

**MINUTES OF THE MEETING OF THE BOARD OF
TRUSTEES OF THE CITY UNIVERSITY OF NEW YORK**

HELD

APRIL 26, 1982

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

The Chairperson called the meeting to order at 4:22 P.M.

There were present

**James P. Murphy, Chairperson
Edith B. Everett, Vice Chairperson**

**Paul P. Baard
Herman Badillo
Blanche Bernstein
Sylvia Bloom
Armand D'Angelo**

**Harold M. Jacobs
Jules Kolodny
Albert V. Maniscalco
Robert L. Polk
Joaquin Rivera**

Henry Wasser, ex officio

Garth Marchant, ex officio

**Martin J. Warmbrand, Secretary of the Board
David B. Rigney, General Counsel and Vice Chancellor for Legal Affairs**

**Chancellor Robert J. Kibbee
Acting Deputy Chancellor Leon M. Goldstein
President Milton G. Bassin
President Roscoe C. Brown, Jr.
President Saul B. Cohen
President Flora Mancuso Edwards
Acting President Israel Glasser
President Bernard W. Harleston
President Leonard Lief
President Gerald W. Lynch
President Kurt R. Schmeller
President Ursula Schwerin**

**President Joel Segall
President Donna E. Shalala
President Joseph Shenker
President Richard D. Trant
President Edmond Volpe
Vice Chancellor Richard M. Catalano
Acting Vice Chancellor Leo A. Corbie
Vice Chancellor Julius C.C. Edelstein
Vice Chancellor Donal E. Farley
Vice Chancellor Ira H. Fuchs
Vice Chancellor Jerald Posman
Vice Chancellor Leonard O. Roellig
Etta G. Grass, Assistant Secretary of the Board**

The absence of Mr. Cavanagh, Mr. Gribetz and Ms. Titone was excused.

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A. PRESIDENTIAL HONOR: The Chairperson reported that President Joshua L. Smith of Borough of Manhattan Community College has been elected for a full three-year term to the Board of Directors of the American Association of Community and Junior Colleges, an organization which represents some 900 community, junior, and technical colleges, a majority of the two-year institutions that now operate in this country. The Chairperson noted that this honor reflects on the President's and the College's reputations and is a tribute to President Smith's hard work.

B. COMMUNITY COLLEGE WEEK: The Chairperson reported that Mayor Koch has proclaimed the week of April 25 as the first Community College Week. Several Board Trustees were present at the ceremonies held at City Hall.

C. GRANT: The Chairperson reported that the Alfred P. Sloan Foundation has awarded a grant of \$200,000 to LaGuardia Community College, the first grant in the Foundation's history to a community college. According to the letter received notifying of this award, "Many have tried but only one has been chosen." The Chairperson congratulated President Shenker and the College on this achievement.

D. MERIT SCHOLARSHIPS: President Shalala reported that more Merit Scholarships were awarded to students at Hunter College High School than to students at any other school in New York State.

E. DIRECTOR OF HUNTER COLLEGE CAMPUS SCHOOLS: President Shalala reported that an offer has been made to a potential new Director of the Campus Schools, who is a CUNY Ph.D. The name and further information will be submitted when the offer is accepted.

F. GUGGENHEIM FELLOWSHIPS: The Chairperson reported that Guggenheim Fellowships have been awarded to six members of the University faculty and noted that this is a tribute to the teaching and research capabilities of the University.

G. MEMORIAL RESOLUTION MARKING THE DEATH OF JACK I. POSES: Upon motions duly made, seconded and carried, the following resolution was adopted:

WHEREAS, Jack I. Poses, respected businessman and liberal philanthropist, gave generously of his time and extraordinary talents in the service of City University for a period of close to 20 years; and

WHEREAS, As a member and Vice Chairman of the Board of Higher Education he demonstrated uncommon perceptiveness and strength of will in dealing with the challenges facing the University system in a period of unprecedented growth; and

WHEREAS, In his role as Chairman of The City University Construction Fund, he successfully mobilized the State and City governments in support of the University's essential building program; and

WHEREAS, The creation and superior design of several University campuses, including the highly regarded Graduate Center, owe much to his devotion and fiscal acumen; and

WHEREAS, He will be remembered beyond City University for his largesse as a patron of the arts, founder of the Einstein School of Medicine and the School of Art and Institute of Fine Arts at Brandeis University, generous supporter of Jewish Philanthropies and other charities and director of the committee responsible for the restoration of Gracie Mansion; therefore be it

RESOLVED, That the Board of Trustees expresses its deep appreciation of one of its most prominent and effective former members and extends its sincere sympathy to his bereaved family.

At this point Mr. Baard joined the meeting.

H. MEMORIAL RESOLUTION MARKING THE DEATH OF HAROLD WALTER STROKE: Upon motions duly made, seconded and carried, the following resolution was adopted:

WHEREAS, Harold W. Stoke, eminent educator, gentleman and scholar, served as president of Queens College of The City University of New York from 1958 until his retirement in 1965; and

WHEREAS, His previous extensive and distinguished experience on many campuses lent vision and insight to his stewardship of Queens College during a period of rapid expansion; and

WHEREAS, The stability and insistence on excellence which marked his tenure are still enjoyed by faculty and students alike; and

WHEREAS, His sense of humor, perspective, unflinching courtesy and thoughtfulness are remembered by his colleagues with affection and respect; therefore be it

RESOLVED, That the Board of Trustees place on record its sincere regret at his passing and its appreciation of the privilege of having him as a colleague during an important time of transition for Queens College.

At this point Mrs. Everett joined the meeting.

Upon motions duly made, seconded and carried, the following resolutions were adopted or action was taken as noted: (Calendar Nos. 1 through 8)

NO. 1. UNIVERSITY REPORT: RESOLVED, That the University Report for April 26, 1982 (including Addendum Items) be approved as amended as follows:

(a) Item AA.1. Appointment with Tenure - Approved by the Board Committee on Faculty, Staff and Administration: Amended to read as follows:

UNIT, DEPARTMENT, TITLE, NAME	EFFECTIVE	SALARY RATE	BYLAW SECTION TO BE WAIVED
The City University of New York School of Law at Queens College Law - Professor Charles R. Halpern	5/1/82	\$64,000/A*	6.2.c

*The salary is for Dean and Professor of The City University of New York School of Law at Queens College.

(b) Item CI. 15. 1. CONTRACT TO PURCHASE MICRO-COMPUTERS (BOROUGH OF MANHATTAN COMMUNITY COLLEGE): Withdrawn.

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

D.6. The College of Staten Island - Waiver of the Bylaws - Appointment (Annual Salary Basis) - Approved by the Office of Faculty and Staff Relations):

DEPARTMENT, TITLE, NAME	EFFECTIVE	SALARY RATE	BYLAW SECTION TO BE WAIVED
Computer Services HEI (Academic Data Entry Asst.) Michael Rodriguez(2)	5/3/82-6/30/82	\$14,500/A	11.13a.B

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D.7. Central Office - Administrative Designation

DEPARTMENT, TITLE	NAME	EFFECTIVE	ANNUAL SUPPLEMENT
Office of the Chancellor Univ. Associate Dean (Univ. Associate Dean for Executive Office)	Mary E. Taylor(11)*	5/1/82	\$6,998/A

*Expiration of Administrative Designation as Deputy to the Chancellor.

(d) Items listed in PART E - ERRATA, to be withdrawn or changed as indicated, with the exception of the following:

- (1) The errata entry with respect to Dr. Herbert A. Wilson of Medgar Evers College is withdrawn.
- (2) The errata entries with respect to Michael DeMarco and John Barbero of Bernard M. Baruch College are withdrawn.

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

NO. 2. CHANCELLOR'S REPORT: RESOLVED, That the Chancellor's Report for April 26, 1982 (including Addendum Items) be approved, as amended as follows:

- (a) Item AIII. Changes in Existing Courses (John Jay College): The change in course description of Math 105 and the changes in title description of Math 100 and Math 220 are withdrawn.
- (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 Trustees.

At this point Mr. Marchant joined the meeting.

NO. 3. APPROVAL OF MINUTES: RESOLVED, That the minutes of the Board meeting of March 22, 1982 be approved as circulated.

At this point Mr. Badillo joined the meeting.

NO. 4. COMMITTEE ON FACILITIES PLANNING AND MANAGEMENT AND CONTRACT REVIEW: RESOLVED, That the following items be approved:

A. QUEENS COLLEGE - SCIENCE BUILDING, REPLACEMENT PARKING FIELD:

RESOLVED, That the Board of Trustees approve final plans and specifications and cost estimate of \$595,000 for construction of a replacement parking field as a first phase of construction of the New Queens College Science Building, as prepared by Davis and Brody, Architects; and be it further

RESOLVED, That The City University Construction Fund be requested to accept the aforesaid contract documents and request the Dormitory Authority to proceed to advertise and award contracts for the work.

EXPLANATION: On April 26, 1976 (Cal. No. 11 B) the Board approved final bidding documents for a new Science Facility for Queens College. However, because of the lack of available financing, construction of this project (as well as several others) was indefinitely deferred.

Following a gradual period of fiscal improvement and the restart of a number of other projects which had been suspended in mid-construction, the Queens Science Building was authorized for construction in the 1981-82 State Budget and Dormitory Authority financing was completed last month.

The plans and specifications for the facility are currently being updated to meet present day material availability and construction methods, energy conservation requirements, etc. Such work should be completed by early summer.

The plans and specifications are complete for an adjacent parking lot which will replace a present lot on which the new building will be constructed. In order to permit the project to move ahead, it is recommended that contracts for the replacement parking facility be awarded as soon as possible. This will minimize inconvenience by maintaining the present number of campus parking spaces as well as allowing the work to proceed in the spring and summer during which time it can be constructed more expeditiously and presumably at lowest cost.

The lot will provide approximately 500 parking spaces and will include associated drainage, lighting, etc.

B. LEHMAN COLLEGE - ART DEPARTMENT FACILITY:

RESOLVED, That the Board of Trustees approve final plans and specifications for alteration work in the former Shuster Hall Library at Lehman College to provide a facility for the Art Department at an estimated cost of \$3,380,000 as prepared by Cain, Farrell and Bell Architects; and be it further

RESOLVED, That The City University Construction Fund be requested to accept the aforementioned contract documents and to in turn request the Dormitory Authority to proceed to advertise and award contracts for the work.

EXPLANATION: Heretofore, on August 4, 1980 (Cal. No. 6) the Board selected the firm of Cain, Farrell and Bell to prepare plans, specifications, etc. for the conversion of the former library building to a facility for the Arts Department, which is currently housed in a poor quality, off-campus leased facility.

Plans and specifications have been completed and Dormitory Authority bonds have been sold to finance the alteration work.

C. BROOKLYN COLLEGE - LABORATORY RENOVATION:

RESOLVED, That the Board of Trustees of The City University of New York approve the contract documents as prepared by The Rice Partnership and authorize the Office of Facilities Planning and Management to advertise, bid and award contracts to the lowest responsible bidder for furnishing all labor, materials and equipment required for laboratory rehabilitation work at Brooklyn College (Project BY766-980) at an estimated cost of \$234,432, chargeable to Capital Project Nos. HN-203; and be it further

RESOLVED, That the Director of Management and Budget be requested to approve the funding necessary to award this contract.

EXPLANATION: The proposed work consists of rehabilitation of organic chemistry laboratory facilities in Ingersoll Hall.

D. MEDGAR EVERS COLLEGE - 1982-83 UNIFORMED GUARD SERVICE CONTRACT:

RESOLVED, That the Board of Trustees approve and authorize the Business Manager of Medgar Evers College to advertise for, receive and open bids, and award a contract to the lowest responsible bidder for Uniformed Security Guard Service at Medgar Evers College for the period July 1, 1982 through June 30, 1983 with options to renew for each of three (3) consecutive years at an initial estimated cost of \$380,000 per year chargeable to expense code 234801400 and/or such other funds as may be available.

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EXPLANATION: Medgar Evers College utilizes one owned facility at 1150 Carroll Street and one leased facility at 402 Eastern Parkway, both in the Crown Heights area of central Brooklyn. The location and physical characteristics of these buildings make Uniformed Security Guard Service essential for the protection of personnel, facilities, equipment, and supplies.

It was the sense of the meeting that the new vendor might rehire qualified guards but would not rehire those considered unqualified.

E. CENTRAL OFFICE – ACQUISITION OF A UNIVERSITY-WIDE DATA BASE MANAGEMENT SYSTEM:

RESOLVED, That the Board of Trustees approve the specifications and contract documents and authorize The City University to purchase and have installed at the University Computer Center and at the colleges a set of base management tools offered by the Cullinan Corporation, and that the estimated cost not exceed \$380,000 to be paid over a two year period, \$200,000 chargeable to Code 7000-176-8201-2: 21250-14-00 in Fiscal Year 1981-82 and the balance chargeable to Code 7000-176-8301-2: 21250-14-00 and other appropriate codes in Fiscal Year 1982-83.

EXPLANATION: The Management consulting firm of Deloitte, Haskins and Sells have submitted their final report for the conceptual design of a management information system for The City University as part of an overall development plan to be funded by New York State and The City University. One of the recommendations of this report is the standardization on a single set of data base management tools which will be used for future applications in Management Information Systems centrally as well as at the colleges.

New York State has earmarked \$320,000 for MIS activities in the 1981-82 budget year: the acquisition of the data base management tools will be charged against these funds and funds to be made available in the 1982-83 budget year.

This resolution has the approval of the Vice Chancellor for University Systems.

F. LEHMAN COLLEGE - CENTRAL ANIMAL QUARTERS:

RESOLVED, That the Board of Trustees of The City University of New York approve an increase in cost and authorize the Office of Facilities Planning and Management to award contracts to the lowest responsible bidders for construction of a Central Animal Quarters at Lehman College as prepared by David Paul Helpert Associates at the aggregate low bid cost of \$675,324 chargeable to the State Capital Construction Budget.

EXPLANATION: At the February 23, 1981 meeting (Cal. No. 5C), the Board approved contract documents and estimated cost of \$570,285 for renovation to construct a Central Animal Facility in Davis Hall. Although the plans were complete, bidding of the work was delayed pending completion of other campus alteration work needed to permit relocation of activities housed in the area assigned for the new central animal quarters.

On March 3, 1982, bids were received for this project as follows:

Contract	Original Estimate	No. of Bids	Range of bids
1. General Construction	\$176,090	11	\$228,300 to \$313,999
2. Heating, Ventilation and Air Conditioning	\$233,965	7	\$229,543 to \$365,000
3. Plumbing	\$ 87,860	9	\$ 88,681 to \$121,000
4. Electrical	\$ 72,370	5	\$128,800 to \$239,000
Total	<u>\$570,285</u>		<u>\$675,324</u>

The difference in cost is attributable in part to cost escalation since the date of the original estimate was prepared. The Office of Facilities Planning and Management has reviewed the bids and in view of the number and range of bids received for each contract does not believe that rebidding would result in lower costs. It is therefore recommended that the approved cost estimate be increased to \$675,324 and that contracts be awarded to the low bidders for each trade.

G. THE CITY COLLEGE - STEINMAN HALL STEAM VALVE AND TRAP REPAIRS:

RESOLVED, That the Board of Trustees of The City University of New York approve the contract documents, specifications and expenditure and authorize The City College to advertise for, receive and open bids and award contract to the lowest responsible bidder for the Repair and Retrofitting of all Perimeter Heating Steam Traps and Honeywell Pneumatic Steam Radiator Control Valves in Steinman Hall at an estimated cost of \$100,000 chargeable to the Senior College Special Repair Code.

EXPLANATION: It is imperative that all perimeter steam traps and pneumatic radiator control valves be repaired and retrofitted in order to accomplish a substantial energy savings. Existing valves are over 20 years old. Heating is uncontrollable and considerable live steam is lost.

H. CITY COLLEGE - REPLACEMENT OF SIDEWALKS:

RESOLVED, That the Board of Trustees of The City University of New York approve the contract documents, specifications and expenditure and authorize The City College to advertise for, receive and open bids and award contract to the lowest responsible bidder for the Replacement of Campus Sidewalks at an estimated cost of \$100,000, chargeable to the Senior College Special Repair Code.

EXPLANATION: On site inspection has revealed serious deterioration and hazardous conditions of present sidewalks and curbs due to severe damage (salt, ice, etc.) caused by weather conditions.

I. QUEENSBOROUGH COMMUNITY COLLEGE - HUMANITIES BUILDING AIR CONDITIONING:

RESOLVED, That the Board of Trustees of The City University of New York approve the contract documents and specifications and authorize Queensborough Community College to advertise for, receive and open bids and award contract to the lowest responsible bidder for piping and construction necessary to connect the Humanities Building air conditioning system to a central chilled water supply in the Medical Arts Building, at an estimated cost of \$132,000, chargeable to Code No. 042-6400-2177-01-460.

EXPLANATION: The air conditioning plant in the Humanities Building has deteriorated and is no longer operable. Absorption units recently installed in an adjacent Medical Arts Building complex were sized to support the Humanities Building air conditioning needs, but require underground chilled water piping connections.

J. CENTRAL OFFICE-LEASE/PURCHASE OF A PABX TELEPHONE SYSTEM:

RESOLVED, That the Board of Trustees of The City University of New York approve contract documents and specifications and authorize the Central Office to advertise for, receive and open bids, and award a contract to the lowest responsible bidder for the lease/purchase of a Private Automatic Business Exchange (PABX) telephone system at a total estimated cost of \$500,000 over ten years, chargeable to the Central Office's budget.

EXPLANATION: The installation of a PABX will enable the Central Office to save an estimated 25% to 30% of current telephone costs and allow for tight fiscal control and close monitoring of all local and long distance use, daily if necessary. In addition to cost savings, the system provides flexibility in the assignment and use of individual lines, and has numerous time-saving features such as call forwarding and queuing. The Central Office will be effectively upgrading its current level of telephone service while saving money.

This resolution has the approval of the Vice Chancellor for University Systems.

K. CENTRAL OFFICE - ACQUISITION OF A UNIVERSITY-WIDE PERSONNEL SYSTEM:

RESOLVED, That the Board of Trustees approve the specifications and contract documents and authorize The City University to purchase and have installed at the University Computer Center a computerized personnel records system, and that the estimated cost not exceed \$350,000 to be paid over a two year period, \$120,000 chargeable to Code 7000-176-8201-2: 21250-14-00 in Fiscal Year 1981-82 and the balance chargeable to Codes 7000-176-8301-2:21250-14-00 in Fiscal Year 1982-83.

EXPLANATION: The final report of the management consultants of Deloitte, Haskins and Sells on the conceptual design for a management information system for The City University recommended the acquisition of a personnel system. The University and the N.Y. State Division of Budget have agreed that the benefits to be derived from a centralized personnel system are such that it should receive immediate priority.

This acquisition will be charged against funds provided by New York State for MIS activities.

This resolution has the approval of the Vice Chancellor for University Systems.

L. QUEENSBOROUGH COMMUNITY COLLEGE - 1982-83 UNIFORMED GUARD SERVICE CONTRACT:

RESOLVED, That The City University of New York approve the contract documents and specifications and authorize Queensborough Community College to advertise for, receive and open bids, and award a contract to the lowest responsible bidder for furnishing Uniformed Guard Service to the College at an estimated cost of \$360,553 chargeable \$345,553 to Code 2-348-01-400 and/or other such funds as may be available, subject to financial ability and \$15,000 to non-tax levy funds.

EXPLANATION: Uniformed guard service is essential to the college to provide protection and security of personnel, facilities, equipment and supplies.

NO. 5. COMMITTEE ON ACADEMIC POLICY, PROGRAM, AND RESEARCH: RESOLVED, That the following items be approved:

A. HOSTOS COMMUNITY COLLEGE - A.A.S. IN DATA PROCESSING:

RESOLVED, That the program in Data Processing leading to the Associate in Applied Science (A.A.S.) degree, to be offered at Hostos Community College be approved, effective September 1982, subject to financial ability.

EXPLANATION: This program prepares graduates for employment in entry-level positions in the area of Business Data Processing in titles such as Computer Operators, Console Operators, Programming Trainees and provides courses which may be applied toward a baccalaureate degree.

The curriculum includes 21 credits in Liberal Arts, 8 credits in Accounting, 7 credits in Business and 21 to 22 credits in Data Processing. An internship of one semester (which provides 6 credits) in an agency related to the student's area of interest is included. A special feature of the program is that it is organized in the system approach basis, is bilingual and uses Computer Assisted Instruction. Implementation of the program will entail moderate additional cost which the college will assume in its regular operating budget.

B. MEDGAR EVERS COLLEGE - CERTIFICATE IN WORD PROCESSING:

RESOLVED, That the Word Processing Certificate Program to be offered at Medgar Evers College of The City University of New York be approved, effective September 1982, subject to financial ability.

EXPLANATION: The program prepares graduates for employment in entry-level positions in the area of word processing and the secretarial field in titles such as Word Processing Operator, Correspondence Secretary, and Secretary, and provides courses which may be applied towards an A.A.S. degree or transfer to a senior college. The program is supported by the accessibility of the Department of Secretarial Science's laboratories which house 12 up-to-date word processing stations and 39 typing stations.

NO. 5X. FEINBERG LAW CLAIMS: Mrs. Everett read the following statement into the record:

I am pleased to announce the settlement of claims of 10 employees dismissed during the early 1950's pursuant to City and State laws as a result of their refusal to testify concerning alleged membership in the Communist Party. The laws pursuant to which these teachers were dismissed were declared unconstitutional in the late '60's. As a result of the settlements, seven of these former employees will receive pensions through annuity contracts purchased for their benefit, and the estates of three former employees will receive payments. The Board of Trustees has supported these settlements in recognition of the moral injustices suffered by the dismissed employees and with the intention that the repression which permeated the McCarthy era will not again affect this University. The cost of the settlements will be about \$1,000,000.

On behalf of the Board, I wish to express my thanks to all the individuals who assisted in making these settlements possible. I want to thank the City Corporation Counsel, the City Comptroller and the City Council President, and especially Board General Counsel and Vice Chancellor David Rigney. The Board hopes that these settlements will be of some recompense for the suffering endured by the claimants from their dismissals in violation of their now recognized constitutional rights.

NO. 5Y. BRONX COMMUNITY COLLEGE - SILVER ANNIVERSARY: President Brown announced that Bronx Community College is celebrating this year the 25th anniversary of its founding. In commemoration of this event the College is sponsoring on Friday, April 30, from 9 to 4 a conference on the past and future of the urban community. Distinguished participants from The City University include Presidents Harleston and Proshansky, Prof. Herbert Bienstock, and Dr. Barry Commoner. All the Board members were invited to attend.

NO. 6. COMMITTEE ON FACULTY, STAFF, AND ADMINISTRATION: RESOLVED, That the following items be approved:

A. DISTINGUISHED PROFESSOR: RESOLVED, That Rohit Parikh be designated Distinguished Professor in the Department of Computer and Information Science at Brooklyn College for the period 9/1/82-8/31/83, with compensation at the rate of \$5,000 per annum in addition to his regular academic salary, subject to financial ability.

B. NON-INSTRUCTIONAL WHITE COLLAR AGREEMENT:

RESOLVED, That the collective bargaining Agreement covering non-instructional University employees in the clerical, administrative and professional titles bargaining unit represented by District Council 37, AFSCME (and its affiliated Locals, 384, 1407, 2054 and 2627), Local 300 Service Employees International Union, Local 306 Moving Picture Machine Operators International Association of Theatrical and Stage Employees, New York State Nurses Association and Local 375 AFSCME, for the period July 1, 1980 to June 30, 1982 be approved subject to approval of the Financial Control Board; and be it further

RESOLVED, That upon due ratification by the membership of the respective unions, said Agreement shall be submitted to the Financial Control Board for approval; and be it further

RESOLVED, That actions taken to implement those portions of the Agreement previously approved by the Financial Control Board be approved; and be it further

RESOLVED, That the Chancellor is hereby authorized and directed to execute such Agreement.

EXPLANATION: The prior collective bargaining Agreements between the parties expired June 30, 1980. Pursuant to the 1979 Amendments to the New York State Education Law (Chapter 306), this bargaining unit covering University employees in clerical, administrative and professional titles was established under the rules and regulations of the New York State Public Employment Relations Board and combines in a single bargaining unit titles previously covered by several City-wide bargaining units and represented by several unions and locals.

The salary terms contained in this Agreement were established pursuant to the Municipal Coalition Economic Agreement of June 18, 1980 and have been approved by the Financial Control Board. They are already in effect. The University has continued to honor provisions of the expired Agreement pending the completion of a successor Agreement. This resolution, in addition to approving the new Agreement, affirms action taken by The University since the last Agreement.

**AGREEMENT COVERING
NON-INSTRUCTIONAL CLERICAL, ADMINISTRATIVE AND
PROFESSIONAL EMPLOYEES**

JULY 1, 1980 - JUNE 30, 1982

BACKGROUND

Under the 1979 amendments to the New York State Education Law (Chapter 306), The City University of New York has the responsibility for negotiation of its own collective bargaining agreements. The salary terms contained in this agreement were established pursuant to the Municipal Coalition Economic Agreement on June 18, 1980 and have been approved by the New York State Financial Control Board. They are already in effect. The University has continued to honor provisions of the expired agreements pending the completion of a successor agreement.

This Agreement covers 5,000 University employees in clerical-administrative titles (Gittlesons, College Assistants, Engineers, Architects, Accountants, Nurses and some Computer personnel). These employees are represented by the following Unions: District Council 37, AFSCME, Service Employees International Union (Local 300), Moving Picture Operators International Association of Theatrical and Stage Employees (Local 306), New York State Nurses Association, and Civil Service Technical Guild Local 375.

The new Agreement combines and continues, in a single document, the applicable provisions of its several predecessor agreements while including those minor modifications and adaptations which are needed to reflect the status of C.U.N.Y. as a separate and unique employer. The following summarizes significant provisions and changes which were agreed to in negotiations:

ARTICLE I – UNION RECOGNITION, UNIT DESIGNATION AND DEFINITIONS

- Establishes the parties to the agreement and the University's recognition of the multiple union arrangement. (joint recognition)
- Identifies all job titles in the bargaining unit.
- Establishes a mechanism for continuing and identifying particular positions excluded from coverage because of the managerial or confidential nature of their duties.
- Provides for participation by CUNY and CUNY employees in pension bargaining if pension bargaining is authorized by the New York State Legislature

ARTICLE III - SALARIES

- All salary provisions of the agreement are in accordance with the Municipal Coalition Economic Agreement (MCEA) or with salary review panel or impasse panel decisions reached pursuant to the MCEA on a City-wide basis. These salaries were approved by the Financial Control Board and have been in effect.

ARTICLE V - PRODUCTIVITY, PERFORMANCE TRAINING AND EDUCATIONAL OPPORTUNITY

- Continues basic provisions on productivity, training and educational opportunities of previous contracts. Training programs to focus on enhancement of job skills.
- Provides a University role in the development of courses under union-administered training funds. Codifies certain restrictions regarding the use of tuition waivers.

ARTICLE VIII - OVERTIME

- Continues previous provisions. Allows use of compensatory time (instead of cash payment) for ordered overtime. (Section 2 d)
- Allows some revision of schedules to meet registration needs without incurring automatic overtime (section 4)
- Increases meal allowances for overtime to same levels provided in the current City-wide Contract. (Section 9)
- Allows an employee who has been called in for emergency service to leave when he/she has completed such service (by the waiver of a four hour guarantee). (Section 10 b)
- Restricts the amount of overtime which can be worked in a 24 hour period and restricts double shifts to a two week period. (section 14)

ARTICLE IX - TIME AND LEAVE

- Provides for the establishment of updated leave regulations by the University. (Section 1) Incorporates same into Agreement.
- Continues previous provisions re authorization of use of Annual Leave.
- Continues Summer hours and early dismissal due to excessive heat provisions. (Section 16c)
- Provides for the schedules payment of earned Annual Leave to College Assistants and identifies the periods for which such leave is paid as scheduled vacation periods; these provisions will reduce the University's liability for Unemployment Insurance contributions. (Section 17 e 2)

ARTICLE XVII - JOB SECURITY

- Provisions of previous City-Wide Contract are adapted to CUNY.
- The bulk of the Article deals with non-competitive appointees because retrenchment of competitive appointees is covered by the New York State Civil Service Law.
- Recognition is made of a provision of the Education Law (Section 6207) which continues civil service rights of employees hired when the University was a City agency.

ARTICLE XVIII - TRANSFERS

- This Article revises a previous University-wide transfer policy and extends it to all full time employees under the Agreement. It enables an employee who has two years of service to transfer from his/her present position to another position at another college. The receiving college may choose one of the top three names on a transfer roster. Decisions regarding transfer are not subject to the grievance procedure.

ARTICLE XXI - SPECIAL PROVISIONS APPLICABLE TO COLLEGE ASSISTANTS

- Consolidates previously established provisions regarding College Assistants.
- Provides for the review by college Personnel Officer of the salary rate of a College Assistant whose job assignment may have changed.
- Recognizes problem of fringe benefits for College Assistant who is required to forego employment to serve on jury duty.
- Provides for discussion of any major reduction in funding affecting College Assistants so that the parties might jointly explore alternatives to reduction in College Assistant jobs.
- Adjusts the maximum number of work hours per year for College Assistants.

ARTICLE XXIII - MANAGEMENT RIGHTS

- Establishes scope of managerial rights and functions now required because previously applicable New York City Collective Bargaining Law ceased to govern CUNY with change in University status effective July 1, 1979. Provides for negotiation on practical impact on employees of management decisions, as required by The Taylor Law.

ARTICLE XXVI - DISCIPLINARY PROCEDURE

- Institutes a new disciplinary procedure.
- Employees will be subject to discipline in terms of this Article only; it will replace provisions of the Trustees Bylaws and the Civil Service Law.

Replaces three member panels at colleges with a single hearing officer.

ARTICLE XXVII - GRIEVANCE PROCEDURE

- Reflects CUNY's new status under the 1979 changes in the Education Law.
- Unresolved disputes to be submitted to third party resolution (arbitration) under the rules of the American Arbitration Association.

The complete Agreement is on file in the Office of the Secretary.

NO. 7. COMMITTEE ON PUBLIC POLICY AND EXTERNAL RELATIONS: RESOLVED, That the following item be approved:

A. TUITION INCREASE POLICY:

RESOLVED, That tuition charges at the senior colleges of the University are to be increased for the 1982-83 Fiscal Year so that \$13.5 million in additional revenue can be generated to meet the funding of the 1982-83 budget; and be it further

RESOLVED, That community college tuition rates are to be equalized to those of the senior colleges so that City budget reductions comparable to those made by the State will be offset and so that the policy of parity of tuition can be maintained at The City University; and be it further

RESOLVED, That the details of the tuition increase and appropriate student aid levels are to be determined by the Board of Trustees at its May 1982 meeting.

EXPLANATION: The 1982-83 State Executive Budget for the senior colleges was predicated on tuition increases that would generate \$13.5 million of revenue. The Legislature has voted a \$9.6 million increase to the Executive Budget contingent on an increase in tuition that would raise \$13.5 million to meet the funding required in the Executive Budget. Without a tuition increase, the senior colleges would lose the \$9.6 million of additional funding and be forced to take \$13.5 million of budget cuts. This would result in financial chaos at the senior colleges.

The City's 1982-83 Financial Plan for the community colleges also is based on a tuition increase. Without this increase the colleges will face a sharp budget reduction. Community college tuition rates have been the same as senior college rates since the imposition of tuition in 1976-77. The Board, in the past, has affirmed the importance of keeping the cost of education at the entire University identical. (June 18, 1979, Cal. No. 1). Therefore, the new tuition levels that will be set for the senior colleges will be applied to the community colleges where appropriate. A detailed action resolution for these tuition increases is now being formulated by the Chancellor's Office and will be presented to the Board's Fiscal Affairs Committee at its May meeting.

Mr. Murphy, Mrs. Everett, Mr. Baard, Mr. Badillo, Dr. Bernstein, Mrs. Bloom, Mr. D'Angelo, Dr. Jacobs, Dr. Kolodny, Mr. Maniscalco, Dr. Polk, and Mr. Rivera vote YES; Mr. Marchant voted NO.

At this point Mr. Baard left the meeting.

ADDED ITEM

NO. 8. STUDENT ACTIVITY FEE BYLAW AMENDMENT: A memorandum was presented confirming the view of the Office of the General Counsel, as supported by the Attorney General of the State of New York, that the restraining order expired in August 1981 and that there is not currently in effect a restraining order with respect to the implementation of the student activity fee policy and bylaws and that the Board accordingly is under no legal constraint in making effective the bylaws adopted at its September 1981 meeting.

A resolution to this effect was moved and seconded. Mr. Marchant asked that the motion be declared out of order on the ground that under Roberts' Rules of Order the Board could not reconsider an action taken seven months ago. The Chair ruled against Mr. Marchant.

The following resolution was adopted on condition that the Court certify that the restraining order did in effect terminate on August 25, 1981:

RESOLVED, That bylaw sections 15.8 through 15.14 as amended and added by the Board of Trustees at its meeting on September 24, 1981 be effective May 5, 1982.

EXPLANATION: At its meeting on September 24, 1981, the Board of Trustees adopted bylaw amendments necessary to implement the Policy Statement on Student Activity Fees adopted by the Board at its meeting on June 22, 1981. At its September 24, 1981 meeting the Board decided to delay implementation of the bylaw amendments pending the issuance of a decision in the proceeding *Marchant v. Murphy*, then and now pending in the Supreme Court of the State of New York, or until such later time as the order of the Supreme Court or a Court of Appellate jurisdiction provided. The litigation was submitted to the Supreme Court for a decision on August 25, 1981, and the University had then asked the Court for an expedited determination. By letter dated April 5, 1982, the University again requested the Court for a decision. As of this date there has been no determination in the lawsuit.

A temporary restraining order entered by the Supreme Court on June 25, 1981, prohibited James P. Murphy, the Chairman of the Board of Trustees, and any of his agents, from taking any action to alter the manner in which student activity fees were administered under Article 15 of the Board's Bylaws, as were effective prior to June 22, 1981. At its meeting on September 24, 1981 the Board was advised by the General Counsel that in his opinion, and the opinion of the New York Attorney General, that the restraining order entered on June 25, 1981 expired by its own terms on August 25, 1981 and was no longer in effect. With the concurrence of the Attorney General, the General Counsel reports that since August 25, 1981 there has been no reinstatement of the restraining order and therefore it has not been in effect since August 25, 1981. The Board is therefore advised that there is no legal constraint to action by the University to implement the student activity fee policy and bylaws previously adopted at its regularly scheduled meetings of June 22, 1981 and September 24, 1981, respectively.

BOARD OF TRUSTEES

Making effective the bylaw amendments on student activity fees during May 1982 is necessary in order to allow sufficient transition time for the colleges to have fully implemented the bylaw amendments for the Fall semester 1982. The governing documents of the college associations must now be revised and submitted to the Board for approval, and other preparations and changes must be made by the colleges.

Mr. Murphy, Mrs. Everett, Dr. Bernstein, Mrs. Bloom, Mr. D'Angelo, Dr. Jacobs, Mr. Maniscalco, Dr. Polk, and Mr. Rivera voted YES; Dr. Kolodny abstained; Mr. Marchant voted NO.

Upon motions duly made, seconded and carried, the Board went into executive session to consider a personnel matter and a matter involving litigation.

The meeting was adjourned at 6:55 P.M.

**MARTIN J. WARMBRAND
Secretary of the Board**

**MINUTES OF THE EXECUTIVE SESSION MEETING OF THE
BOARD OF TRUSTEES OF THE CITY UNIVERSITY OF NEW YORK**

HELD

APRIL 26, 1982

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

The Chairperson called the executive session to order at 7 P.M.

There were present:

**James P. Murphy, Chairperson
Edith B. Everett, Vice-Chairperson**

**Blanche Bernstein
Sylvia Bloom
Armand D'Angelo
Jules Kolodny**

**Albert V. Maniscalco
Robert L. Polk
Joaquin Rivera**

Henry Wasser, ex officio

Garth Marchant, ex officio

**Martin J. Warmbrand, Secretary of the Board
David B. Rigney, General Counsel and Vice-Chancellor for Legal Affairs**

**Chancellor Robert J. Kibbee
Acting Deputy Chancellor Leon M. Goldstein
Acting Vice-Chancellor Leo A. Corbie
Vice-Chancellor Julius C.C. Edelstein
Vice-Chancellor Jerald Posman**

**President Richard D. Trent
Dr. Ted Lachman
Dr. Betty Shabazz
Etta G. Grass, Asst. Secretary of the Board**

The absence of Mr. Baard, Mr. Badillo, Mr. Cavanagh, Mr. Gribetz, Dr. Jacobs, and Mrs. Titone was excused.

Upon motions duly made, seconded and carried, the following resolutions were adopted or action was taken as noted: (Calendar Nos. 1 through 4)

NO. 1. AMENDMENT TO THE BYLAWS: (a) RESOLVED, That the prior notice requirements for bylaw amendment pursuant to Sec. 5.1 of the University Bylaws are hereby waived.

Mr. Marchant abstained.

(b) RESOLVED, That the Bylaws of The City University of New York, Sections 6.1, 6.5, 6.6, 10.1 and 11.3 be amended to add the new title, Deputy Vice Chancellor for Management and Budget, after Vice Chancellor and before University Administrator.

EXPLANATION: This Bylaw amendment supplements the existing senior administrative titles available in the Central Administration.

Mr. Marchant abstained.

NO. 2. SALARY - DEPUTY VICE CHANCELLOR FOR MANAGEMENT AND BUDGET: RESOLVED, That the salary of the Deputy Vice Chancellor for Management and Budget be \$56,524 per annum effective May 1, 1982, subject to financial ability, and subject to the approval of the State Director of the Budget.

EXPLANATION: In December, 1981 the Board approved an interim measure in the formulation of a comprehensive management pay plan for all executives of the University. The establishment of a compensation level for the title, Deputy Vice Chancellor for Management and Budget, is one further step toward such a plan.

Mr. Marchant abstained.

NO. 3. DESIGNATION OF DEPUTY VICE CHANCELLOR FOR MANAGEMENT AND BUDGET: RESOLVED, That Mr. James Lawrence be designated Deputy Vice Chancellor for Management and Budget* with total compensation of \$56,524 per annum, effective May 1, 1982, subject to financial ability, and subject to the approval of the State Director of the Budget.

EXPLANATION: Mr. Lawrence is currently a University Administrator in charge of both senior and community college budgets. In addition, over the last two years the Budget Director has taken on the added role of providing management analysis on key administrative and academic issues as well as making staff available for management consulting. At the present time a number of projects are being conducted on security, student placement, maintenance and operation of the physical plant, development offices and student health services.

*Expiration of Administrative Designation as University Administrator (Budget Director)

Mr. Marchant abstained.

NO. 4. MEDGAR EVERS COLLEGE: After hearing a report on the current situation at Medgar Evers College, and the status of a court action brought to end the current occupation of administrative offices at the College, the Board expressed its support for the ongoing efforts of the Administration of Medgar Evers College to operate the College in the face of current difficulties, and approved the Chancellor taking all actions which in his judgment are necessary and appropriate to protect the safety, welfare, and integrity of Medgar Evers College, its students, faculty, and administrators.

Mr. Marchant voted NO. Dr. Polk advised the Chair that he agreed with the Board's statement of support, but he was not present when the vote to approve the statement was taken.

Upon motions duly made, seconded and carried, the executive session was adjourned at 7:58 P.M.

MARTIN J. WARMBRAND
Secretary of the Board