

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

HELD

SEPTEMBER 25, 1978

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

The Chairperson called the meeting to order at 5:30 p.m.

There were present:

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

**Loretta A. Conway
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**

**Ann M. Burton, ex officio
Edward A. Roberts, ex officio**

**Etta G. Grass, Acting 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.
President Saul B. Cohen
President Leon M. Goldstein
President John W. Kneller
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
President Joshua L. Smith
President Richard D. Trent
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
Vice Chancellor Kenneth M. King
Vice Chancellor Leonard O. Roellig**

The absence of Mr. D'Angelo 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: The resolution was moved and seconded.

At this point the Board heard the following who spoke on Item D.4 of the Addendum (Brooklyn College - Administrative Designation) and whose presentations did not oppose the appointment but were directed towards the way in which it was made:

Professor Louise Rietz
Professor Howard Wolman
Professor Harold Jones

Dr. Goldin made the following statement for the record:

The issue before the Board of Higher Education this evening, in its consideration of this item, is the support of an established system of internal educational governance. That is the question on which I shall cast my affirmative vote on Calendar No. 1.

Undoubtedly there are other issues that will confront this Board. This evening is not the time, nor is this the appropriate setting, to consider or resolve those questions.

The following resolution was adopted:

RESOLVED, That the University Report for September 25, 1978 (including Addendum Items) be approved, as amended as follows:

(a) Item BI.4.6. Appointment (Brooklyn College): Appointment of Larry Kushner is to be changed from Assistant Professor to Instructor.

(b) Item AI.20.1. Letter of Intent for Proposed Ph.D. Program in Criminal Justice (Graduate School and University Center): Withdrawn.

(c) 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.

Dr. Piore was recorded as Not Voting on Item D.4.

At this point Ms. Maynard left the meeting.

NO. 2. CHANCELLOR'S REPORT: RESOLVED, That the Chancellor's Report for September 25, 1978 (including Addendum Items) be approved, as amended as follows:

(a) Item BI.18.3. Appointments (LaGuardia Community College): Appointment of Gary Dougherty is to be changed from Assistant Professor to Lecturer.

(b) 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 special Board of Higher Education meeting of August 7, 1978 be approved as circulated.

NO. 4. RONALD T. GAULT - APPRECIATION OF SERVICES: The resolution was moved and seconded.

Ms. Maynard returned to the meeting.

At this point the Board heard Mr. Daniel Lipsman, who spoke in opposition to the resolution.

The following resolution was adopted:

WHEREAS, Ronald T. Gault was appointed to the Board of Higher Education by Governor Hugh L. Carey on July 6, 1976; and

WHEREAS, During his tenure on the Board Mr. Gault has served selflessly and tirelessly on several search committees, on the CUNY/SUNY Joint Board Committee, and with special distinction on the Standing Committees on Expanded Educational Opportunity and Fiscal Affairs; and

WHEREAS, His keen mind, sound judgment, concern and commitment for the needs of the students of the City University will be missed in the deliberations of the Committees and the Board; therefore be it

RESOLVED, That the members of the Board note with regret the resignation of Ronald T. Gault as a member of the Board, effective September 1, 1978, and express their deep appreciation for his dedicated services.

Dr. Piore asked that the record show that the resolution was adopted unanimously.

The Chairperson stated that Mr. Gault's resignation was due to the fact that he has accepted a position as advisor to the Mayor and it would have created a conflict of interest, had he continued as a member of the Board of Higher Education.

NO. 5. ACTING PRESIDENT PETER J. CAFFREY - APPRECIATION OF SERVICES: WHEREAS, Professor Peter J. Caffrey assumed the Acting Presidency of New York City Community College on June 24, 1977; and

WHEREAS, Professor Caffrey has guided New York City Community College students, faculty, and administration, through a prolonged and difficult period of fiscal crisis; and

WHEREAS, Professor Caffrey through his experiences with and dedication to the College, has provided outstanding service to the College and the University; therefore

BE IT RESOLVED, That the Board of Higher Education express its deep and sincere appreciation and gratitude to Professor Caffrey for the distinguished service he rendered while presiding as Acting President of New York City Community College.

NO. 6. VICE CHANCELLOR J. JOSEPH MENG - APPRECIATION OF SERVICES: WHEREAS, J. Joseph Meng served as Executive Assistant to the Chancellor, University Dean for Student Services, Vice-Chancellor for Administrative Affairs and Vice-Chancellor for the Executive Office during a decade of great change in the life of our country, our City and our University; and

WHEREAS, He brought to the University during this decade of service the enthusiasm of his youth in the service of the young, wisdom that belied his age and unswerving dedication to the idea of an open University in an open society; and

WHEREAS, He brought an uncommon intelligence to the complex technical tasks for which he was responsible and uncommon sensitivity to the students he served so well; and

WHEREAS, In the administration of large sums of money and numbers of people and in making a complicated organization work, he translated rhetoric into reality; and

WHEREAS, He consistently rose above the self interest of groups and organizational turf in his practical pursuit of those principles which uniquely define what CUNY has come to mean; and

WHEREAS, J. Joseph Meng has announced his intention to leave City University of New York to accept the post of President of the Culinary Institute of America; now therefore be it

RESOLVED, That the Board of Higher Education expresses its regret over J. Joseph Meng's decision to leave the City University, its profound admiration for his intellectual and human qualities and its deep appreciation for his ten years of devoted service and inspired leadership.

NO. 7. PRESIDENT BUELL G. GALLAGHER - MEMORIAL RESOLUTION: WHEREAS, Dr. Buell Gordon Gallagher served as the seventh president of City College, from 1952 to 1969, guiding it through a period of high productivity, physical expansion and rising reputation; and

WHEREAS, He began his personal and professional life committed to the principles of human worth, justice, and equality of opportunity and learning - principles he fought for openly and courageously through the controversies of two decades in the city, in the country and on his campus; and

WHEREAS, He was a teacher and scholar, a national leader in education and in civil rights, a moving speaker and prolific writer who put his talents in the service of his beliefs; and

WHEREAS, His special understanding of the suppression and denigration of minorities was expressed early and continuously in his articles, speeches and books, in his politics and offices, and in forty years of service on the Board of the National Association for the Advancement of Colored Peoples; and

WHEREAS, He was a man whose concern for and understanding of a broad range of social and educational problems was rare, but whose daily concern for people will most distinguish him in the hearts of City College students, staff and alumni; and

WHEREAS, Buell Gallagher was, at all times, advocate and protagonist for the College, with a strong sense of mission that dominated its life during his presidency and will continue to be influential for generations to come; therefore be it

RESOLVED, That the members of the Board of Higher Education herewith note with profound sorrow his death on Wednesday, August 30, and extend their deepest sympathy to his family and to those whose lives he touched and forever enriched by his deep conviction that there is dignity and significance in the human experience.

NO. 8. COMMITTEE ON FACILITIES PLANNING AND MANAGEMENT: RESOLVED, That the following item be adopted:

A. LEHMAN COLLEGE STUDENT CENTER:

RESOLVED, That the Board accept the transfer from the Herbert H. Lehman College Association, Inc. of one million three hundred thousand dollars (\$1,300,000.00) of accumulated Lehman College student activity fees which are designated as facilities fees for the construction of a student center building, such amount to be used for the construction by the Board of a student center building on the Lehman College campus and purposes related thereto. The Board authorizes the use of up to \$1,300,000.00 for the construction of a student center building on the Lehman College campus. Any part of such amount not used for the construction of a student center building on the Lehman College campus or purposes related thereto shall be returned to the Lehman College Association. Contracts for the construction of the student center building shall be let pursuant to Section 6213 of the Education Law.

EXPLANATION: From the Spring, 1969 through the Fall, 1977 semester, a portion of the student activity fee paid by Lehman College undergraduate students was earmarked as a facilities fee for the construction of a student center. (Chancellor's Report, 12/23/68, No. E.9.1.) Effective with the Spring, 1978 semester, the students at Lehman College voted to remove the earmarking of a facilities fee for the construction of a student center. From Spring 1969 through Spring 1971 a \$15 earmarked fee and since Fall 1971 a \$5 earmarked fee was paid by day session and then full-time undergraduate Lehman College students. These earmarked fees were accumulated and the Lehman College Association now holds about \$2,100,000.00 from the facilities fees to construct a student center building. The \$1,300,000.00 transferred by the resolution is part of the accumulation.

Under Section 6203(4) of the Education Law, the Board is empowered to erect and own buildings on college or university land out of money not furnished by the City.

NO. 9. COMMITTEE ON CENTRAL ADMINISTRATION: RESOLVED, That the following items be adopted or action taken as noted:

A. ESTABLISHMENT OF THE MAX E. GREENBERG AND FILOMEN M. GREENBERG CENTER FOR LEGAL EDUCATION AND URBAN POLICY - THE CITY COLLEGE:

RESOLVED, That an agreement to be entered into between and among the Board on behalf of City College, the City College Fund, and Max E. Greenberg and Filomen M. Greenberg, pledgors, whereby the pledgors pledge the sum of \$1,500,000 to be payable upon the death of the survivor of them or before, to the City College Fund, such money to be used solely for the support of the Max E. Greenberg and Filomen M. Greenberg Center for Legal Education and Urban Policy and the Filomen Maria D'Agostino Library for Legal Education at City College, is hereby approved, and the Secretary is hereby authorized to execute such agreement upon approval as to form by the General Counsel; and be it further

RESOLVED, That upon the execution of such agreement, the City College Center for Legal Education shall be renamed The Max E. Greenberg and Filomen M. Greenberg Center for Legal Education and Urban Policy, and The Filomen Maria D'Agostino Library for Legal Education shall be established.

EXPLANATION: Mr. Max E. Greenberg is an alumnus of The City College, Class of 1916, former president of the Alumni Association and leading practitioner in the field of contract law. Mrs. Filomen M. Greenberg is a highly respected member of the Bar. The renaming of the Center and the establishment by the College of the Filomen Maria D'Agostino Library for Legal Education is in recognition of the generous lifelong support of Mr. and Mrs. Greenberg for the College and its newly-established legal program. The proposed change of name has the approval of the Executive Committee of the Faculty Council of the College of Liberal Arts and Science, and the President of The City College recommends its adoption.

B. BYLAW AMENDMENTS: Notice was served of the introduction of the following amendments to the Bylaws of the Board:

(1) Amendments to Articles VI and XI to add adjunct titles to Biomedical Professorial Series

(2) Amendments to Article XIV to establish the title of College Administrative Associate

The amendments will be considered by the Board at its October meeting.

C. SHANKER VS. BOARD OF EDUCATION:

RESOLVED, That in an action entitled Shanker et al vs. Board of Education of the City School District of New York; the Board of Higher Education of the City University of the City of New York, et al, the Board wishes to assert the legal position that Local Law No. 20 of 1978, to amend the administrative code of the City of New York in relation to residence of officers and employees, does not apply to the employees of the Board of Higher Education in that the City Council is not empowered under the Constitution and laws of the State of New York to enact a local law relating to the residence of employees of the Board.

EXPLANATION: The Board is a party defendant in Shanker et al. vs. Board of Education, et al. Insofar as the Corporation Counsel of New York City, in defending the Mayor, the City Council President, the City Council and the City of New York, also parties defendant, takes the position that the Local Law applies to employees of the Board, a conflict of interest will be created. The resolution will permit the Board to be represented by its own counsel in the action.

It was agreed that the Committee on Central Administration would examine the merits of a residency requirement for the Board's employees and report to the Board later in the year.

Upon motions duly made, seconded and carried, the meeting was adjourned at 6:02 P.M.

ETTA G. GRASS
Acting Secretary of the Board