

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

HELD

JULY 14, 1988

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

The Chairperson called the special meeting to order at 4:44 P.M.

There were present:

James P. Murphy, Chairperson

**Paul P. Baard
Blanche Bernstein
Sylvia Bloom
Maria Josefa Canino
Louis C. Cenci**

**Armand D'Angelo
Judah Gribetz
William R Howard
Harold M. Jacobs
Joaquin Rivera
Brenda Farrow White**

Abdallah Muhammad, ex officio

Shirley Ullman Wedeen ex officio

Etta G. Grass, Acting Secretary of the Board

**Chancellor Joseph S. Murphy
Deputy Chancellor Laurence F. Mucciolo
President Milton G. Bassin
Acting President Leo A. Corbie
President Matthew Goldstein
President Robert L. Hess
President Augusta Souza Kappner
President Leonard Lief
President Harold M. Proshansky
President Isaura S. Santiago**

**President Ursula Schwerin
President Joel Segall
President Edmond L. Volpe
Sr. Vice Chancellor Donal E. Farley
Vice Chancellor Ira Bloom
Acting Vice Chancellor Joyce Brown
Vice Chancellor Jay Hershenson
Vice ChancellorCarolynn Reid-Wallace
Vice Chancellor Joseph F. Vivona
Associate Counsel Michael Solomon**

The absence of Mrs. Everett, Dr. Polk, and Mrs. Titone was excused.

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A. GUSTAVE G. ROSENBERG: The Chairperson reported with sadness the death of Dr. Gustave G. Rosenberg, who was a Member of the Board of Higher Education from 1952 until 1956 and Chairman from 1957 until 1966. He pointed out that it was a formative period for many of the colleges, and the latter part of Dr. Rosenberg's chairmanship coincided with the establishment of the University as a university.

Upon motions duly made, seconded and carried, the following resolution was adopted unanimously:

WHEREAS, Dr. Gustave G. Rosenberg was appointed to the Board of Higher Education on October 31, 1952 and served as Chairman of the Board of Higher Education from 1957 until September 26, 1966, and

WHEREAS, During his term on the Board, Dr. Rosenberg served with extraordinary dedication to The City University of New York and its constituent communities, and

WHEREAS, His exemplary devotion to the cause of higher education and to the University extended even after his service on the Board had ended, and

WHEREAS, Dr. Rosenberg was a graduate of The City College, Class of 1922,

THEREFORE, Be it hereby resolved that the Board of Trustees of The City University of New York expresses its deepest regret over the passing of Dr. Gustave G. Rosenberg and extends its heartfelt condolences to his family.

NO. 1. COMMITTEE ON FISCAL AFFAIRS, FACILITIES AND CONTRACT REVIEW:
RESOLVED, That the following item be approved:

A. Non-Resident Tuition: In moving the resolution, Mr. D'Angelo made the following statement:

On June 6, 1988, Governor Cuomo announced a program of budget reductions intended to help fill a projected \$900 million revenue gap in the State's 1988-89 budget. Proposed agency-wide budget cuts of \$406 million, a \$300 million transfer from the Infrastructure Trust Fund and postponement of pending legislation comprised the elements of the savings plan.

The City University's share of the Governor's proposed agency cuts is composed of \$12.6 million in cuts in the senior college budget, \$4.2 million in increased tuition revenue from a \$1,500 annual increase in non-resident charges beginning in the spring of 1989 necessary to generate the required cash savings, elimination of all 1988-89 funding totaling \$2 million for four community college programs, and a \$600,000 cut in senior college capital rehabilitation funding. A June 16 letter from the Division of the Budget advised the University on expenditure limitations for 1988-89. These limitations incorporated those elements of the Governor's proposal that do not require legislative approval, that is, reductions in senior college spending authority but not the elimination of member items or the increased tuition. The last two items require legislative agreement, and the tuition increase requires action by the Board.

A spending plan must be submitted to DOB that identifies permanent savings as well as one-time reductions. The plan must, of course, not be in deficit. If tuition and other revenues are inadequate to meet the budget level, the University must further reduce spending on a dollar for dollar basis.

With respect to the proposed tuition increase, the position of the Division of the Budget is that the cut to the senior college budget will be increased from \$12.6 million to \$16.8 million if the non-resident tuition increase is not implemented. This would be necessary to generate the required cash savings in the Governor's plan.

While negotiations in Albany continue on the specifics of the gap-filling plan, there is general agreement among the parties that an increase in non-resident tuition at both SUNY and CUNY would be a necessary element. In fact, on July 12 the Executive Committee of the State University of New York Board of Trustees approved an increase in non-resident tuition effective with the Fall 1988 semester.

Approximately 9,700 students in the senior colleges are non-residents. Nearly two-thirds are foreign students. Approximately two-thirds are undergraduate students, and one-third are graduate students. Few out-of-State students receive financial aid, and no foreign students receive Federal or State support.

This special meeting of the Board was convened to consider the issue of increased tuition for non-resident students at the senior colleges as proposed by the Governor. Neither State law nor the Bylaws of the Board require that a public hearing be held prior to a special meeting of the Board. However, Chairperson Murphy and the Board scheduled a public hearing for July 12 because of the importance of this matter. Copies of the testimony presented at that time have been circulated to the Trustees.

Mr. D'Angelo continued with the following statement:

The action of the Board of Trustees of The City University of New York to increase non-resident tuition in accordance with the schedule presented on July 14, 1988 is recommended after extensive consideration of the Governor's directives, the Legislature's proposals, the response of the State University of New York to a similar situation, and following an evaluation of the potential impact on the student population involved. Although the University stands ready to work with the Governor and the legislative leadership to fulfill its educational mission for all of the people of the State and City who desire to become educated citizens, it is with anguish that the Board proposes an increase in tuition for a category of students who enrich the University and the culture of the City.

The City University of New York is no stranger to fiscal difficulties and the successful fulfillment of its educational mission has often been tested by the imposition of external financial restraints. In 1977, as a result of the New York City fiscal crisis, the Board, with extreme regret, departed from its 130-year-old tradition of free tuition. Fundamentally, the University has strived to protect the integrity and quality of its academic programs while retaining its historic commitment to student access and, in particular, to the lowest tuition possible. It is sound public policy to remove as many barriers to education as practicable for all students, including those who may not today meet the criterion of residency but who are among our most productive future citizens.

The State's policy makers should be advised of the extraordinary value of a diverse student body, offering multi-cultural views, lending strong support to the development of respect for the ethnicities we proudly represent and the

tolerance for which we strive. We have heard eloquent testimony from student representatives in this regard. To measure the contributions of non-resident students in exclusively financial terms is to deny the incalculable value of a pluralistic environment and the many lessons that can be learned within its scope.

The University understands and appreciates its fiduciary obligation to manage responsibly the resources that are allocated to it. The hard and difficult decision being made today represents our awareness of that recognition. However, the University will take the necessary steps to ameliorate the impact of tuition increases, especially in situations of extreme student hardship, through the availability of appropriate financial support and employment opportunities.

The resolution was seconded.

The Chairperson asked for an update on budget negotiations of the past few weeks, and Vice-Chancellor Vivona replied that the State has outlined a plan of proposed budget reductions and increased tuition for the University. While there are discussions about making some adjustments in the overall budget cut, all parties involved - the Legislature, the Governor's Office, the Division of the Budget - are in line with respect to the increase in revenue associated with non-resident students. While the University may receive some reduction in the budget cut, it will not be targeted towards this tuition issue. If the University does not make the change in tuition, the University's budget will be reduced further by \$4.2 million this year and in next year's budget by \$8.4 million, the annualized value of the increase now being proposed.

In reply to a question from Mr. Howard, Vice-Chancellor Vivona stated that there have been no proposals by any of the groups that would be involved in the decision-making process that would alter what they will do with the revenue budget. They will increase the revenue budget by the anticipated tuition revenue from non-resident increases, and if the University does not meet the budgeted level of revenue, the budget will be cut on a dollar for dollar basis, that is \$4.2 million for the year that began July 1 and \$8.4 million for the year that begins July 1989. That is separate and apart from the first round of cuts, the \$12.6 million cut.

Dr. Canino stated that in The New York Times of July 13, it was reported that the gap is much smaller than the \$900 million originally mentioned and that the distribution of the cuts will be different than that currently before the Board. She stated that the Board has a right to be informed other than through The New York Times and of what the implications of that are for the University and particularly with regard to the Administration's best judgment as to what will be the amount or percentage by which the University will be cut.

Vice-Chancellor Vivona replied that the University is currently working under a guideline distributed to all State agencies and The City University on June 11 outlining the cuts and the proposed change in revenue of the tuition increase. Since that time through the negotiations, they are working toward a change in the distribution of the cuts. That change in no case affects the revenue question, the tuition question. What they are dealing with primarily is the first \$12.6 million cut in the University's budget. The amount is not known at this time. There is no official word on an accord between the Legislature and the Governor's Office and the Division of the Budget. What is known is that that cut will be reduced, softening the blow to the University. However, it is

clear from all those involved, and the financial plan will say as much, that the revenue target will be increased by \$4.2 million.

Deputy Chancellor Mucciolo added that the Assembly has attempted to lower the University's cut on the expense side of the budget, but they have reached no final agreement with the Governor and the Division of the Budget nor with the State Senate. Only the Assembly is attempting to improve the University's relative position, but they have said systematically that they do not oppose, but in fact support, the additional revenue item of tuition. That is the most recent information. No interest has been expressed on the part of members of the Assembly to change the item on non-resident tuition.

Dr. Canino pointed out that the Committee was advised that the Senate proposal did not include the raising of non-resident tuition as part of the revenue package and asked whether that had changed. She stated that it is rumored that the gap is not \$900 million but \$300 million and if the University's cut is smaller and the State is still insisting on the tuition increase, then she suggested that this was a policy position taken by the State that foreign students should not continue to be subsidized by the taxpayers. She stated that it was a political issue that the University should be aware of and one which academically makes no sense in terms of the role of higher education and the mission of the University and the diversity and pluralism which foreign students add to the institutions.

Vice-Chancellor Vivona stated that the University is now operating with a direction from the Division of the Budget within the Governor's legal authority to reduce the budget by \$12.6 million and increase revenue. The Governor does not have the authority to increase the revenue, but what the State will do, if the University submits a financial plan that does not contemplate increased revenue, is reduce the budget further by \$4.2 million. That is where the University stands now, regardless of what the final State surplus turns out to be. If Dr. Canino is correct, the Chancellor and the Chairperson may wish to reconvene to reconsider items, but Vice-Chancellor Vivona did not see that at this point. The State is far along in this process, and the University is acting with the budget cuts, which have already been distributed to the eleven senior colleges. If they are submitted without the change in revenue, that financial plan will be rejected, and the University will be required to add \$4.2 million in cuts.

Chancellor Murphy stated that it has been a practice in a number of states to increase the charges for non-resident students. New York residents going to college in New Jersey actually pay rates higher than that paid by New Jersey residents coming to New York. He agreed that this is a shortsighted position and adversely affects the University in ways that suggest a very high level of insensitivity in certain quarters to the fact that the University's out-of-State students are not simply students from New Jersey or Connecticut but two-thirds of them are foreign students and are a different kind of constituency than are normally thought of when one speaks of out-of-State students. The University is caught in that and has made every effort it could to offer the State explanations of why the University should not be subject to this kind of an out-of-State student tuition increase. The State University does not have the same issue since the total number of their foreign students is much smaller. This has militated toward this policy, and it is especially unfair to the foreign students, who may eventually become American citizens or may go back to Third World countries. The University has tried to offer that explanation repeatedly. It is possible, and the Chancellor believed the University would be in a position to make more affirmative statements in this

regard and increase the amount of money available to assist those students who are in hardship as a result of these increases.

Mr. Muhammad stated that a New York student going to New Jersey can find a way to claim a New Jersey address and, therefore, pay resident tuition there. Foreign students do not play the games that are played here. Mr. Muhammad called attention to the fact that the Senate has not proposed the tuition increase for out-of-State residents. The \$900 million budget cut is the Governor's problem and not the problem of the University and does not have to be solved by the University. The gap has been reduced to \$300 million. If that is what the final figure may be, Mr. Muhammad questioned why the \$4.2 million cannot be incorporated in the reductions instead of taxing the foreign students. He asked why the foreign students, who make up the greatest part of out-of-State students, should be the ones penalized. It is a political move, and these students are not eligible for Federal or State subsidies. He questioned how they might eventually become citizens if they are not given the right to an education. The Governor should be told that the University prefers to have a cut and have the tuition increase incorporated in the budget reduction. There is no need for the Board to act now since the State has not even concluded what the amount of the gap will be. The Board should wait for the final decision of the legislators before it moves.

The Chairperson suggested that over the summer, through the Committee on Student Affairs and Special Programs, it might be possible to devise a system of financial remission. Mr. Muhammad had raised the question of whether or not that would be legal. Vice-Chancellor Vivona stated that there are currently assistantships for graduate students, and the same can be done with undergraduates. He pointed out, however, that there is no vagueness about the proposal as a budget cut. The University has thirty work days from the time notification from the State was received to submit the plan and live within its budget. Unless the State takes an action to change the plan, the University will have an expenditure reduction of between \$12.6 million and \$16.8 million. That is real at this point. The University does not have the time to wait on the submission of the budget reduction plan.

Mrs. White raised the question that if the Board subjects the non-resident and foreign students to a tuition increase, what concrete plan of assistance can be presented to these students. The Chairperson replied that the Administration would be asked to help the Student Affairs Committee devise a specific plan, which would be acceptable to the Division of the Budget, and to bring this proposal to the Board in September or earlier if there is an urgency since the tuition increase does not become effective until the spring. The recommendation would specify levels of need, etc.

Mr. Rivera asked whether it was a legal fact that foreign students cannot receive Federal or State help and then questioned where the money for a tuition remission plan would come from. Deputy Chancellor Mucciolo stated that Federal and State programs are not available for foreign students, but the University is able to make available both waiver programs and assistantship and fellowship programs. These are currently available to non-resident graduate students. Such programs are not currently in place for undergraduate students. There was a waiver program for undergraduate students some years ago, but it was discontinued. The money would come from two sources. To the extent that the University generates revenue beyond what is anticipated in the budget there is a commitment from the Division of the Budget that excess revenue could be

recycled for this purpose. The State University has that in mind as well. Additional funds might be made available from the operating budget for such assistance.

Mrs. White asked what percentage of these students might not be able to continue their education if it was not possible to put such an assistance program in place, and the Chancellor replied that 9,700 students are characterized as out-of-State students, of whom 6,000 are foreign students. Half of these come from places where they are probably not getting some kind of government support. The maximum number who might not be able to continue would be approximately 2,500. Many of them are part-time students. There should not be a rationalization that the University will be able to keep people from suffering. The best that can be suggested is that some resources would be set aside to lessen the pain for some. There may be about \$1 million to help these students. He would like to see \$2 million for this purpose, should this increase go through. The staff and the Student Affairs Committee would be asked to come forward with a program that would allow the University to use whatever money it can find in the most efficient way. The University did not follow the State University practice of instituting the increase in the fall in order to give the students some time to make whatever accommodations they may have to make and to give the University more time to devise a plan to cushion the pain of this.

Mrs. White asked where the \$4.2 million of cuts would fall if the tuition increase was disapproved. Vice-Chancellor Vivona stated that of the original \$12.6 cut, \$4 million would come out of direct services. Given the makeup of the University, as you increase the cut, more and more would have to come from direct services. The position reduction would be increased to \$7.1 million; adjuncts reduced by \$2.5 million and part-time staff by \$1.1 million. OTPS would be cut by \$4 million; and the instructional equipment accounts would be cut by \$2.1 million. With a budget that is heavily associated with personnel, the University attempts to protect the direct services first, but as the cut grows, there is no other alternative but to target the salary accounts for reduction. If the revenue is not raised, an even larger portion of the overall cut for next year would come from direct services. That would be terribly damaging to programs which are now having a difficult time with the initial cut of \$12.6 million. Classes would be cut, which might trigger an overall cut in enrollment. Students might be put on hold with courses not being available in order to complete a degree program. A whole host of secondary and tertiary problems would start to emerge as the cuts hit the direct services more and more.

Dr. Bernstein asked if part of the reduction in the deficit results in large part from borrowing money this year from other funds with the intention of replenishing those funds out of State revenues next year. The purpose of the question was to ask whether the State's financial situation might not be more difficult next year. She also asked if there would not still be a significant public subsidy for out-of-State students even if tuition is raised by \$1,500 a year. Vice-Chancellor Vivona replied with respect to the first question that both sides are in agreement that \$300 million would be borrowed from the Transportation Trust Fund or the Infrastructure Trust Fund since the State had not intended to spend money from those funds this year, and this would have to be paid back over time. That is the reason why the University is required to make permanent savings rather than one-shot savings in the budget and permanent increases in revenue to pay back those accounts in future years. One difference between the Governor's plan and the Assembly's plan is that in addition to the

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\$300 million that would be borrowed from the Infrastructure Trust Fund, they contemplate taking \$100 to \$150 million from surpluses in other public authorities such as the Port Authority, which also would be paid back in time. It all comes back to the issue of making permanent reductions now and maintaining them in the following year so that the annualized value of those savings is achieved, which in turn leads to their justification for telling the University that if it does not institute the \$4.2 million in tuition revenue, next year on a full year basis, it becomes \$8.4 million in permanent savings in the University's budget. In reply to another question from Dr. Bernstein, Vice-Chancellor Vivona stated that the \$8.4 million is in addition to the \$12.6, and even if it is less than \$12.6, there will be a substantial cut in addition to the proposed revenue increase. The original cut plus the requirement to add tuition are two distinct amounts.

In response to Dr. Bernstein's second question, Vice-Chancellor Vivona stated that the overall cost of education exceeds the \$4,000 in total tuition for non-residents by a significant amount.

In reply to questions from Mr. Howard, Vice-Chancellor Vivona stated that there are over 11,000 full-time positions in the senior colleges with an average of a 98% filled level. That is a structural level in the sense that the University could not fill all of its positions 100% of the time. There are just under 11,000 positions filled at the high point of the year. The overall salary budget would be in the \$500 million range. The State anticipates turnover savings and reduces the budget by a factor of 2-1/2% to cover any savings that might be accrued when several hundred positions are vacant at any point in time. That is part of the budget formula. The turnover factor is particularly difficult this year, the anticipation of vacancies, because it was increased by 1.1 million. Another 40 to 50 jobs would have to be vacant during the course of the year in order to meet that savings factor. If the University goes beyond, which is contemplated when it does its \$12.6 million cut, the University will move \$4.2 million of additional savings from salaries towards the cut. If the cut is increased to \$16.8 million, an additional \$7.1 million would have to come from these savings to help resolve the deficit.

Mr. Howard pointed out that of the 6,000 foreign students, a goodly number are from the Asian community and asked if anything would be done to help that segment of the community particularly with respect to the student assistance fund that might be set up. The Chairperson stated that a student assistance program would take these factors into consideration. If there is a particular segment of the population on which the increase has the greatest impact because there is no offsetting funding from home, this would have to be looked at. Vice-Chancellor Vivona stated that when the tuition increase was structured, an attempt was made to restrict the increases on what were thought to be the vulnerable pockets of students. It was limited on certain parts of the graduate levels because of a variety of factors. If it is discovered to be targeted toward a particular group of students that happen to come from a particular racial or ethnic group, that would be a byproduct.

Deputy Chancellor Mucciolo stated that the proposed increases for certain doctoral students are lower because graduate student support is already inadequately funded.

In reply to another question from Mr. Howard, the Chancellor stated that with respect to the issue of how to protect various categories of students who might be adversely affected, any sort of assistance program devised would be based on

economic need.

Mr. Howard asked whether the Governor and the Assembly have been made aware that of the 6,000 foreign students, a large number are from the Asian population. The Governor's Office and the Assembly should be made to take the heat in the same way that the Board is. Mr. Howard called attention to the fact that Russia offers far more scholarships to students to come to study in that country than the United States offers to foreign students. He would prefer to have these students exposed to capitalism rather than to communism. He wanted the Governor's Office and the Legislature made aware of this.

Dr. Canino stated that it was admirable that the effort was made to protect foreign students by giving advance notice of the increase, making it effective in the spring rather than in the fall, in order for the students to make arrangements. That is one of the differences between this institution and others. She stated that she has in the past had no difficulty in making tough decisions. To rise above principle, there should be more than political force brought to bear. This once again puts the Board in a position of caving in to the Governor and to the political forces for reasons not of the Board's own making. She proposed that the Board not support the tuition increase for foreign students, that the Board request protected status such as that accorded Corrections and Mental Health, that in view of the kind of students that the University educates, this should be a position that this Board can take even while it is recognized that it is a risky position fiscally. This is the erosion of the University's budget. If the Board starts with foreign students, there is no question that there will be a request for tuition for resident students in the years to come after the elections are over. After that it might be faculty positions, and not necessarily vacancies or frozen positions. Another alternative would be for the Chancellor to say that he has a runaway Board. If tuition of \$2 million is raised and a fund of \$2 million is sought for financial assistance, that is robbing Peter to pay Paul. Dr. Canino expressed concern about the message being sent by the Board not only to the student body but also to the State. The students and faculty would be behind her proposed message, and it might be that in an election year, a request for protected status might be made.

Chancellor Murphy stated that if the Board were to pursue that kind of a policy, it would be perceived as irresponsible. He believed in fighting for the University and has taken strong positions publicly in the past, occasionally won some victories and occasionally paid some heavy prices. He suggested that before doing battle, it would be advisable to ascertain who the University's allies are. This fight is especially frustrating because there is no ally in a position of political power, in a position to help the University. He regretted that that is the case but that is an objective assessment of political power in the State at the moment, and the priority that those political powers have placed on higher education. Dr. Canino is correct in saying that public higher education in the State does not receive the wealth of support that other agencies do and that lower education has. They have placed much greater emphasis on Grades 1 through 12. That may reflect the University's ability or weakness. The University has always been involved in a struggle of one kind or another and should be careful of what the consequences are of losing a major battle. This would be a major loss, and the University would pay very heavily for it. There will be an opportunity in the months to come to wage other battles, and the University will be in a better position, will have more allies and better arms when those times come.

Mr. Muhammad suggested that there was a lower increase proposed for doctoral students since it was anticipated that they might remain in this country and become an asset to the community, but the undergraduates would be taxed \$750 a semester because the University does not want them to receive an education in this country. A particular constituency of students has been singled out. The job of Trustees is not a political one but a moral one to make sure that everyone who comes to the University obtains an education at a level that he or she can afford. This is a university for working class students. What has been done is racism because the students who have been singled out come from Third World countries. It is plain that they have been singled out because they do not have a vote in the State. But the students who do have a vote will not allow this to happen any longer, and the Board of Trustees has to take a stand. It is better to take across the board cuts than to single out a particular constituency. If a tuition increase is proposed for non-resident students now, there will also come a proposal for an increase for resident students. He reminded the Board that no one but the Board could raise tuition. He urged the Board to stand firm and stated that the shortfall was the Governor's problem and not the Board's.

Dr. Baard stated that he has helped lead many a fight against tuition and tuition-like increases, including student activity fees, etc. He is also the son of immigrant parents and worked at minimum wage to pay for Queensborough Community College when he attended that institution, and so he was extremely sensitive to some of the issues raised. It is nothing new because he had had these discussions with the Chancellor's staff in recent days. It is a classic lose lose situation. The Board either hurts the non-resident students or it hurts all the students. That is simply the reality. The Chancellor's people have tried hard to repeal that reality. There have been a great many successes in negotiation. This is not one. It just couldn't be done. He took some comfort from the idea that there would be a safety net for the most needy students. If the Board does not act on this, student support services which impacted on the attrition rate would suffer. Every campus has requested more student support services. That is one of the first things that would be lost if the action is not taken. Vice-Chancellor Vivona agreed that that would be a vulnerable area although it would vary from campus to campus. Dr. Baard stated that if the reality is that the cut would impact on all the students, particularly the most vulnerable ones, he suggested that the Board find supporters in the Legislature who would help create the safety net fund. That would be an easier action for them to take.

In reply to a question from Mr. Howard with respect to the fact that it was not possible to do anything about this though we have full-time staff in Albany, Chancellor Murphy stated that it was not a question of the ability of the staff to operate effectively. State University and City University both faced the same problem, which was that there were relatively very low levels of support when both the members of the Legislature and the Governor's Office began analyzing what resources they had to cut out of their budget, remembering that this is an action taken late in the process. It is unusual that problems of the State budget had to be dealt with in the middle of July. He suspected that the real reason has been that there has not been a proper coalescing of forces on behalf of these constituencies, not only in the University but generally throughout the State. Traditional sources of support for any measure or policy the University wished to advance or oppose, such as the labor unions, community organizations, other agencies of government and quasi-governmental agencies and private agencies that have always been available to the University to advance its principles and policies and welfare did not coalesce this year.

Mr. Howard asked that if it is anticipated that the budget situation would be worse next year than it is this year, the staff examine the situation so that the Board will be ready to do whatever it has to do to ensure that these problems do not constantly recur.

Upon motions made, seconded, and carried, the Board voted to close the debate on this matter. Mr. Muhammad voted NO.

Upon motions duly made, seconded and carried, the following resolution was adopted.

RESOLVED, That non-resident tuition at The City University of New York senior colleges be increased in accordance with the following schedule, effective with the Spring, 1989, semester.

Senior College Non Residents	Current Rate per Semester or Credit	Proposed Rate per Semester or Credit
Full-time Undergraduate	\$1,275.00	\$2,025.00
Part-time Undergraduate	96.00	170.00
Full-time Graduate Level I*	1,600.00	2,350.00
Part-time Graduate Level I*	844.00	1,594.00
Master's Part-time*	136.00	198.50
Master's Level II	940.00	1,200.00
Master's Level III	403.00	600.00
Doctoral One Course Registration*	136.00	198.50
Doctoral Level II	1,330.00	1,600.00
Doctoral Level III	403.00	600.00
Law School	2,612.50	3,362.50

*Includes non-degree students

EXPLANATION: On June 6, 1988, Governor Cuomo announced a program of State-wide and agency-specific budget cuts and other actions, in a document entitled "Summary of Proposed 1988-89 Budget Reductions," intended to help fill a projected \$900 million revenue gap in the State's fiscal year 1988-89 budget. For The City University of New York, the actions included a \$12.6 million cut in the senior college operating budget, elimination of \$2 million in special programs at the community colleges, and the substitution of \$2.1 million in State aid with revenue from a Spring, 1989, increase in non-resident tuition of \$1,500 per FTE student on an annualized basis.

The State Division of the Budget has indicated that the 1988-89 senior college cut will be increased from \$12.6 million to \$16.8 million in the absence of the recommended tuition increase. Subsequent Executive budgets for the senior colleges will reflect the full year value of the tuition increase of \$8.4 million.

There are approximately 9,700 non-resident students at the senior colleges who will be affected by the Governor's proposal. Nearly two-thirds of the non-resident students at the senior colleges are foreign students. The increase for the Spring, 1989, semester is acted upon now in order to permit non-resident students as much advance notice as possible to file the necessary immigration forms and formulate their annual budgets for study at City University.

Dr. Baard, Dr. Bernstein, Mrs. Bloom, Mr. Cenci, Mr. D'Angelo, Mr. Gribetz, Mr. Howard, Dr. Jacobs, Mr. Rivera, and Mr. Murphy voted YES. Dr. Canino, Mrs. White, and Mr. Muhammad voted NO.

Dr. Jacobs suggested that the Governor and the Legislature be made aware of the sentiment of the Board and of the fact that the Board was opposed to the proposal although it had voted for it.

Dr. Baard asked that an effort to create the fund be formally launched. The Chairperson stated that it had been referred to the Student Affairs Committee and asked that the Committee present a recommendation to the Board as soon as possible, even during the summer if possible. If necessary the Board might be reconvened at a special meeting in late August or early September prior to the regular September meeting.

Mr. Howard suggested the necessity of involving the Fiscal Affairs Committee in this matter, and the Chairperson agreed that it has to be a collaborative effort between the two committees.

Mr. Muhammad stated that he would like to see a charge led by the Chancellor that a proposal be made to waive tuition for every out-of-State student who comes to ask for such a waiver.

The Chairperson stated that the intention of the Board and the University is to do a needs assessment and a resource assessment and to try to maximize a program of student assistance directed toward the non-resident and foreign students who are affected by the Board's action. The Chancellor was directed to do this on behalf of the Board.

Dr. Canino asked for a full report in the fall on the distribution of the budget cuts to State agencies and a review of this decision of the Board in the fall in the light of the real amount of the budget cut that the University will have to make. The Chairperson stated that if the situation improves over the summer, the Board would expect that the Administration would be communicating that to the Board and indicating what options it had to improve the situation. Dr. Canino asked if that included reviewing the situation, and the Chairperson replied that if a windfall developed even as late as the end of the first semester, the Board would have to do what is appropriate to ease the adverse impact of the decision made. The shortfall is driven by an underestimation of the capital gains tax as well as some other revenue shortfalls. To the extent that that does not become a recurrent problem, the University might be in a better situation. Dr. Canino asked if the Board could resolve to review this matter, and the Chairperson replied that such a resolution was unnecessary because any action is subject to review depending upon circumstances. He asked that the Fiscal Affairs Committee either late in the summer or at its first meeting in September be on top of the situation and alert the rest of the Board as to what ameliorating action might be taken if the circumstances indicated that.

NO. 2. COMMITTEE ON ACADEMIC POLICY, PROGRAM, AND RESEARCH: RESOLVED,
That the following item be approved:

A. Brooklyn College - Program in Comparative Literature: In moving the item, Dr. Bernstein stated that at the request of the Chairperson, the Academic Affairs Committee held a special meeting on July 6 to consider a resolution from Brooklyn College to discontinue the College's Department of Comparative

Literature and to incorporate the Program of Comparative Literature with its major into the Department of English. This item was removed from last month's University Report at the June Board meeting and was referred to the Committee on Academic Policy, Program, and Research for consideration.

The purpose of the proposed departmental consolidation is to strengthen the Program in Comparative Literature, since transfer to a large and vital department will enable the Program to attract more students and to enrich its offerings. The integrity of the discipline and the major will be preserved. Incidentally, but not without some importance, it will achieve some economies in administrative costs. Board Members are aware that the proposal has not received unanimous approval from all of the college faculty groups involved. The faculty in Comparative Literature is unhappy. The English Department faculty welcomes the consolidation.

In a matter such as this, the Board has the responsibility of ascertaining whether the process followed for considering the proposal for consolidation was in accord with the College's governance plan. But the decision itself is the prerogative of the President, according to the Board's Bylaws. The President's decision reflects his judgment as to the action which is in the best interest of the College, its faculty and its students. The Board should not intervene unless the College's governance procedure was violated. In this case no such evidence exists. The President consulted extensively with the appropriate groups at the College for well over a year before he reached his decision to incorporate Comparative Literature into the English Department. Comparable decisions have been made by Presidents with or without unanimous agreement at Brooklyn in the past and at other CUNY colleges over the years and have been routinely approved by the Board.

The Academic Affairs Committee approved this resolution by a vote of 4 to 2, and Dr. Bernstein recommended its approval by the Board.

The resolution was seconded.

Mr. Muhammad stated that Dr. Bernstein had said that there were no problems involved in this merger and that it did not violate any rules. Mr. Muhammad stated that it had been brought to his attention that Pres. Hess made a decision before consulting the faculty, that the enrollment figures presented were incorrect, and the faculty were prevented from presenting this to the Committee. The figures were approximately 24.3 FTE's in undergraduate courses and if Core 6 were counted, it would be 34.2 FTE's. Based on the fact that there seem to be some disparities in the statistics presented and in the fact that the faculty themselves did not want the merger and the member of the Department who was to be transferred to the Modern Languages Department did not wish this transfer, Mr. Muhammad asked that this proposal either be rejected or sent back to the Committee on Academic Policy, Program, and Research for review of the correct statistics. The other figures might have been an oversight on the part of Pres. Hess.

Pres. Hess stated that the figures are accurate, but the interpretation of the figures is inaccurate. What the President had provided were figures of enrollment in Comparative Literature courses. The other figures provided are the enrollment in courses taught by Comparative Literature faculty. The point that the President was making was that most of the teaching was not in Comparative Literature courses, and those were the figures provided by the President. There was no intention to mislead. It was essentially to demonstrate

that the Program was not thriving in its present format.

Mr. Rivera raised the question of the seniority of the Comparative Literature professors and asked whether their seniority would be effective as of the date of the transfer, July 1, 1988. Pres. Hess replied that the whole purpose of seniority as defined by the University is with regard to job security, particularly in the event of retrenchment. What would happen here is the following. In the event of retrenchment, first every non-tenured member in the Department would have to be let go. Then every certificated employee, that is, lecturers with a CCE, would have to be let go before the tenured faculty are reached. In this case, there are a number of tenured faculty who would be transferred as of this date. Board policy requires that when more than one faculty member is given tenure as of a date, in the case of a transfer, that the President has the obligation to establish a sequence. In this case they will be placed in that Department in the same relative order that they have within the Comparative Literature Department. The most senior person would be the most senior, and the most junior in terms of service would maintain that junior status.

Mr. Rivera pointed out that if the senior professor in Comparative Literature had been tenured much longer than the professors in the English Department, the transfer would give her less seniority than the professors in the English Department who received tenure after her. Pres. Hess stated that that was consistent with the policy established by the Board. He pointed out that de facto the whole question of seniority is related to budget cuts and letting go people on contracts. In the case of the English Department there is a sizable cadre of people who are part-time employees, then untenured, and then at least 12 to 18 people who have certificates. De facto, therefore, this professor is very far from the bottom of the list for job security purposes.

The Chairperson asked if the members of the Department were potentially more or less secure under the status quo than they would be under the amalgamation, and Pres. Hess replied that if the Department were to be preserved and if the College were forced into retrenchment, all five of the faculty members could be retrenched. He hoped that neither situation would prevail, either with the merger or the present status. The Chairperson stated that they would, therefore, be potentially better protected under the proposed arrangement, and the President agreed.

Mr. Muhammad called attention to the fact that the resolution stated that Prof. Aichele's transfer was in accordance with his request but pointed out that Prof. Aichele has since changed his mind in accordance with a letter from him and, therefore, the resolution is incorrect. He also stated that as newcomers in the English Department, they would be most at risk if cuts had to be made. He asked for clarification.

The Chairperson stated that if there were retrenchment and with low enrollment in Comparative Literature courses, the Department would more likely be retrenched.

Dr. Canino expressed concern about the elimination of academic departments. It is a Board concern to question the criteria under which these decisions are being made, and, specifically, if Comparative Literature is being eliminated as a Department, the criterion seemed to be low enrollment in relation to other Departments except that that is questioned by the faculty in the Department of Comparative Literature. There is a question of some savings but that has not

been defined. There is a question of faculty workload except that the faculty also questions that interpretation and put forward that they are in fact teaching the standard load and are participating in the core courses, and the lowering of their FTE count is a consequence of participating in the core courses. That has implications for other small departments, and she once again brought to the fore the question of the Departments of Anthropology, Africana Studies, Judaic Studies, Puerto Rican Studies, which at Brooklyn college have similar profiles. She asked whether the President's authority in this case in his opinion can be applied without using the same uniform criteria to any of these Departments.

Chancellor Murphy stated that if the Retrenchment Guidelines currently adopted are examined by the Board of Trustees, if there is a serious fiscal crisis, the cutting of whole departments is consistent with the Retrenchment Guidelines. It has happened in the past. Whether or not the individuals in Comparative Literature are better or less well served by this depends very much on circumstances that may or may not occur in the future. It is not at all clear whether they are more or less secure in the English Department. The vulnerability of small departments with low enrollment is much greater than that of a larger department. The Chancellor stated that this was not the best forum for the adjudication of individual grievances that are better settled through the union contract or the Education Law. The Board should take into account that the management of an individual institution is clearly the responsibility of the President and should not second guess Presidents in these management situations.

Dr. Canino raised a question with respect to other small departments at Brooklyn College, and Pres. Hess replied that that was not pertinent to the question. Within Brooklyn College there is a statement of the various criteria that are applied with regard to that. There is no CUNY policy, and it would be inappropriate for the Trustees to identify and create a policy for CUNY. However, in the absence of such a policy, the President can only be guided by the authority which the Board has invested in him as President of the College, by the policies that are in existence, and, of course, by the contractual arrangements that are in existence.

Dr. Bernstein pointed out that this question was raised at the Academic Affairs Committee meeting, and Pres. Hess made a detailed statement on the varying circumstances that may give rise to consideration of whether or not a department should be consolidated. These may be different from time to time within a particular college. They may be different from time to time among the colleges. It is possible that the Board ought to give some thought to a universal policy for City University as to when and under what circumstances a department should be consolidated or separated. Dr. Bernstein stated that she would not give this very high priority in light of many other problems that the Board faces. In any event she did not think it had relevance to this particular situation, in which all procedures were followed, all the Bylaws were followed, and in which there is still some disagreement. But it is the President's prerogative to make this decision.

Upon motions duly made, seconded and carried, the Board voted to close debate.

The following resolution was adopted.

RESOLVED, That effective July 1, 1988 the Department of Comparative Literature at Brooklyn College be discontinued as a department, and be it further

RESOLVED, That the Program in Comparative Literature with its major, be incorporated into the Department of English, and be it further

RESOLVED, That effective July 1, 1988 the following members of the instructional staff of the Brooklyn College Department of Comparative Literature be appointed to the Department of English. Tenure is transferred with each member:

NAME	PRESENT RANK	TENURE STATUS
Barbara Gerber	Professor	Tenure
Marie Giuriceo	Professor	Tenure
C.D. Kiremidjian	Associate Professor	Tenure
Dennis Spinger	Professor	Tenure

and be it further

RESOLVED, That effective July 1, 1988, the following member of the instructional staff of the Brooklyn College Department of Comparative Literature, in accordance with his request, which is being honored by the President, be appointed to the Department of Modern Languages and Literatures. Tenure is transferred with the faculty member.

NAME	PRESENT RANK	TENURE STATUS
Klaus Aichele	Associate Professor	Tenure

EXPLANATION: Brooklyn College is taking this action in order to strengthen the Program in Comparative Literature and thus the institution, since a college is only as strong as its academic departments. Merger with a large and vital department will enable the Program to attract more students and to enrich its offerings, while preserving the integrity of the discipline and the major. Pursuant to the State Education Law, seniority for tenured persons is governed by the date of appointment to the department. Tenured persons appointed effective the same date to the Department of English have the same date of seniority as a result of these appointments. The President, therefore, has stated his intent to break these ties in seniority among the four tenured faculty members identified above as being appointed to the Department of English by using each member's individual date of appointment to his/her immediately preceding department. The seniority of the tenured faculty member identified above as being appointed to the Department of Modern Languages and Literatures, will be July 1, 1988.

NOTE: This resolution is a revision of Section AI:4.2 in the Brooklyn College University Report for June 27, 1988 which has been withdrawn in the University Report Errata.

Dr. Baard, Dr. Bernstein, Mrs. Bloom, Mr. Cenci, Mr. D'Angelo, Mr. Gribetz, Mr. Howard, Dr. Jacobs, Mr. Rivera, Mrs. White, and Mr. Murphy voted YES.

Mr. Howard stated that he had voted against this resolution in the past because he wanted an overall strategy and has been assured that strategy is going to be looked at.

Dr. Canino voted NO in the absence of a universal policy.

Mr. Muhammad voted No because one of the RESOLVES was contrary to the desire of the faculty member.

The Chairperson asked Counsel if there was any validity to the point, and Mr. Solomon stated that there has been no letter submitted to the Chancellor or the Board to revoke the prior request for a transfer to the Department of Modern Languages and Literature.

Dr. Baard commended Pres. Hess as the head of one of the schools that has distinguished the University in this decade. He appreciated the fact that the President was ready to do the miserable part of his job as well as take the accolades.

NO. 3. REPORT OF TASK FORCE ON EDUCATION PROGRAMS AND CURRICULUM IMPACT:

Prof. Wedeen stated that she thought the matter of the Task Force Report had been resolved some months ago. The process had been followed, and a compromise resolution was adopted in March, 1988. It was not wanted by either extreme, but all felt they could live with it. It endorsed the Task Force Report, but it did not mandate it. It authorized the Chancellor to approve or require modifications and exceptions to the Report recommendations as may be mandated by external authorities or developed by the faculty of the college and proposed in its implementation plan, including innovative alternative approaches, experimental programs that are consistent with the goals and objectives. It challenged the faculty to develop a plan for implementation.

The two items that caused the difficulty were the possibility of a major in education and the capping of the number of credits. The faculty felt that this was possible if it went through the usual process of the college working in concert with the liberal arts faculty of the total college, giving this proposal to the Chancellor who had the right to reject it, but that no option was barred. The colleges were encouraged to come up with any plan they felt was in the best interests of developing the best prospective teachers for the City of New York. When the question of an education major was raised by three institutions, staff of the Office of Academic Affairs stated that this was not possible and that the number of education credits was capped at 24, but that there was some flexibility as to the number of credits in student teaching.

Prof. Wedeen held discussions with the Vice-Chancellor for Academic Affairs and had the perception that it was possible with a good rationale for not going along with the recommendation in the Report. Prof. Wedeen asked that the matter be clarified.

Six weeks later the question of an education major was again raised by a college, and the answer was given that this was not possible.

Prof. Wedeen again discussed the matter with the Vice-Chancellor for Academic Affairs and then with Vice-Chairperson Everett, Chairperson Murphy, Trustee Bernstein, and Deputy Chancellor Mucciolo. The conclusion was reached that a document should go to the Deans of Teacher Education, reiterating the statement that went to the Presidents, which opens the possibility for innovation. It was

the feeling that a letter would be prepared by the Vice-Chancellor for Academic Affairs, who was then out of town. Upon her return this matter and others were discussed. No letter was produced. On July 13 Prof. Wedeen sat down with the Chancellor and the Deputy Chancellor and drafted a letter, which seemed to solve the situation. It was a general letter, reiterating what had been said to the Presidents and confirming to faculty the fact that they were given options, were encouraged to come out with ideas, etc. At 7 o'clock the decision was made that the letter could not go out.

The Chairperson stated that he wanted to be sure that when a policy is made, it is as clear as is humanly possible what the policy meant. He felt it was important that Prof. Wedeen, who had been very much involved in the compromise reached, had an opportunity to speak.

Vice-Chancellor Reid-Wallace thanked Prof. Wedeen for bringing the issue to the floor. She understood the importance of trying to maintain open communication so that the faculty members have every benefit and every bit of information that is available about both the spirit and the substantive intent of the guidelines. She assured Prof. Wedeen that she and members of her staff have made contact with every Dean on every City University campus that offers a program in teacher education. She has personally made contact with faculty members from every campus that offers a teacher education program. To the best of her knowledge, as of the day before, she has been assured by every Dean or the Dean's representative that there is an understanding of both the intent of the resolution and the way in which faculty members are encouraged to exercise their creative imagination and their understanding of liberal arts and education as a means of responding to the Board resolution.

Vice-Chancellor Reid-Wallace stated that in closing, she wanted to go on record by saying that should there be faculty persons anywhere in the University who have questions about the guidelines, she urged that they contact her or members of her staff because they want to be absolutely clear about that resolution and about those guidelines.

Upon motions duly made, seconded and carried, the special meeting was adjourned at 6:46 P.M.

Acting Secretary Etta G, Grass