

University Faculty Senate

MINUTES OF EMERGENCY PLENARY SESSION OF THE UNIVERSITY FACULTY SENATE
OF THE CITY UNIVERSITY OF NEW YORK

June 8, 1976

The session was called to order by the Chairman, Professor David Valinsky, at 11:10 a.m. in the Board Room at the BHE, 535 East 80 Street. All members were present except Professors Abramson, Anderson, Aurbach, Auslander, Berenson, E. Brown, Buder, Ceccarelli, Clarke, Corbiere-Gille, D'Amico, Dash, Davidson, De Comminges, Diamond, Dierlam, Donno, Dreiling, Eichmann, Elster, Gelfand, Gillespie, H. Gilbert, Harvey, Hogg, Johansson, Kaplan, Knight, Krich, Kriegel, Leiter, Leonard, Lutz, Manshel, Marcinek, Martin, Munitz, Page, Patterson, Pauling, Robbins, Shahn, Silver, Soskind, Volkomer, Walsh, Williams, Yousef. Dr. Jean Ellis also attended.

I. Approval of the Tentative Agenda: The tentative agenda was approved with the following changes: item 2 was removed; item 3 was made item 7A; item 10 New Business was added.

II. Proposed Resolution on Opening the University: Professor Burton offered the resolution in the form of a motion, acting on behalf of the Executive Committee. Professor Ornstein, Mt. Sinai, asked for clarification of the intent of the resolution, since it was his understanding that the closing was ordered in the expectation that faculty and non-faculty would be without pay and if the opening were ordered, the University would not have the money to pay its employees. / Regent Gemrich called on Commissioner Nyquist to seek the opening of the University and the resolution is offered on the assumption that, if it is passed, a meeting will be held with the Commissioner to find out what he proposes to do. "Without funds?", asked Professor Ornstein. / No, but the notion of the monies is intertwined with the politics. The continued closing of the University is part of the political manoeuvring. There are people who doubt that we don't have the money. Therefore, it seems a good idea to let the Regents take action. Professor Greenbaum, Queensborough Community College, offered the following amendment: to add the following phrase following "the City of New York" in the resolved: "immediately subsequent to the payment of the May paycheck to the faculty and staff." Professor Greenbaum's amendment was seconded and discussion took place on the amendment. Professor Lea, Lehman College, stated that the point of the matter was that the faculty and staff had now gone without pay for six weeks and that it mattered to him, for one, that he be paid for work completed. Therefore, he opposed giving the impression that the faculty was willing to go back without being paid. It is his opinion that the faculty must become a more militant work force. Professor Raskin, Brooklyn College, stated that, having attended the PSC meeting on June 4, she thought that unless the resolution were tied to the paychecks, there would be a lack of support for it from junior faculty. Professor Valinsky called the attention of the Plenary to a resolution to be placed before the session as the next item on the agenda which was directed to the Mayor and did deal with the matter of the paychecks. Professor Ehrenpreis, Bronx Community College, stated that the two matters -- opening and being paid -- must be tied together and reminded the session of his statements in past meetings concerning constitutional guarantees against slavery. Professor Hnadler, Hunter College, suggested that the resolution was divisive without inclusion of the phrase concerning paychecks and asserted her support for the amendment. Professor Ferentz, Brooklyn College, suggested that he too would like to be paid but that in his opinion the amendment seemed to be addressed to someone who had no power to implement it. As he understood the situation, the checks had been certified by the University but not by the Comptroller and it would be appropriate for the Legal Affairs Committee and the PSC to address the issue now. Professor Galub, Bronx Community College, expressed the opinion that

although he agreed that the Commissioner was not responsible for the payment of faculty, he believed that pressure from him might help to persuade the Mayor to release the checks. The question was called on the amendment and the amendment carried. Professor Ferentz expressed the hope that editorial revision might be made in the resolved to perfect the language.

Discussion returned to the main motion. Professor Baumrin, Lehman College, stated that the amendment seemed to him to weaken the resolution and that he hoped there might be rewording to recapture the original flavor. The question was then called on the main motion which carried.

III. Proposed Resolution on the Mayor of the City of New York: Professor Mapp, New York City Community College, offered the resolution in the form of a motion on behalf of the Executive Committee, suggesting that its contents supported the legal action to be discussed later in the session and that it reinforced the position of the legislature. The motion was seconded and discussion took place. Professor Paster, City College, suggested that an additional whereas ought to be included, viz. "Whereas the Mayor, as a graduate of the City College of New York, has indeed violated the ephebic oath,". The addition was accepted by the drawers of the resolution. Professor Caws, Hunter College, noted that he did not see any recognition in the resolution of the difference between the fiscal year and the academic year. Professor Wilson, Hunter College, said that he was disturbed by the whereas clauses, that he did not know why the Mayor was being singled out. Professor Burton suggested that the third whereas provided the explanation. Professor Ornstein, Mt. Sinai, said that, after reading the whereas clauses, he expected that the resolution would call for the Mayor's resignation. Professor Mapp stated that there was a relationship between the whereas clauses and the resolve. Professor Greenbaum, Queensborough Community College, stated that he had a problem with the second resolved. Professor Glasser, City College, believed that the second "whereas" was gratuitous and not substantive and moved that it be deleted. His motion was seconded. Discussion on the motion to delete followed. Professor Cammett, John Jay College, stated that it was impossible to catigate the Mayor sufficiently; that he deserved the strongest condemnation. The question was called on the motion to delete and the motion was defeated.

Discussion resumed on the main motion. Professor Ferentz, Brooklyn College, said that he agreed that the "enemies list" was a long one but that this resolution was addressed to a single man with certain powers. It is the Mayor's not certifying the checks which has led to their not being issued, he has failed to address the issue of getting rid of the matching formula; he is a man refusing to take the heat. Professor Trefousse, Graduate School, offered the following amendment: "Whereas, the faculty and staff of CUNY have been unlawfully deprived of salary and wages for work performed in good faith, and Whereas, the State and Federal constitutions contain specific safeguards against deprivation of property without due process of law...". Professor Handler, Hunter College, said that she hoped Professor Trefousse would withdraw his amendment, that she believed that the body could spend the rest of the morning doing what they were doing which was a pure exercise rather than meaningful action and was self-serving. She believed that the University was in a crisis of leadership, that it was bankrupt as to funds and as to leadership. Therefore, although she hesitated to offer it, it was her opinion that only one resolution should be passed to the effect of asking the Regents to put the University into receivership and to appoint a group to take over the governance, determine the structure, etc. of the University. What the Senate was doing now was an exercise in futility. Therefore, she was asking the mover to withdraw the motion. Professor Trefousse responded that Professor Handler's suggestion was, in his opinion, the most dangerous thing he had ever

heard. It was the City not the University that was bankrupt. The position being enunciated by Professor Handler was wrong. He therefore refused to withdraw his motion. Professor Galub reported that, in the opinion of the Legal Affairs Committee, there was one definite action which could be taken immediately and that was the filing of a "notice of claim" against the City, that there were other ideas in the pot but no other action could be recommended at this stage. Professor Baumrin stated that he did not know whether the amendment was legal and that he would like to see some place a statement that had nothing to do with money even though he was unhappy about not having been paid. Professor Cooper, Richmond College, said that the only virtue of the amendment was to bring to the public's attention the fact that the faculty has not been paid. The question was called and the amendment defeated.

Discussion continued on the main motion. Professor Martin, Kingsborough Community College, said that there seemed to be a stylistic gap, that there were really two resolutions -- one castigating the Mayor and one calling upon the City to pay the faculty. Professor Stansky, Baruch College, opined that the second resolved's statement should contain the language "as evidence of the City's continuing commitment to support higher education in New York." Professor Lea, Lehman College, stated that the resolution would do absolutely no good, that it was a non-action and that he would move to defeat it. Professor D'Adamo, York College, said that he had been led to believe along with the rest of the University over the past few months that the issue was the imposition of tuition. That issue was now settled but one now found that the University -- the faculty, the staff, and the students -- were hostage to the Chancellor, the Legislature and the Mayor. What happened in respect to tuition was related to the issues under discussion, in his opinion. Furthermore, the imposition of tuition will mean the loss of a generation of young women who come from ethnic families, a turning back of the clock for them; the bill for tuition, in his opinion, would be paid by the young women of New York City. He would therefore like to amend the motion to include a resolved viz. "The University Faculty Senate calls upon the Mayor of the City of New York and the Corporation Counsel of the City of New York to bring suit immediately against the Governor and the State of New York to demand that students at the City University of New York be funded at the same level as the students at the State University of New York and that, if this is not done, they be dismissed for malfeasance in office." The amendment died for lack of a second. The question was called on the main motion and the motion was carried.

Professor Caws, Hunter College, requested that the rules be suspended so that he might offer a motion for consideration prior to his departure for another meeting. His motion to suspend the rules was seconded but failed to carry.

IV. Report of the Ad Hoc Committee on Legal Affairs: Professor Galub, chairman, stated that the Committee was researching various possible legal recourses but wished to recommend one action at this meeting. He called on Professor Stansky to explain the action. Professor Stansky outlined the nature and procedures for filing a "Notice of Claim" for back wages against the City of New York. The necessary forms were distributed to the members and a notary who was in attendance at the meeting for the purpose notarized the members' signatures. Professor Briloff, Baruch College, stated that sooner or later the UFS would have to address the critical question of where do we go from here. The Mayor and the Chancellor and the Vice-Chancellors had created a crisis to radicalize the faculty but their kind of diversion distracts attention from where the necessary action should be. There was an abdication of responsibility in respect to contracts. Professor Zimmerman, Staten Island Community College, asked whether if claims were filed, they would culminate in a "class action". They could but individuals are entitled to file and would create more of a problem for the City to handle. Professor T. Brown,

Queens College, asked whether the City was responsible for four weeks salary in May. The reply was affirmative. Professor Wakatama, Medgar Evers College, asked about the filing fees; he was told that there were none.

While members were filling out the "Notice of Claim" forms, Professor Baumrin, Lehman College, provided information about obtaining food stamps and called attention to the inclusion in each member's packet of addresses of food stamp offices in the various boroughs.

V. Discussion of Proposed Political Actions: Professor Ferentz, Brooklyn College, reported on behalf of the Executive Committee, stating that a committee would be organized to manage necessary political action to get people to lean on appropriate members of the State Assembly and Senate. The slogan, "we will remember in November, would be changed to "we will remember in September" and primary contests would be mounted against uncooperative members of the legislature. At this point pressure on the Republican senators from New York City seemed especially important.

VI. Discussion of Rally: Professor Valinsky announced that the PSC and Student Senate were holding a rally at City Hall at noon on June 9. A motion that the UFS endorse and voice its enthusiastic support for that rally was made, seconded and passed.

VII. Communications from the Chairman: Professor Valinsky announced that he would limit his communications in the interest of time. He announced that a chronology of events and activities since May 18 was included in the packets; that a temporary Senate office was being maintained at 535 East 80, Room 704, 794-5307. In addition, the Executive Committee had agreed to sponsor a "Talk-in" organized by concerned faculty of the University to be held at the Mitzi Newhouse Theatre, Lincoln Center, loaned by Joseph Papp, at 3:30 p.m. on June 8. Mailgrams from various national professional associations and from distinguished faculty and administrators at colleges and universities throughout the country had been received by Professor Valinsky as chairman of the Senate, expressing outrage, sorrow and disbelief at the closing. LVE

VIII. New Business: Professor Handler, Hunter College, on behalf of Professor Caws, Hunter College, offered the following resolution:

Whereas, the Chancellor and the administration of CUNY, the BHE, and the City of New York have shown themselves collectively impotent to reverse the calamitous and destructive decline of this great institution committed to their charge by 129 years of distinguished academic history, and

Whereas, none of the initiatives publicly announced and now being taken holds out any hope of a resolution that will save the university from further attacks on its academic integrity, and

Whereas, the State Board of Regents holds the ultimate authority for the quality of higher education in New York, therefore

Be it resolved: That the University Faculty Senate calls upon the Governor of the State of New York to appoint an interim board of overseers from among the Regents to assume immediate and full control of the fiscal and administrative direction of CUNY pending a definitive and long-range solution to its present financial and structural problems.

Professor Ehrenpreis, Bronx Community College, expressed disapproval of the resolution.

Professor Ferentz, Brooklyn College, indicated that he could support the resolution but would like to see the whereas dealing with proposed actions stricken from it. Professor Bindler, Bronx Community College, said the resolution was an invitation to suicide since it contained no guarantees. Professor Cooper, Richmond College, asked what the resolution was supposed to accomplish, what were the details? Professor Handler stated that the Regents had offered a plan for the University. Professor Bressler, Richmond College, said that he understood the philosophy behind the resolution but wished to know the alternatives. It was moved, seconded and passed that the resolution be tabled.

The meeting was adjourned at 1:15 p.m.

Respectfully submitted,

Gordon Fifer
Secretary