770-14-00, subject to financial ability; and be it further

RESOLVED, That the affiliated agreements negotiated be approved by the General Counsel as to form and when so approved be signed by the Secretary of the Board on behalf of the City College:

Montefiore Hospital - Dept. of Social Medicine

Course	- Community Medicine
Amount	- \$99,587
Dates	- September 1978 to June 1979

Mount Sinai Hospital - Department of Microbiology

Course	- Medical Physiology
Amount	- \$106,000
Dates	- September 1978 to June 1979

New York Medical College - Department of Physiology

Course	- Medical Physiology
Amount	- \$106,000
Dates	- September 1978 to June 1979

New York Medical College - Department of Medicine

Course	- Introduction to Medicine
Amount	- \$35,000
Dates	- February 1979 to June 1979

New York Medical College - Department of Psychiatry

Course	- Behavioral Science
Amount	- \$61,321
Dates	- September 1978 to February 1979

EXPLANATION: The Center for Bio-Medical Education provides its students with the courses required for medical school, twenty four credits in the humanities and social sciences, and the courses of the first two years of medical school. Many of these medical school courses have been provided by medical institutions in New York City by contract with the Center, funding of which came from non-tax levy money principally from a contract with the Department of Health Education & Welfare. This non-tax levy funding was made on the assumption that funding of the center would be undertaken by tax levy sources and has therefore decreased in fiscal 1978-1979, and expires July 1979. Those courses, typical of the first two years of medical school for which non-tax levy funding is not available are to be contracted for from tax levy sources. It is expected that in fiscal 1979-1980, funding for these courses will be entirely from tax levy sources.

NO. 7. COLLECTIVE BARGAINING AGREEMENT, INSTRUCTIONAL STAFF: RESOLVED,

That the collective negotiating agreement and the supplementary agreement covering Continuing Education between the Board of Higher Education and the Professional Staff Congress/CUNY for the period September 1, 1978 through August 31, 1980 are hereby approved subject to approval of the Emergency Financial Control Board; and be it further

RESOLVED, That agreement between the Board and the Professional Staff Congress/CUNY setting forth procedures for an agency shop fee deduction, as provided in said collective negotiating agreement, is hereby approved and the Chancellor is hereby authorized to execute such agreement; and be it further

RESOLVED, That upon due ratification by the membership of the Professional Staff Congress, said agreement and the supplementary agreement covering Continuing Education shall be submitted to the Financial Control Board for approval; and be it further

RESOLVED, That upon approval of such collective negotiating agreement and the supplementary agreement covering Continuing Education by the Emergency Financial Control Board, the Chancellor is hereby authorized and directed to execute such agreements.

EXPLANATION: The prior proposed collective negotiating agreement between the parties expires August 31, 1978. The resolution approves a successor agreement.

NO. 8. TITLES OR DUTIES EXCLUDED FROM AGREEMENTS WITH THE PROFESSIONAL STAFF CONGRESS: (a) RESOLVED, That effective September 1, 1977, the collective bargaining Agreement with the Professional Staff Congress dated March 2, 1978, with respect to the Articles thereof identified below, shall apply to all employees in the functions or titles who are excluded from the Agreement pursuant to Article I thereof for the period September 1, 1977 through August 31, 1978. Such application shall prevail during the time of service of an individual in the designated title or while performing the functional duties which are the basis for exclusion from the agreement:

Article 1	Recognition (insofar as exclusions from the unit are identified)
Article 14	Annual Leave
Article 16	Temporary Disability or Parental Leave
Article 17	Jury Duty
Article 24	Salary Schedules (in the regular appointment title, exclusive of rems)
Article 25	Research and Fellowship awards (for persons with faculty responsibility)
Article 26	Welfare Benefits
Article 27	Retirement
Article 29	Waiver of Tuition Fees
Article 30	Facilities and Services
Article 31	Hiring of Persons who are Discontinued
Article 33	Medical Series
Article 34	Resident Series
Article 38, section 38.1	Duration

and be it further

RESOLVED, That with respect to Articles of the aforesaid Agreement not made applicable to the titles and functions referred to above, the Chancellor shall issue such rules as he may deem appropriate to regulate the matters otherwise covered by the aforesaid Agreement.

EXPLANATION: In establishing the collective bargaining unit and during the course of subsequent negotiations with the PSC, certain employees of the University were excluded from coverage under the Agreement by virtue of their titles or functions. These exclusions are based on the confidentiality, or policy, or managerial responsibilities of the affected individuals. University employees assigned to the titles or duties excluding them from the negotiated Agreement, however, have titles which would otherwise be covered by the Agreement. The BHE entering into a collective bargaining agreement did not intend to deprive its excluded employees of the provisions contained in the Articles referred to in the resolution. This resolution is consistent with that of April 25, 1977 adopted following Board approval of the predecessor Agreement of 1975-77.

(b) RESOLVED, That effective September 1, 1978, the collective bargaining Agreement with the Professional Staff Congress for the period September 1, 1978 through August 31, 1980 with respect to the Articles thereof identified below, shall apply to all employees in the functions or titles who are excluded from the Agreement pursuant to Article 1 thereof for the period September 1, 1978 through August 31, 1980. Such application shall prevail during the time of service of an individual in the designated title or while performing the functional duties which are the basis for exclusion from the Agreement:

Article 1	Recognition (insofar as exclusions from the unit are identified)
Article 14	Annual Leave
Article 16	Temporary Disability or Parental Leave
Article 17	Jury Duty
Article 24	Salary Schedules (in the regular appointment title, exclusive of rems)
Article 25	Research and Fellowship Awards (for persons with faculty responsibility)
Article 26	Welfare Benefits
Article 27	Retirement
Article 29	Waiver of Tuition Fees
Article 30	Facilities and Services
Article 31	Hiring of Persons who are Discontinued
Article 33	Medical Series
Article 34	Resident Series
Article 39	Coalition Economic Agreement
Article 40	Duration

and be it further

RESOLVED, That with respect to Articles of the aforesaid Agreement not made applicable to the titles and functions referred to above, the Chancellor shall issue such rules as he may deem appropriate to regulate the matters otherwise covered by the aforesaid Agreement.

EXPLANATION: In establishing the collective bargaining unit and during the course of subsequent negotiations with the PSC, certain employees of the University were excluded from coverage under the Agreement by virtue of their titles or functions. These exclusions are based on the confidentiality, or policy, or managerial responsibilities of the affected individuals. University employees assigned to the titles or duties excluding them from the negotiated Agreement, however, have titles which could otherwise be covered by the Agreement. The BHE entering into a collective bargaining agreement did not intend to deprive its excluded employees of the provisions contained in the Articles referred to in the resolution. This resolution is consistent with that of April 25, 1977 adopted following Board approval of the predecessor Agreement of 1975-77.

NO.9. PROGRESS REPORT ON THE 1976 CITY UNIVERSITY MASTER PLAN: RESOLVED, That the Board of Higher Education adopt the progress report on the 1976 City University Master Plan and transmit it to the Board of Regents of the State of New York as required by the State Education Law (Section 6203).

A copy of the Progress Report is on file in the Office of the Secretary of the Board

EXPLANATION: Section 6203 of the Education Law of New York State requires the preparation of a progress report on the quadrennial master plan for the City University of New York. The Governor approved the majority of the thirteen recommendations of the City University of New York 1976 master plan which were incorporated in the Regents Statewide Plan. A draft of the 1978 progress report on the master plan has been prepared for submission to the Regents in conjunction with those recommendations included in the Proposal of the Board of Higher Education on Facilities Needed through 1990, adopted by the Board of Higher Education at its May 29, 1978 meeting.

NO. 9A. APPOINTMENT OF PRESIDENT OF NEW YORK CITY COMMUNITY COLLEGE: Upon motions duly made, seconded and carried, the following resolution was adopted:

RESOLVED, That Dr. Ursula Schwerin be appointed President of New York City Community College, and Professor of Dental Hygiene with tenure, effective September 15, 1978, with compensation at the rate of \$11,000 per annum in addition to her academic salary, subject to financial ability.

Mrs. Everett stated that Dr. Schwerin is a product of City University and of the school of which she will be President. She started in the Dental Hygiene program at New York City Community College and went on to achieve the Ph.D. degree; her career is a credit to her and to the University.

The Chairperson expressed the Board's appreciation to the members of the New York City Community College Presidential Search Committee, Mrs. Everett, Ms. Maynard, and Mr. Scheftel.

At this point, the Chairperson introduced Dr. Dolores Cross, the recently appointed Vice-Chancellor for Special Programs and Student Affairs.

NO. 10. BROOKLYN COLLEGE - PERSONNEL ACTION: The resolution was moved and seconded.

At this point, the Board heard:

Mr. Michael Ratner, Esq., counsel for Mr. Perez, and
Mr. Richard Perez

who spoke in opposition to the resolution, and

Mr. Lawrence Chapin, of Brooklyn College, who spoke in support of the resolution.

Dr. Robinson stated that many important issues that should be investigated had been raised by Mr. Perez's presentation but these were separate issues and irrelevant to the matter at hand.

At this point Dr. Piore left the meeting.

The following resolution was adopted:

WHEREAS, Disciplinary charges dated April 7, 1978 were personally served upon non-tenured Instructor Richard Perez on April 11, 1978 pursuant to Article VII of the Bylaws and amended charges dated April 18, 1978 were personally served on Richard Perez on April 24, 1978; and

WHEREAS, on April 7, 1978, the Brooklyn College Council on Administrative Policy designated a Hearing Committee to hear and investigate those charges, which was composed of five Brooklyn College tenured full professors; and

WHEREAS, On May 11, 1978 and May 12, 1978, hearing sessions were held on the charges before the Hearing Committee; and

WHEREAS, In a decision and report dated May 25, 1978, the Hearing Committee sustained the charges against Richard Perez of conduct unbecoming a member of the staff and of violations of Rules 1,2,3,5, and 7 of the Board's "Rules and Regulations for the Maintenance of Public Order" as set forth in specifications 1 and 2 of the charges dated April 7, 1978 and specification 3 of the amended charges dated April 18, 1978, with said findings being unanimous with the exception that two Hearing Committee members dissented on the finding on specification 2 of the charges dated April 7, 1978; and

WHEREAS, In its decision and report dated May 25, 1978, the Hearing Committee unanimously recommended that Richard Perez be removed from his position; and

WHEREAS, By letter dated May 26, 1978, President John Kneller of Brooklyn College concurred with the Hearing Committee's findings and recommended that Richard Perez be removed from his position on the instructional staff; and

WHEREAS, The Board has considered the appeal on the record before the Board; it is hereby

FOUND: That on the basis of the record, Richard Perez engaged in the conduct as set forth in specifications 1 and 2 of the charges dated April 7, 1978 and specification 3 of the amended charges dated April 18, 1978, to wit, on the afternoon of the 6th day of April, 1978, in the Gold Room of the Student Center Building, Richard Perez led and otherwise participated in a violent disruption of a meeting of the Student Government Assembly resulting in physical injury to students present at the meeting; during the aforementioned disruption Richard Perez personally assaulted students by forcibly throwing chairs at them; and on the afternoon of May 4, 1977, Richard Perez led and otherwise participated in an unlawful takeover of Whitehead Hall, Brooklyn College; participants in the takeover denied students and faculty access to the building, and unlawfully imprisoned faculty within the building; and during the takeover, Richard Perez physically assaulted a member of the staff of Brooklyn College; and the Board incorporates herein pages 8-12 of the decision and report of the Hearing Committee sustaining those charges and citing evidence in support thereof; and it is hereby

DETERMINED, That Richard Perez is guilty of conduct unbecoming a member of the staff and violations of Rules 1,2,3,5, and 7 of the Board's "Rules and Regulations for the Maintenance of Public Order" by reason of the aforesaid findings, and the Board incorporates herein pages 5-7 of the decision and report of the Hearing Committee setting forth the specifications upon which each charge was sustained; and it is hereby

RESOLVED, That Richard Perez is hereby removed for cause from the instructional staff effective immediately.

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

Ms. Maynard and Mr. Rivera voted No.

Upon motions duly made, seconded and carried, the meeting was adjourned at 7:08 P.M.

ETTA G. GRASS
Acting Secretary of the Board