

MINUTES OF THE ONE HUNDRED AND THIRTY-SECOND PLENARY SESSION OF THE
UNIVERSITY FACULTY SENATE OF THE CITY UNIVERSITY OF NEW YORK

October 23, 1984

Professor Wasser, chairman, called the session to order at 7:05 p.m. in Room 1700 at the Graduate School and University Center. Present were: Senators Alsop, Amendolia, Barbanel, Baumrin, Baxter, Beheshti, Bermann, Binder, Bohigian, Borneman, Brogan, Buianouckas, Cantwell, Cinquemani, Cooper, Danziger, Davidson, De La Campa, Donleavy, Donoghue, Donovan, Early, Ercolano, Essoka, Friedman, Galub, B. Gerber, Gluck, Grossman, Harris, Hecht, Henderson, Isaacs, Jaffe, Jiji, Kirsch, Lea, Litke, Loy, Meister, Movasseghi, Moyne, Muehlig, Nelson, Otelsberg, Parkhurst, Picken, Plissner, Quinn, Rose, Rosen, Rovira, Sohmer, Sprague, Thaxton, Valinsky, Van Sickle, Waldinger, Waldman, Walkwitz, Walter, Wedeen, Wimmershoff-Caplan, Wolfe, Yousef, Zades, Zaneteas, and Zarin; Alternate Senators Karan, Mbugua, Naas, O'Riordan, Sheridan, Stern, Thompson, Vines, and Youkeles. Senators Ballabon, Barber, Canate, Fedullo, Lytra, Riley, Romm, Schneider, Speidel, and Trefousse were excused. Dr. Zeller, liaison member PSC, also attended. Dr. Ellis, Executive Director, also attended.

I. Approval of the Tentative Agenda: The tentative agenda was approved as circulated.

II. Approval of the Minutes of the 131st Plenary Session (September 25, 1984): Adoption of the minutes as circulated was moved and seconded. Dr. Ellis offered the following corrections: Senators Ballabon, Barber, and Romm were excused. Professor Bohigian (Mathematics, John Jay) stated that if this had not been done before, it was time that Dr. Ellis be complimented for the very full and accurate minutes of the Senate's Plenary Sessions. She would therefore understand, he continued, if he expressed disappointment that the minutes of the 131st Session failed to provide a full account of the discussion of the report of the Academic Freedom Committee (VII, p. 9 of the minutes). The full flavor and intensity of the discussion of that report was not recorded - due perhaps to her hand having tired or some other cause. The issue, however, was of paramount importance for the Senate's role vis-a-vis the protection of academic freedom was primary. Of all the issues debated by the body this was the one that was central. He therefore thought that this section of the minutes ought to be amplified and would therefore offer a substitute motion that the section of the minutes on item VII, p. 9 be deleted as follows - from "The extended discussion..." through "majority and minority reports." (lines 38-47) Professor Wedeen (Education, Brooklyn) seconded the motion as did Professor Muehlig (Business, Medgar Evers). In the discussion that followed Professor Sohmer (Mathematics, City) noted that minutes were intended to record actions of the body and that the actions with respect to the Academic Freedom Committee report were accurately and fully reported. Professor Bohigian replied that he had no problem with the report of the actions taken, nor did he have a problem with the summary of the discussion. Rather he believed that the issue was of such importance that the discussion merited the fuller, more expanded treatment accorded most sections of the minutes and he thought that the section noted should be deleted so that it might be expanded at a future date. The question was raised - did he wish to defer approval of the minutes to a future date when an expanded statement might be presented to the Senate. Professor Bohigian said that he wished to have the option of offering such a statement in place of the section deletion of which was the subject of his motion but that he would not oppose approval of the rest of the minutes of the session. Professor Yousef (Mechanical Engineering, Staten Island) argued that such a course of action was not possible. If the minutes were approved, as he thought they should be, an additional statement could not be inserted at a later date. Professor Bohigian replied that it was his view that the option of expanding the minutes - even if they were of a session well in the past, say fifteen years - existed. It was stated in reply that such an option was not available -

that the choices were to table approval of the minutes until a subsequent session when he might offer a revised statement for approval by the Senate, to adopt his substitute motion in which case the minutes would stand as deleted, or to adopt the primary motion to approve the minutes with the corrections already offered. A motion to call the question was made, seconded and passed with one negative vote. The substitute motion was defeated with two negative votes. The question was then called on the motion to approve the minutes and passed with two negative votes.

III. Communications from the Chairman: Professor Wasser said that the Senate would recall that, as a Trustee, he attended meetings of trustees of various institutions and that he had attended such a convention earlier in the month - the national meeting of the Association of Governing Boards held in Washington D.C., September 30 - October 2. The program had centered on the report developed and produced by Dr. Clark Kerr on the subject of presidential power. The report was placed before the plenary session of the convention and was the basis for workshop sessions during the meeting. Dr. Wasser said also that in the UFS Newsletter, November 1984, which was on its way to the campuses, his "Chairman's Message" outlined the substance of the report and his comments on it. Therefore, he would not summarize the report at this time. He noted, however, that the next report to be commissioned by the Association of Governing Boards dealt with the issue of the relations between the public and private sectors, that the study was undertaken with support from an Exxon Foundation grant, and that it would be published within the next 18 months. Returning to the Kerr report, Dr. Wasser said that the importance of the study lay in Kerr's influence - in fact, there is probably no more influential figure in higher education than Kerr, Professor Wasser suggested - and therefore its recommendations were apt to be followed. His own view, Professor Wasser continued, as stated in his Chairman's Message, was that the report's findings were bland and disappointing and not really forceful for a two-year study.

A second influential person in higher education - Dr. Burton Clark - had been the speaker at a breakfast seminar at the Rockefeller Institute of Government of SUNY/Albany on October 23. The seminar was jointly sponsored by the Institute and by the School of Education, SUNY/Albany which is celebrating its 140th anniversary. Dr. Clark, Professor Wasser reminded the Senate, is Allan M. Cartter Professor of Higher Education and Sociology at UCLA and his topic was "The School and the University: Linkage Policies." What interested him, Dr. Wasser said, was the fact that a hierarchical school system was currently being openly discussed. In the past many people may have thought that way but now they were stating their view openly. There was discussion of "tracking", of different schools and admission to the various types by examination. He found Clark's view especially interesting, he continued, because of Clark's influence on those who make policy - on legislators and policy makers. In addition, attendance at that seminar had included top administrators from SUNY and he had learned that there has been a SUNY Task Force on Teacher Education that has just completed its work and prepared a report that will be presented to SUNY's Trustees at their October 24 meeting. In an aside Professor Wasser commented that in this respect CUNY lagged behind SUNY since the Office of Academic Affairs is only now in the process of establishing such a Task Force. The SUNY report, as summarized at the seminar, identifies where the trouble and problems lie and makes recommendations on what to do. Among the recommendations are: the exchange of teachers between the schools and the colleges, the establishment of a kind of mentor system, the setting up of a support system for compensatory education, development of an outreach program in science and technology, a program of career exploration for high school students, the sending of ten person teams of college faculty to the schools and the setting up of weekly workshops where college and school personnel would meet. The recommendations include also the establishment of an Institute for Teacher Training, in addition to the individual campus programs, that would move

from campus to campus. The point is also made that teaching is now semi-professional and that this is the result of its being both an undergraduate and graduate program. This accounts, in part, for the fact that many of those who enter teaching as a career are among the less able students. Therefore, the report suggests teaching should be offered on a graduate basis only and this would lead to professionalizing it.

Dr. Wasser concluded this section of his communications by informing the Senate that he had a copy of the Clark Report which is entitled The Schools and the Universities: What Went Wrong In America and would be happy to make it available to interested Senators.

Chairman Wasser next addressed the subject of CUNY's presidential evaluations. The Executive Committee, as the Senate knew, had raised this issue with the Chancellor several times. It has now been reported that the CUNY process will resume this year, having been dormant for several years, largely due, he surmised, to the illness of Chancellor Kibbee under whose administration the process had been set in place and begun. During the period of activity not only several presidents but the Chancellor too had been evaluated and the Senate had participated in the Chancellor's evaluation - in fact, Professor Wasser was one of those who had done so. The new round of evaluations will take place within the context of the guidelines established by the Board of Trustees in 1977 with certain procedural modifications. The Executive Committee of the Senate, he continued, had brought to the Chancellor's attention the procedures for faculty participation in that process that had been developed by the Senate, the Chancellor and the Board in 1978 and implemented in the evaluations that occurred between 1978 and 1980. The Senate leadership, he said, is also reviewing the present guidelines and procedures established by the Board with a view to recommending changes to make the evaluation more meaningful.

Turning to another subject, Professor Wasser reported on the Public Meeting of the Board of Trustees on October 22. At that time the Board approved the resolutions on facilities and contracts therefor that are outlined in Professor Sohmer's written report on the meeting of the Board Committee distributed at the session. (Copy attached to these minutes). It also approved a resolution to approve and authorize the acquisition of the building and site across the street from the present facility for La Guardia Community College that, together with the present building and site, will constitute a permanent "campus" for the college. The University's Operating Budget Request - copies of which were sent to Senate members last week - was also approved as was the Capital Budget Request. Professor Wasser referred Senators to Professor Sohmer's report on the Board committee meeting which discussed the Committee's concerns with the free tuition issue. Professor Wasser also said that he had raised at the Board meeting the question of the media's reports on the Board's action carried in the morning papers and radio broadcasts on October 22 and that reported, as though the action had been completed, the adoption by the Trustees of a request for a 14.8% increase. The explanation, he said, was that a press release was distributed in advance of the meeting that stated the Board committee's approval of such a budget and that the media simply handled the information in its own manner. The Board, at its October 22 meeting, also adopted the governing documents for Staten Island's College Association and Auxiliary Enterprise Board - documents that had been held over from the June meeting because of a dispute about them. The dispute had been ironed out and thus they were adopted as was the renaming of the contact lens fitting clinic at New York City Technical College as the result of a memorial gift. The awarding of honorary degrees by Queens College at the Convocation celebrating the opening of Townsend Harris High School to Joseph Barkan, Jonas Salk and Joseph Flom was approved also. The identity of the first two candidates was within his ken, Professor Wasser said - the first had been president of the Board of Education and the second was, of course, responsible for the vaccine that bears his name. The third, however, he did not recognize and he asked assistance from the members of the Queens delegation. None of those present was able to shed light and Professor Wasser then raised with them the question of whether or not there had not been appropriate faculty action to approve the candidates recommended since this was a

requirement. Members of the delegation agreed to make inquiry at the College and Professor Wasser said that he hoped and trusted that this was not a unilateral action on the part of the President but, if it were, he would discuss it with him. (Recorder's note: Joseph Flom is an attorney who has served on various governmental commissions and as counsel to Congressional committees.)

The final action of the Board was adoption of a memorial resolution for their colleague Dr. Jules Kolodny, a significant figure in the unionization of teachers and an active member of the CUNY Board.

The next communication concerned Chairman Wasser's meeting, at the invitation of Vice Chancellor Barnett, on October 16 with the Vice Chancellor and Deans McGarraghy, Barsam, and Ribaud of the Office of Academic Affairs. The purpose of the meeting was multiple - for him to meet Dean McGarraghy, to review ways of improving relations between the office and the Senate, and to brief the Senate Chairman, on behalf of the body, concerning current activities in the Academic Affairs Office. In particular, the efforts there in relation to follow-up on the recommendations of the Task Force on Student Performance and Retention and in the area of articulation were discussed, the Task Force with the Foreign Policy Association and the activities of the Chancellor's Professor in Residence. Study Abroad and the possibility, in future years, of that being a concern of the Professor-in-Residence, appointment of Distinguished Professors, waivers, and the University Committee on Research Awards were additional subjects reviewed. Professor Wasser was asked from the floor of the Senate how and why there was a Chancellor's Professor in Residence. Had the appointment been made with faculty involvement and, if so, was there a committee? What was the purpose of such an appointment? Professor Wasser replied that he surmised that the appointment had been made unilaterally by the Vice Chancellor but did not have hard data. He agreed to make inquiry. The question of whether the person was on soft money was also raised and Professor Wasser agreed to raise that issue as well.

Chairman Wasser reported next that in connection with the issue of faculty members' right to legal protection and counsel that had been raised by the Brooklyn College Faculty Council and that Professor Galub (Social Science, Bronx), chairman of the Legal Affairs Committee, would discuss later on the agenda, the Executive Committee had been in touch with a source that would provide a Professional Liability Plan for CUNY faculty at a cost roughly of \$12 to \$15 per person per annum. The plan would offer up to \$500,000 for damages and also cover costs for legal assistance over and above the \$500,000. The plan would include also additional coverage for legal consultation and fees if the faculty member were threatened with termination, reassignment or demotion.

Professor Wasser then responded to questions and comments from the floor. Professor Grossman (Elementary Education, City) asked whether Professor Wasser had additional information about the membership, the charge etc. of the Teacher Education Task Force and what its relationship was to the Ad Hoc Committee on Teacher Education noted in his written report distributed at the meeting, item 5. (Copy of the report is attached to these minutes.) Professor Wasser said he had no information about membership, charge etc. save what was indicated in the written report and that the Task Force and the Ad Hoc Committee were one with the proper designation the latter. Professor Alsop (Biology, Queens) referred to item 11 in the Chairman's written report and said that this succinct summary was interesting but he wondered several things: who made the allocation of lines - the State, the Central Office or who?, did the allocation bear any resemblance to the number of lines lost by a college?, and how were the lines handled on the various campuses, did they go back to the departments etc. from which they were taken or were they redistributed and, if so, was this a unilateral action? Professor Lea echoed these questions. Professor Wasser said that the allocation had

been made centrally but that he could not respond to the question of whether or not faculty had participated in the campus decisions. A poll of the Senate delegations was suggested and respondents from most indicated that there had been none. In the case of Staten Island it was reported that President Volpe had consulted the P&B and in the case of Brooklyn it was stated that President Hess had discussed it with a committee that included some faculty members selected by the President and including the chairmen of faculty committees and others. Professor Bohigian said that the re-allocation of the 350 lines was important but that the early retirement option raised even more significant problems. The presidents, he suggested, were drooling at the prospect of closing out certain departments in which there were many early retirements and then replacing the retirees by giving their lines where they chose. The legislation, he continued, stated that the replacements should be on a one-to-one basis although it did not provide a guarantee of this and the replacements would be given centrally so that the Chancellor, if he chose, could refashion the University as he wished.

IV. Reports of Faculty Members of Board of Trustees Committees and of the Representative to the CUNY Construction Fund: Professor Wasser moved to the next agenda item and noted that the reports were distributed in written form. He invited questions on them. Professor Lea (English, Lehman) said that he had reported in error that the annual report submitted to the Construction Fund was the Fund's report. It was the annual report of the Dormitory Authority. Professor Jaffe (Science, Borough Manhattan) asked whether he understood correctly that the early retirement option was available only to the senior colleges and not to the community colleges. Professor Wasser said that was correct, that the option was provided by the State and that if the community colleges were to have it the Mayor would have to provide it and it was Professor Wasser's understanding that the Mayor was loath to do so because he would be required to offer it to all city employees. Professor Bohigian said that was correct that the legislation provided that local authorities might adopt an early retirement option and that the Mayor and the City Council as well would have to approve. The Mayor, however, was reluctant to do so.

V. Guest Speaker: President Jay Carrington Chunn II, Medgar Evers College - "Future Directions for Medgar Evers College Within The City University of New York: Professor Wasser welcomed Dr. Chunn and said that Dr. Chunn had earned the Bachelor of Science degree in Business Administration and Secondary Education at Ohio University and the Master of Science in Social Administration at Case-Western Reserve University. He holds the Ph.D. from the University of Maryland. Having taught at Case-Western Reserve, Cleveland State University and Federal City College (Washington), Dr. Chunn joined the Howard University School of Social Work faculty in 1972. He became Dean of that university's Graduate School of Social Work two years later and served in that post for a decade before his appointment as President of Medgar Evers College in March 1984. Dr. Chunn's career, Professor Wasser continued, included also wide experience in a number of social agencies such as the Early Childhood Development for Day Care and Child Development Council of America and National Child Development and Day Care Consultants. He had served as National President of the National Council for Black Family and Child Development, as a member of the Boards of the National Black United Fund, the Council for International Programs, The Green Door, the Pierce-Warwick Adoption Agency and others. He was national President of the National Association of Black Social Workers and Vice President of the National Capital Day Care Association Board. He had also been a consultant to many government agencies dealing with health and human services and to many academic institutions.

Dr. Chunn's publications were also numerous, said Dr. Wasser. He was the author of many articles and had presented papers at a number of professional and other conferences. He is an editor of Mental Health and People of Color: Curriculum Development and Change published by the Howard University Press in 1983.

President Chunn acknowledged Professor Wasser's introduction and greeted the Senate as distinguished colleagues. He greeted his colleagues from Medgar Evers as well and said that he was pleased and flattered to be asked to speak to the Senate and that it was always gratifying to be addressing such a friendly audience. He noted too that he was the only president present. In terms of his own college he said that an effort was going forward to bring the president and faculty closer together by recognizing each other's prerogatives, or what each viewed as appropriate prerogatives, and learning to respond to those prerogatives. A series of dialogues had begun and he believed that they would bear fruit - especially because of the encouragement he received from the forthrightness with which the dialogues were being conducted. He recognized the challenge that the college faced - to serve students from diverse educational, social, and ethnic backgrounds and the challenge faced by the college in the attempt to provide those students with liberal arts education as well as career training, provide non-degree as well as degree programs, to offer two-year and four-year programs and to prepare students to serve as change agents - agents of change - in the inner cities. Open admissions rendered these tasks more challenging, he continued since students had great diversity in background and preparation but the desire existed to move ahead and the challenges he had described were the backdrop against which that movement must take place.

Those who have watched the college over the years, he continued, knew the problems it had to confront. One of the goals was to revisit the question of the college's status. It had been a senior college, then that status was removed in 1976 during the crisis brought on by the financial problems of the City. Now, the college was hopeful that it would receive reconsideration for senior college status. He had submitted a proposal to that effect to the Chancellor early in the summer. The Chancellor had raised two or three questions to which he wished answers and the college was now in the process of responding to those questions. Once that was done the proposal would go to the Long Range Planning Committee of the Board and then to the full Board to consider. The removal of senior college status was understandable in 1976, he said, due to the fiscal crisis but now it was time to restore it. The great number of bachelor degrees conferred by the College was not generally known but it was still in the business of bachelor degrees offering them in Accounting, Business Administration, Nursing, Public Administration, in Biology and in Teacher Education with certain specializations in each of these areas. The whole question needs to be reopened, he said, because of the needs of the community - the college is located in Brooklyn in an area of growing population and with senior college status it would be in the position of serving a larger population. It was his view, President Chunn asserted, that the college's destiny was interwoven with its status.

At the same time the expansion of the college's campus is a goal. It now consists of one building of the old Brooklyn Prep and one other building. Ground has been broken for a new building and construction which was interrupted by some problems is now ready to resume and the building should be under construction by the first of the year. It is critical that the college move ahead on this for the space and supplement it will supply to its educational programs. There is a Phase II construction plan as well and that is for expansion of the new campus base. The State passed the money for this and with senior college status this too will be resolved since it can be financed through Dormitory Bonds as well as through City funding.

There is also the question of strengthening the academic standards and the relation of the college to its students. He had appointed a National Commission to

assist in this - a commission headed by Andrew Billingsley of Morgan State. The college has suffered from declining enrollment for a number of years since the removal of its senior college status - last year the drop was 10%. This year, as a result of recruitment efforts it increased over last fall by some 200 students, an 11 to 12% increase. President Chunn is keeping his fingers crossed, he said, that the numbers will hold beyond the five or six weeks of the semester now passed. The goal, he asserted, is to halt the decline and the college has been able to do that. Now it can begin to build.

A further goal is to make a future effort to cut the attrition rate. It has been 50% a year in the past and the aim is to improve and try to keep students to graduate and move on. Those who have stayed for degrees and have moved on have been too few.

A viable Alumni Affairs office is being established to devote itself to fund raising and to strengthening ties with the community. A Management Task Force has been set up too to assist in that area.

Another goal is to achieve a sufficiency of budget and resources. One of the most significant problems he confronted as a new president, said Dr. Chunn, was that the college was underfunded because of the enrollment-driven budget model and he has proposed a process to increase the funding through the adoption of a developmental budget process that would provide special funding for institutions in the developmental stage.

Another goal is the strengthening of faculty governance and the implementation of the college By-Laws to move back to the original stance and then strengthen it.

The college is also engaged in new degree program planning and development, he continued. There are four or five new programs that will be proposed this year. Last spring proposals on these went forward to the Office of Academic Affairs - for programs leading to the Bachelor of Science in Computer Information Systems, Secondary Education in Mathematics and Science, Physical Education, reinstatement of the senior college degree in Nursing and revival of the program in Psychology.

In conclusion Dr. Chunn said that he was very positive about the future given the demands for service and effort to grow and develop. He hoped for additional support from the Chancellor and the State and hopefully from the University Faculty Senate as well. He would welcome the Senate's advice, consultation and influence in the effort to build Medgar Evers.

Dr. Chunn then responded to the following questions and comments from the floor.

- 1) Professor Lea (English, Lehman) - High on your list of priorities is restoration of senior college status for the college. Could that be a touch of panacea to the problems you confront. How would it help with enrollment and attrition when the senior colleges now in the system have serious problems in those areas?"/ You are right. The senior college status is not a panacea but I feel that the advantages outweigh the disadvantages. There would be increased prestige and the degree offerings would be from a four year base instead of a two year one. Recruitment would be better because now our primary admissions are of students who are seeking bachelor degrees and the population is growing; therefore, we could draw on that population. To help retention we have a college counseling service for the first time and increased tutoring and other kinds of support that students need. Furthermore, the second phase of the construction would take place with the costs being borne by the Dormitory Authority.
- 2) Professor Vines (Student Development, York)- Professor Vines' question and President Chunn's response were not fully recorded. Professor Vines indicated that she had heard President Chunn speak about student counseling last year and asked what was happening.
- 3) Professor Harris (Speech and Hearing, Graduate School)

"What percentage of your students are from Bedford-Stuyvesant or Crown Heights?" / About 75 to 80%. Professor Harris further asked - "What percentage are working people?" / 80 to 85%; most of our students work, perhaps 95% if we include work-study students - whether it be full- or part-time. - and students receiving financial aid. 40 to 45% of them eventually progress to a degree. The average age of our students is about 29 years and many are adults with families, single parents or independent students. 4) Professor Baumrin (Philosophy, Graduate School) - "As a relative newcomer who can still remember what things looked like when you got here, what did you find that was dismal or troubling - especially as compared with your expectations?" / Where shall I start? One thing is the underfunding of the college given the historical pitch and its needs. I would have thought it had been better over the years and that it was in a stronger position to move ahead. I am concerned about the problems from the past that I have had to resolve and I think we are on the way to doing that now so that we are beginning to hope that we can move ahead. I was struck by the disparity that I found as I travelled from campus to campus in the system especially in terms of the distribution of resources. As I have travelled I have seen a contrast between the most lavish and the sparse. Professor Baumrin further asked - "Do you find the basic skills preparation of students that you've looked at, given the special nature of the college, better, worse or the same as that of students in your former institution?" / The process here is much more developed than in the privates and the degree of high school preparation is greater too. I am encouraged by what happens on the exit end with our students going on to law school, medical school and other professional training, by the jobs they secure and the way in which the deficit with which they began has been overcome in their passage through the system. 5) Professor Alsop (Biology, Queens) - "What efforts has the college made or does it plan to engage in collaboration with local high schools to have them begin the remedial effort so that the schools and the college are working together and it is not all done on the college level?" / We have started a dialogue with Boys and Girls High and are interested in establishing a sister relationship with them. I don't know whether that will materialize but I hope we can pull together. We have also been talking to Prospect High School since we initiated relations there through discussion with the principal about the high school/college continuum. We do have some advanced students coming from them. 6) Professor Thompson (Specialized Services to Education, Lehman) - "Have there been any changes in the ethnic or linguistic composition of the student body?" / 96% of our students are black. They are Third World students from Africa, the Caribbean, etc. 20 to 25% need help with English and that population is growing in the area in which we are located. Professor Thompson further asked - "Historically the second language has been Spanish, are there others?" / Spanish is still the first but there is a growing number, because of those from Haiti, with French. 7) Professor Danziger (English, Hunter) - "You mentioned educational ties with industry, what more can you tell us about them?" / We have a cooperative education program so that we are placing students in plants, banks, corporations in the area such as Citicorp, IBM. Professor Danziger further asked - "Are these in-service placements?" / Yes. 8) Professor Wimmershoff-Caplan (Law, Baruch) - "What is the ratio of men to women graduates?" / The ratio is 72% overall and that is true of the graduates as well. 9) Professor Youkeles (Behavioral Sciences, Kingsborough) - "What is the ratio among the disciplines?" / Business has grown. I can't give the entire number but business has.

Professor Wasser thanked President Chunn for addressing the Senate and the body echoed that sentiment by a round of applause. President Chunn expressed his pleasure in being at the session and reiterated his hopes for advice and counsel from the Senate.

VI. Report of the Legal Affairs Committee: Professor Galub (Social Science, Bronx): Professor Galub, chairman of the Committee, reported that it had met on October 10 to consider courses of action to recommend to the Executive Committee and the Senate with respect to the issue raised by the Faculty Council of Brooklyn College. At present the Committee is looking into the applicability of the statutory and case law on the definition of a personnel committee which is in litigation because of the decision.

The question that is uppermost in the administration is "is it within the terms of employment?". The Committee is fairly certain that a persuasive case can be made that it is but we have not lined it out completely. Other steps that we shall probably take are these: 1) to talk with staff members of the PSC who have an interest in the contractual aspects of this; 2) to attempt to talk with the Vice Chancellor for Legal Affairs in the attempt to get him to clarify the University's position; 3) to talk with the Executive Committee about the suggestions we have made about other possible actions that might be taken outside the normal infra-University processes. We would welcome any suggestions that members of the Senate have to offer also.

Professor Galub then responded to questions and comments from the floor which dominated the rest of the discussion of this agenda item. 1) Professor Wedeen (Education, Brooklyn) - "I think it is important to make clear the fact that the issue was raised in connection with a faculty committee rather than the P&B since that distinction is apparently made by the Office of Legal Affairs."/ We want to look more closely at it but there is a question of the impact of this opinion on P&B activity. Then we will meet again. 2) Professor Quinn (Speech, Brooklyn) - "The request from Brooklyn dealt with the issue of the Committee on Evaluation of Administrators and the right of faculty to protection in such activities. It did not deal with any other issues."/ I agree that it works out into that and that is the issue within a narrower framework but we have to look at it in a larger one. 3) Professor Alsop (Biology, Queens) - "What happens if it is embedded in the charter of a governance body and becomes part of the governance, then the Board has to take responsibility, doesn't it?"/ Again, we are in a different situation. The Committee is not explicitly named in the Brooklyn document but is appointed by the Faculty Council and has been in operation for some time. There is a question of the ratification of the Committee's action by the Council and also there is the possibility of amending the charter to write into the approved plan. Both City and Queens have done this, I believe. Other policies of the Board involve faculty in evaluation. In the Brooklyn College case questions are raised and the Board is in a position to resist because the committee exists but not in the plan. It has to be argued that where a course of action has been taken it has applicability. What is needed is a Board policy to cover all of such situations. 4) Professor Baumrin (Philosophy, Graduate School) - "As another member of the Legal Affairs Committee, I would like to try to clear up what the Professor Quinn thinks is confusing. The effect of the counsel's letter of July 24 is that the faculty at Brooklyn College does or may have the right to evaluate administrators. It says they are not entitled to indemnification. Their argument is simple - since the committee is not named and approved it is an act of faculty members not in discharge of their duties - not within the scope of employment. What trouble the Legal Affairs Committee is that we can't determine where not within the scope of employment ends. If a person is nominated by the faculty to serve on a committee of the faculty, isn't the person running for the committee in effect commanded to serve? Where does it end? 5) Professor Cooper (History, Staten Island) - " I understand the point Professor Alsop is making but I assume that the Committee is going to meet with David Rigney and I wish that they would then ask the attitude towards those that have such committees in their governance documents and are thus acting within an approved framework. If the attitude is different then there is a major problem."/ That would be the purpose of such a meeting. P&Bs may be at the margin of our concern but we still didn't want to leave any stone unturned. 6) Professor Bohigian (Mathematics, John Jay) - "I think you are entering very dangerous territory. When and under what conditions do you take something to arbitration? If the issue is restricted to evaluation of administrators don't raise other issues and I would take the affirmative action of asking the Chancellor to issue an administrative order that it is ok. Otherwise the Senate can indicate its use to prevent the evaluation of administrators. Don't open Pandora's box and bring in other issues./ We agree that we don't want to open a Pandora's box. 7) Professor Yousef (Mechanical Engineering, Staten Island) - "In view of the comments that have been made, I think the lawyers on the Committee must take the role they are but I think they should reject the ruling as out of the mind. I have experience that

part of the charter at certain places. People get directives to evaluate administrators from the Dean and others and in that case it is ok. In others, no. I submit that if we play the Vice Chancellor's game we are doing the wrong thing. We should reject it. I could be sued because I am not named to the Course and Standing Committee by the President etc. The Vice Chancellor is trying to scare off the faculty. Brooklyn College must have been the basis for this! That might be of use although as attorneys we are not insensitive to the politics and academic implications of this and the questions that are raised. If we seem to talk in legal terms that is because we are taking a specific viewpoint. The Chancellor and the Vice Chancellor are really the same person. The position is, we think, that any activity on campus that is not libellous should be protected but faced with the Brooklyn situation where a suit is possible there is a question and therefore we are addressing it. 8) Professor Sohmer (Mathematics, City) - "If we ask the Board to say ok we won't get a blanket policy but a policy with so many circumscriptions that it will be meaningless. A ukase is ok but there is a clear desire up there for faculty not to participate. They didn't say so but it is clear that elsewhere people shouldn't be troubled. I distrust asking for a ukase or policy statement because of the circumscriptions. 9) Professor Brogan (Biology, New York City Tech) - "For the Senate's information it is unreasonable to ask the Chancellor to support the evaluation of administrators. The Board is only acting in concert with him for at our own Governance Conference last spring the Chancellor said that he considers the evaluation of administrators the public humiliation of them. 10) Professor Jaffe (Science, Borough Manhattan) - "Is it premature to make a motion?"/ Professor Wasser said that he thought so since this was a preliminary report and he did not think anyone was prepared to act at this stage. 11) Professor Gluck (Education, Brooklyn) - "Before we become too legalistic I think Rigney and company can be reached quickly. Possibly we are thinking too negatively. The statement is unrealistic - I think they can be talked to about it. 12) Professor Litke (Business, Kingsborough) - "I too am a member of the Legal Affairs Committee and as attorneys we look at both sides of an issue the interpretation they have given of the Education Law is very strict but we can't go beyond studying the law in our response in the Committee. 13) Professor Alsop - "I agree with Professor Sohmer about the ukase and the Board." 14) Professor Cooper - "I am wondering if the Brooklyn College people would amend their charter and see what would happen because that would be helpful."/ Professor Wedeen responded - "That would be for the long range but the Committee is now in limbo and not able to act. Whether making such an amendment would help now is unlikely since it would take time. The other point is that the Vice Chancellor's decision could not have been hasty - the issue went to him in March and he responded in July and there were many conversations in the interim. 15) Professor Yousef - "That is true but in my college we act with the administration and I say we should bring that to the attention of the Vice Chancellor." Professor Galub brought the discussion to a close stating that at this point the Committee did not plan to respond in detail. There have been a number of valuable suggestions this evening. He wished to point out that the Committee were the "mouthpieces" and did not take action with respect to strategy. That was a matter for the Executive Committee and it will have to decide finally how to go.

VII. New Business: Professor Waldman (Foreign Languages, York) raised the question of whether the Executive Committee had reached any decision about a recommendation to the Senate on the issue she had raised concerning consistency in nomenclature in the last meeting. Professor Wasser said it had not. Professor Waldman said that she would bring the matter to the Senate at the next session and try to have it an agenda item.

Professor Davidson asked that anyone interested in Apple computers and the purchase thereof through the University speak with him.

Professor Thompson (Specialized Services to Education, Lehman) asked whether something might be done to circumvent the way in which the condensation of programs meant the loss of discipline for some faculty members like herself - she referred to such

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instances as in the listings in the Senate's Directory of Faculty. At Professor Wasser's request Dr. Ellis, at this point, showed the Senate the one complete and bound copy of the April 1983 second edition of the Directory that she had received that afternoon and brought as an earnest that the book was really now about to be published after the unconscionable delay in the hands of the typesetters. She also explained to Professor Thompson that the Directory did not list people by department but, even in the case of consolidated departments, asked members of the faculty to indicate the discipline or disciplines under which they wished to be listed. If the listing were not correct it was possible that the faculty member failed to respond to the request and the information transmitted from the department chairman failed to match the wishes of the faculty member. (Note: Study of the second edition of the Directory indicates that Professor Thompson is listed not under the discipline indicated by her department but under another discipline.)

Professor Gerber (Comparative Literature, Brooklyn) asked what happened to the resolution on skills assessment adopted by the Senate last year. Had the recommendations been implemented? Professor Wasser said that the question of the disposition of that and other actions transmitted to the Chancellor but not responded to by him had again been raised but no response has yet been received.

There being no further business a motion to adjourn was entertained and adopted.

Respectfully submitted,

Jean Ellis
Executive Director