

SUBJECT TO SENATE APPROVAL

MINUTES OF THE ONE HUNDRED AND FORTY-SEVENTH PLENARY SESSION
OF THE UNIVERSITY FACULTY SENATE OF THE CITY UNIVERSITY OF NEW YORK

April 22, 1986

Chairman Wasser called the session to order promptly at 6:30 p.m. in Room 1700 at the Graduate School and University Center. Present were: Senators Alsop, Baker, Baumrin, Bloom, Bohigian, Brogan, Canate, Cooper, Danziger, Donleavy, Flashner, Gluck, Greenbaum, Crossman, Guydon, Hayon, Henderson, Hernandez-Miyares, Herszenhorn, Hinds, Jaffe, Kachuck, Kadushin, Ladas, Lea, Loetterle, Matthews, Meister, Movasseghi, Muehlig, Muller, Picken, Quinn, Riley, Rose, Seguine, Shaffer, Simor, Sohmer, Speidel, Stern, Stroup, Sullivan, Thaxton, Timoni, Waldinger, Walter, Wedeen, and Yousef; Alternate Senators Nowinski and Sessions; and Alternate Senator Blanks. Senators Davidson, Depas, Donovan, Ercolano, Galub, Jiji, Litke, Otelsberg, Plissner, and Trefousse were excused. Liaison Member (PSC) Zeller also attended as did Chancellor Murphy and Executive Director Ellis. Mr. John Dugan, counsel to the Research Foundation, also attended and Vice Chancellor for Facilities and Management Farley was the guest of the Senate.

I. Approval of the Tentative Agenda: Chairman Wasser made the following revisions before asking for a motion to approve the agenda: Delete item 7, make item 6, item 7 and item 8, item 6, indicate under item 10, held over item: Resolution on Smoking and new item: Resolution of Academic Freedom Committee. Professor Baumrin noted that, in addition, item 9 would become item 8 and item 10, item 9. With the above revisions in the distributed material, a motion to approve the tentative agenda was made and seconded and adopted without dissent.

II. Approval of the Minutes of the 146th Plenary Session (March 25, 1986): Chairman Wasser asked the Executive Director to note corrections previously communicated to her. Dr. Ellis offered the following corrections: Report of Faculty Members of Board of Trustees' Committees, p. 1, item 1, ll. 10ff: "area. A report previously promised the Committee, listing those programs that have been deregistered in the last several years, was distributed. The purpose of the move to establish certificate..."; last two lines of item 1: "was laid over for further discussion." Professor Cooper (History, Staten Island), member-at-large of the Executive Committee, said that the comments attributed to her in the Minutes pp. 2-3 did not accurately reflect the intent of her comments but that she was unable to rephrase accurately her real intent. She could tell the Senate that she had not wished to state that the resolution was a vote of no confidence in the Chairman nor that the issue was one of a principle. She asked that she be granted the agreement of the body to submit her rephrasing at a later time. That permission was granted. A motion to approve the corrected minutes was made, seconded, and passed without dissent.

III. Communications from the Chairman: Chairman Wasser said that he had wished to report his arrival at the session as having followed on the heels of his attendance at a reception for Vice Chancellor for Academic Affairs Barnett who is leaving the University to become Chancellor of the University of Missouri/ St. Louis. To his chagrin, however, he had been prevented from attending that event because of a delay at his home campus of Staten Island where he had been needed at an important promotions meeting. Unfortunately, the Chancellor's Social Secretary had scheduled the reception at a time when it was known that Senate members would be unable to attend, as they would have wished, so that only Professor Riley (Chemistry, Bronx), Secretary of the Senate, who was at 80th Street for a Board Committee meeting, was able to make even a brief appearance at the reception. He regretted, as did the other Executive Committee members, the denial of that opportunity but had been told that there would be a further event to which the Senate's representatives would be invited. He announced also that subject to

the Board's action at its April 28 meeting, Provost Le Clerc, Baruch, had been named Acting Vice Chancellor for Academic Affairs. Dr. Wasser reminded the Senate that Dr. Le Clerc had filled that role for three months after the resignation of former Vice Chancellor Roellig and had come to the University as a dean in that department - on an initial staff appointment. Dr. Le Clerc had acquired faculty status subsequent to his appointment as Provost.

The Chairman reported also on the annual Dinner to benefit the Belle Zeller Scholarship Fund, held this year on April 16. He had been at the dinner and had been correctly this year identified on the dinner committee as chairman of the Senate. As always, the event had been a pleasurable experience, enhanced this year by the very nice ceremony to award the Fund Trustees' annual "Friend of CUNY Award" to Governor Cuomo and the annual scholarships to the winning 12 students. The Governor's speech had been delivered displaying him as full of energy and life force and, in lieu of a speedy exit as was so often the case, Governor Cuomo had spent time with people as he proceeded slowly to make his way to the exit. Other political figures such as Speaker of the Assembly Fink and Chairman of the Assembly Higher Education Committee Siegel were present, many members of the University Senate, the PSC and its Delegate Assembly, Trustees of the University and presidents of the colleges were there too and, of course, Dr. Zeller in whose honor the fund was named.

Dr. Wasser then called for the Report of the Board of Trustees' Committee on Public Affairs by Vice Chairman Wedeen, member of that Committee, as promised at the March meeting. Professor Wedeen said that rather than confine her report solely to the usual committee report, she had thought it might be appropriate to provide a somewhat broader overview for the Senate of the Board's operation and its subcommittees. The Board, she said, carried on its business primarily through a committee structure. There were five permanent subcommittees and many ad hoc committees. Customarily, each had three Board members, a faculty and a student member, and an ad hoc president. Many, more persons attended the meetings primarily staff members. Turning to the subject of the Public Affairs Committee meetings, Professor Wedeen continued, that Committee had been renamed, having been the Committee on Public Policy and External Relations, and its charge restated. She then read the Committee's charge outlining its goals as follows: identification and promotion of policy goals in the State and City budgets, development of an agenda of legislative proposals for the advancement of the interests of the City University and higher education; promotion of the University's role on behalf of the City and State; expansion of the University's community relations role. Every meeting of the Committee began with a report on the federal level given by the public relations man in Washington, Larry Gold. Next, there was a report on the State finances; next, one on the City level or more often the local level such as the Board of Education and the Board of Higher Education. There were big folders and what had been done and procedures about the larger community with respect to the City University. In the area of community relations, there were many receptions reported and the liaison with such groups. The Committee is, in a sense, a center for lobbying and the public relations created for the City University at all levels is reported. There are many programs that it initiates. The initiatives taken during her service on the Committee, Professor Wedeen said, or more usually in the past two years since its new name, are: 1) establishing the practice of having a day in court for the community by holding Hearings in each borough and people can ask to speak at those hearings. Also the Committee starts special programs coming out of the University such as the Salk Dinner last year which most faculty did not attend since the charge was \$1000 per ticket but which raised money for the scholarships and was, it was reported, a lovely affair at which former scholarship winners were present and was comparable to the Zeller dinner. At the last two meetings of the Committee, for example, the report on the federal level was about the implications of Gramm-Rudman for the university and the higher reorganization act. At the April 1 meeting, the Committee approved a resolution endorsing the Reorganization Act. On the State level, the funding was gone over step-by-step; on the local, the

Suffolk County Friends affair was reported. There are some 5000 alumni and 750 faculty members residing in Suffolk County and 250 were there. The point is to heighten awareness and interest in the University. The Chair of the Committee, Trustee Bloom, also reported on the Board visit to Albany, another initiative of the Committee. Although no one wants to be a lobbying group, sometimes, it is necessary. They go on the bus, are briefed on the bus and the point is to meet with people other than from New York because there are a lot of people from upstate and they don't know very much about the university. Last year the trip was quite successful but there were suggestions. This year they were carried out. Instead of the dinner that is usual at such things, there was a buffet - the idea being to be able to talk to more people. This year it was suggested that next year they see the Governor first. There is usually a resolution to get passed too and that depends on the nature of the resolution, for example, the memorial minute for Harry van Arsdale at the March meeting. There is also a breakdown of the public relations in the past month. This month it was about what to keep out, e.g. the Friedman matter, Lowe as student leader, and a rape at one of the colleges. That was different since usually it is what to get in and this is the first time it's been what to keep out. In essence, Professor Wedeen concluded, that is the kind of thing. Professor Lea (English, Lehman) asked whether Professor Wedeen's statement that there were 5000 alumnae and 750 faculty in Suffolk County and the purpose of the group meant heightening the awareness of the former or the latter? He expressed the hope that it was not the latter who were meant.

Chairman Wasser thanked Professor Wedeen and noted for the Senate the fact that the Board's Borough Hearings were mandated by the State Legislature under the Governance Plan of 1979 and that there was a problem with respect to those hearings, viz. each is required to have three Trustees in attendance and there is considerable difficulty in doing this. As an aside, he noted that he had attended virtually all in the past six years and had been in each borough more than once. Further, on the six Albany trips during his service on the Board, Professor Wasser said, the trustees had seen everyone - legislators from the City and upstate but they had not met with the Governor. In fact, the only meeting between a Governor and the Board had taken place during Carey's administration when the Board had been summoned to his New York office, the Governor had glowered at each question raised and had referred the query to an aid for response. The trip does serve an important function, however, because it does make the legislators aware of the Trustees and, in fact, the politicians like to have their picture taken with the Board and then send it to their home papers as well as to the trustee or trustees with whom he or she has been photographed. It is part of the process of arguing the University's case.

Professor Wasser reported next on the issue of evaluation of presidents. The Senate, he said, had been asking every semester for the past several years about the issue, had been told the process was to start and then found that it didn't. Most recently, it had been stated several semesters that Presidents Bassin and Schmeller were to be evaluated in the Fall term, then the Spring, then the cycle again, in Fall 1985, then Spring 1986 and, in a communication from the Chairman of the Board, sharing correspondence on the subject, the most recent statement that the evaluation would occur in Fall 1986. There were several reasons for the delay. There had been a change of Deputy Chancellor and Mr. Mucciolo now had to familiarize himself with the process. He had met with the Senate Chairman to discuss this issue at his invitation. Another reason for delay was the decision that such evaluations were better if they followed Middle States accreditation visits and that has led to changes in the schedule. The result is that there are some presidents who have not been evaluated in 12 or 13 years, some as recently as three or four years but, in any event, it is now seven years since the last presidential evaluation and the number of delays in restarting totals six semesters. All we can do, said the Chairman, is to push for the process to begin since the delay is not unwelcome to the presidents who are naturally reluctant because it takes a great deal of work for them even if the person is confident of the result. The Deputy Chancellor has now requested that each president prepare a self-study of his administration and include 1) what has happened

since the beginning of his/her presidency, 2) what were the person's objectives then and now, 3) how those objectives were filled, 4) was there a value added to the institution?, 5) what were the individual's particular objectives then and now, 6) what has been the development or impact on affirmative action?, and, finally, what has been done to improve the implementation of affirmative action? The process is governed by written guidelines and provides plenty of opportunity for the president to express his/her views. The president, in fact, exercises a form of veto power over the choice of evaluators since the outside evaluators are selected in consultation with the president and the evaluators' report is submitted first to the president to permit the opportunity for correction of factual errors prior to its submission to the Chancellor. The process is taking a long time to start but once started it should go well. It will take four or five years before the cycle is completed but the problem has been getting it to go. The late Chancellor's interest in the process was one reason for its success at that time but there is also a natural slowness in setting the process in order to run again. Professor Guydon (SEEK, John Jay) asked whether a committee reviewed the self-study. The president writes the document and then a team of two or three outsiders visit the campus for two or three days. The team reads all of the documents made available, then meets with the various constituent groups on campus, looks at the proposals and initiatives, then provides its estimate to the President and to the Chancellor. Under some systems presidents are appointed for a period of years, renewed once, and then followed by the individual's departure but that is not in ours. Professor Lea observed that there was a contradiction he had noted. Chancellor Murphy had expressed the desire to have an early warning system of problems that might be developing in a college but, beyond that, vis-a-vis evaluation had stated that he had seen only one and was on record as opposed to the process since he regarded it as an opportunity for constituent groups to do a hatchet job on the president. He thought that the Chancellor needed to be reminded that this was an important responsibility of the Board of Trustees. Professor Wasser said that the correspondence sent him by the Board Chairman indicated also that the Deputy Chancellor had included in his report the information that he had requested the Chancellor to prepare a self-study this spring as the initial step in the Chancellor's evaluation scheduled for 1985-86. The scheduling of the evaluations of Presidents Bassin and Schmeller was for Fall 1986 and after a review of the Middle States Association schedule of visits two presidents to be evaluated in Spring 1987 would be added.

Professor Bloom (Community Medicine, Mt. Sinai) said that he had questions about the whole process of evaluation. He thought it confrontational whereas the goal should be other. Professor Wasser responded that the issue was not one of designing a process, nor was the goal what Professor Bloom implied. The incident to which the Chancellor referred had to do with SUNY, not CUNY. SUNY has had a regular system of evaluations until very recently when it was somewhat revised by their Chancellor and CUNY felt the impact of that system. The basic intent of the evaluation process is to improve and, in fact, the SUNY system led to the adoption there of a system of providing presidents with the opportunity to take a three month sabbatical. It is possible that the present discussion has placed emphasis on the critical part but what is really meant is improvement - that is the whole object of evaluation. What it means is accountability - a fact of life that faculty find acceptable all the time and that, it was thought - ought to be periodic. Professor Bloom further said that it seemed to him that there should be a more generic method to achieve the same goal. Professor Wasser said that the Presidents were leaders and, as leaders, were expected to accomplish changes and thus the expectations of presidents and holding them accountable through the evaluation process were interrelated points to keep in mind.

Professor Lea noted that the forthcoming May issue of the UFS Newsletter included a long article that summarized the process and provided details on its governing guidelines.

Professor Wasser then introduced Professor Riley (Chemistry, Bronx) for an announcement. Professor Riley said that June 15, 1986 was Father's Day and he was asking the Senate to surrender its Father's Day because on that date there was scheduled a demonstration in New York - one that he considered of immeasurable importance. It was an anti-apartheid demonstration that, in his opinion, was of such consequence because the destruction of that force from the earth was of such consequence. He was only one of a large group that was organizing the demonstration and had been asked to inform the Senate about it. He would be giving up his Father's Day to the activity and hoped his colleagues would join, bringing their families with them. Details were not fully available yet but the tentative location was Dag Hammerskold Plaza. He would be in touch with the Senate before then but made the announcement now so that people might reserve the date.

Professor Donleavy (Special Services to Education, Lehman) said that in line with the issue of accountability, she wondered what steps were being taken by the University to find out the facts in the Lehman College Stanley Friedman matter, what were the politics of the situation and were they related and who was responsible. It was, in her mind, a question of holding people accountable. Professor Wasser said that he could try to answer to the best of his ability but that he thought it a question of university-wide import that ought, appropriately, be addressed to the Chancellor during his report later on the agenda.

Professor Wasser reported also that the Board of Trustees had had a briefing on April 21 concerning the 1986-87 Budget Process which was just beginning. The presentation was informative for Board members less familiar with the process than the faculty trustee but concentrated on process rather than specific objectives.

IV. Reports of Faculty Members of Board of Trustees' Committees: The reports were presented in writing. (Copy attached to these minutes.)

V. Status of the University Capital Budget Problem: Vice Chancellor for Facilities, Planning and Management Farley: Dr. Wasser introduced Vice Chancellor Farley and noted that in the 19 years the Vice Chancellor had been at the University, he was visiting the Senate for the first time, although he was familiar to many Senators through the work they had done with him and that he had done for the University. Vice Chancellor Farley, in turn, noted that although this was his first visit to the Senate, he was an avid reader of its minutes and that among his five sons, three had attended CUNY units so he had had the opportunity to see the faculty from a different perspective.

The Vice Chancellor said that he would speak first about the facilities problem at John Jay College. The Legislature has approved a capital lease for the college - a form of contract that is a derivative of California's Proposition 13 and that provides tax-exempt financing for the project. A proposal in final form was presented yesterday and it is hoped to bring the matter in its final form to the Board for approval in May or at latest June. The lease would provide an arrangement to deal with the college's space problem in the form of a turnkey project at the Haaren High School facility located across the street from the college so that in two or two and one-half years the college would have the facility.

Outside of John Jay, Vice Chancellor Farley continued, the University has been working for 18 months with the Legislature to achieve funding through the Construction Fund and increasing its cap whose previous funding has been exhausted. There are \$345 million recommended capital projects for which the appropriation is needed. There is good will in the Legislature but a debate whether, as the Assembly wishes, to fund a \$1.1 billion cap or, as the Senate would, a \$1.5 billion cap. The debate did not end in time for the appropriation to be included in the budget but the Legislature is back at work now and hopeful of an early resolution of the debate. The Chancellor is

also involved in this matter. The cap, of course, can be amended by future legislation but now we can't spend anything nor have we been able to for the past 18 months. Since about 1967 we have spent about one billion dollars - in the aggregate, perhaps \$1.2 billion. Therefore, the agreement on the size of the cap - that is, the debate over its size - is hard for us to understand. The immediate programs on our agenda are for Medgar Evers, two projects at York, and the others are on the shelf. We have not begun them and we won't unless the cap is funded.

Vice Chancellor Farley then responded to questions and comments from the floor.

1) Professor Guydon (SEEK, John Jay) - "About John Jay. I didn't understand and I report to my department at the college and would like to explain to them./ John Jay has North Hall which is an owned building; it has South Hall also - a rented facility. The project that has been negotiated is located directly across the street from North Hall. The owners of the Haaren High School site for an office building have been approached to change that goal and take the site and the lot behind (which they own too) and build a facility for John Jay to replace and expand the South Building. The owner would do the building to our specifications and lease to the University on a 20 year basis with an option to buy. That would total some \$160 to 170 million. The lease would specify also a firm delivery date of July '89 with a preferred date of July 1, 1988 - the date on which the South Hall lease expires. 2) Professor Movasseghi (Natural Science, Medgar Evers) - "What is the Medgar Evers situation?"/ The project amounts to approximately \$8.6 million and needed authorization. In the ordinary course of things once authorization was given, the bonds would be sold. Now, there is agreement to provide the authorization but we still need a mechanism for selling the bonds and that isn't there. The project requires a series of contracts - not one arching one - and some have been contracted and those are funded so that they are not dependent on the passage of the legislation. 3) Professor Nowinski (Modern Languages, Hostos) - "What is the status of the bridge across the Grand Concourse at Hostos?"/ We have built more bridges than the City, I think, and the Hostos one is a very important element. However, although the project is a Dormitory Authority one and thus exempt from City ordinances, as a policy matter we have followed those ordinances and that involves community input into the planning which makes it more complicated since such involvement is good democracy but inefficient. We are following those courses but until community approval etc. are given we can't make a final commitment. It is our intent and we expect to get those approvals though. 4) Professor Baumrin (Philosophy, Graduate School) - "I wondered why we didn't pursue the acquisition of Haaren High School the first time it was offered?"/ Preparatory to doing that we needed an appropriation or authorization in the State Budget. We first tried the film studio - the South Hall building - although there was trouble in that process. Then the Legislature put \$7 million in the budget for John Jay. Then values in the area escalated although the Haaren High property was distressed and we were dealing with the mortgage holder, not the owner and we didn't have enough money to buy the site then. Professor Baumrin further asked - "Was the allocation of money insufficient? Was there a hard price? Or, did the deal fall through the cracks because of the price?"/ We didn't know who to make offers to and we were not in a position to terminate an agreement; the deal was lacking dollars and in conversion with the bank because it had not been developed due to the earlier depressed conditions that depressed the value of the property. 5) Professor Lea (English, Lehman) - I have two questions: 1) In respect to construction and renovation projects at CUNY, what procedure do we have to deal with unsatisfactory results?" and 2) The Senate has the sense that the budget this year is okay but that difficulties lie ahead, is that true of the capital budget too?" / No, not the capital budget. But in answer to your first question - we rarely accept a project without some assurance of the results but you may recall the public discussion that has appeared in the press concerning the wisdom of the requirements imposed on public projects in construction, renovation, etc. We, like all public projects, are under obligation to bid a job and to ask for a performance bond on performance being satisfactory. The lowest bid is hard to reject even if the maker has performed poorly otherwise. It is now being argued by others that such bidding and acceptance should not be required. We are trying to control the situation by careful specifications but we don't

have an option. Going back to the second question - we have done fantastically well. The argument in the Legislature makes it pretty hard for us to be down. We started from a very depressed situation and some of our colleges have done very well while others have yet to see real forward movement. 6) Professor Sohmer (Mathematics, City) - "Is it clear that the principals in the Haaren High School deal are not already involved in another arrangement?"/ The deal is being negotiated, not bid and we have been very concerned to protect the University. The Construction Fund trustees - many of whom sit also on the Board of the University have authorized an independent evaluation to protect us against criticism. There are some problems with the need for the City, the Board of Estimate to approve the lease. 7) Professor Bohigian (Mathematics, John Jay) - "What provision is there that the specifications will control the construction at John Jay?"/ We have required development dollars for a construction manager to insure that the job is being done to the University's specifications and to keep things moving and in sync. He will see that the various contractors meet those specifications and the necessary time-tables. Professor Bohigian further asked - "Will his authority supersede that of the local manager?"/ He will have the authority to do so. There may be some areas of dispute but he will have control. 8) Professor Picken (Romance Languages, Queens) - "What will be the effect of HR 838 and the marketing of our bonds?"/ Potentially very serious. The more onerous provisions have been postponed until September 1, 1986, for example, the provision that the proceeds from sales to the extent of at least 5% must be expended within 30 days. So that is additional incentive to move ahead on John Jay but we have yet to find out the ultimate effect. 9) Professor Speidel (Geology, Queens) - "I guess we are a match - you as a reader of our minutes and I as a contributor to them. The Senate Fiscal Affairs Committee which I chair has been looking at our capital program this year and I wonder whether you would explain the capital-lease that has been discussed in recent months as a different approach to financing construction. Where are the purchase dollars obtained?/ What happens is this. We have leased property and the landlord has paid for improvements. We have discussed this before. Under the capital lease now being discussed is this. The developer can be funded as tax exempt if he enters into a contract with the City. He is funded through certificates of participation which are the same idea as bonds. The obligation is not part of the general debt but the result of an anonymous appropriation. The developer is financed at the tax-exempt bond rate of about six to seven percent as opposed to the 12 or 13 per cent otherwise. 10) Professor Kachuck (Education, Brooklyn) - " I want to go back to the question Professor Lea put. The issue is the responsibility and who it lies with in relation to quality control. Is there room for that in such an arrangement?"/ Yes. For the past three years we have contracted to regional designers to perform full-service supervision. We keep trying to do better in the performance area. It is complicated by State law, however, which requires that we let four prime contracts at least to independent bidders. We then have to mesh the time each job is required to be completed so that the sequence in which one job depends on completion of another is maintained and that creates a problem. 11) Professor Cooper (History, Staten Island) - "Going back again to John Jay - I live in Manhattan and I am a tax payer and much as I am concerned about the college's space I have the feeling that as a City resident it is my tax dollars that are somehow paying for this and I should be concerned about the cost and the wisdom with which those dollars are being spent. I have the feeling that we will be paying a lot - \$18 million for 20 years is a lot to be paying a failing owner. What would be the cost to buy it?"/ The owner is not failing. He has been bought out by his partners and there has been an appraisal to determine the purchase price. Under eminent domain the cost would be astronomical because of the plans the developer could put forward under condemnation. If the college stays in South Hall the dollars are remote. Professor Cooper further asked - "How does the bonding cap affect the Willowbrook project at Staten Island?"/ We have had \$20 million appropriated and we are now ready to move on it. 12) Professor Stroup (Art, Music and Philosophy, John Jay) - " Again on John Jay - has there been discussion of the plans with the faculty of John Jay?"/ I have attended several meetings at the college but I am not sure of the status of the people who were there. I expected to meet with a committee of faculty at the college last Friday but that was cancelled

a comparable meeting Monday. 13) Professor Jaffe (Science, Borough Manhattan) - "Will changes on tax exempts percentage through rising interest rates affect private developers and if so do we get stuck or what?"/ If the tax exempt increases do become taxable then we are in difficulty but the John Jay deal would already have been fixed so that the contract obligation would be binding still in that project.

VI. Chancellor's Report: Chancellor Murphy said that Vice Chancellor Farley was the most veteran, experienced and competent Vice Chancellor. He has run and spent a billion dollars without a suggestion of misspending - maybe that's it's been spent badly but nothing else. I can remember one example of a project at Bronx that included erecting columns and when it was done the columns were so placed that the track between them was too hemmed in by the columns for the trains to run between them - that was about 15 years ago.

The Chancellor then stated that he had with him a twelve page paper on Affirmative Action - the document he had promised the Senate at the March meeting - and that it had been his intent to read it this evening. He had, however, decided against that since the hour was growing late and he would prefer for there to be ample time for discussion of it. Furthermore, it was too complicated. He had been thinking of asking this time to increase the minutes rather than subtract from them and to have the paper circulated as an attachment but had decided against that as well since it might cause too much of a stir. Therefore, he had decided to hold the paper for the next occasion. He would therefore respond to questions after brief reports on a few items.

With respect to the Friedman/Lehman issue, he said, there had been an editorial in The Daily News with the editor calling for an explanation from President Lief and the Chancellor - the last time such a piece had appeared was in 1976 when the editor called for Dr. Murphy's unceremonious dismissal as president of Queens College and though the Chancellor might lose sleep over some editorials, he did not over this kind. The issue concerned a course in Politics and Education. The instructor invited a series of people to participate - people who might contribute to the educational quality of the course. That took place first in the Fall 1982. Mr. Friedman agreed to participate and received adjunct pay at about \$30 per hour for three hours. Apparently that served as a vehicle for the transfer from one pension system to the other - from ERS to TRS, the Chancellor thought not being fully familiar with the government systems since he was a TIAA person himself. That transfer triggered a renewal of the time during which Mr. Friedman could have become vested in the rights. Chancellor Murphy said that he could not speak to Mr. Friedman's intent - as to whether he had thought only of profit and use in the future. The University was placed in a position reminiscent of the story of St. Stephen's boils - it was in the position of providing the vehicle Mr. Friedman needed but, in the end, it didn't since he was unable to use the advantage he had gained. He might acquire the additional credit needed in the other system in time, however. The Board of Trustees has asked for a full report on the matter, the Chancellor continued, and that report is now being compiled.

The Chancellor reported also that the last two pieces of legislation at the State level on this budget were still being pursued and added that the City Budget is expected at the end of April, first days of May. One of the remaining State acts is the cap legislation and there is hope for an accommodation between the Assembly's \$1.1 billion and the Senate's \$1.5 billion. The second is the Medgar Evers piece. The University's Board has acted to restore the college to its former status and the University has sought funding for that purpose. There is support for that request and the Assembly has voted for such funding and is now working with the Senate on it.

The Chancellor then responded to questions. 1) Professor Baumrin (Philosophy, Graduate School) - "What is the status of graduate student aid next year?"/ We have some. Through use of the lump sum money there are more dollars than in the past.

Professor Baumrin further asked - "When will we know how much?"/ The allocation of the lump sum money is four-fifths done but we are working out the implications.

2) Professor Lea (English, Lehman) - "What can you report about the status of the University Times issue?"/ We received assurances that disassociation from the Student Senate would take place - we received those repeatedly and from the Student Senate as well. Two weeks ago there was a change in the Student Senate and new leadership took control and that leadership passed a resolution - without the appropriate quorum, we are told - to give its imprimatur to the publication but that is not clear. The Chairman of the Board meanwhile has put together a commission with respect to the Student Senate and various questions that have been raised about its performance. Since the Board established the Student Senate the organization is subject to examination by the Trustees. That Commission is headed by Trustee Polk.

3) Professor Greenbaum (History, Queensborough) - "Your affirmative action paper is awaited and I had hoped that you might read it tonight. I wonder whether it might suggest a position relating to something that happened this month. In its implications would it suggest that it is appropriate to release a woman - a member of one minority - to seek another in a different minority?"/ Oh, it's one of those questions. I really don't want to comment without further information. Sometimes what has happened or is contemplated may be misinterpreted or sometimes it may be the result of a perverse playing off of one versus another. My guess is that those examining the way affirmative action policy is applied are not going to be misled by artful ways to avoid affirmative action standards. It is important that it be done even if it is against the current but it must be looked at properly.

4) Professor Sohmer (Mathematics, City) - "There is a rumor about a deficiency in the budget for the union settlement, is that correct?"/ There are things one could worry about before that. The reason for the contract is that we have working people who don't trust an employer. Therefore, those dollars will be there. Professor Sohmer further asked - "What are the other things we should worry about before that?"/ We have disagreements on arithmetic with the State Budget Office but that is all there is and we expect that they will be settled.

4) Professor Cooper - (History, John Jay - "I thought your talk at Borough Manhattan was wonderful Friday night, I had intended to summarize it for my colleagues but have not had the time to do so - it was on the Future of the City and the Dropout Rate and the group present at the event, the opening of the Social Scholars Conference, was overjoyed that the Chancellor of the University would appear there. When I left there were some pickets outside who stopped me. They were adjuncts who wanted to meet you and who asked my help in communicating that message to you. I have done that and I would like the minutes to reflect that I have./ The adjuncts and I too have the sense that they are exploited. I am married to an adjunct so I hear it all the time - she was an adjunct before we married, I hasten to add. This year I am aware that the contract contains areas of coverage for adjuncts that they didn't have before and I hope that they continue the pressure for more. With a faculty that is now 40% adjunct the group is right to put pressure since we are not paying them to participate in the life of the college other than teaching. What is worse is that this is the group of younger scholars who should be spending the time writing that instead is expended going from one job to another to make ends meet. It is short-sighted for students and it is bad for us to underpay them.

5) Professor Jaffe (Science, Borough Manhattan) - "With respect to the College Associations could you give us the definition of function between the college association and auxiliary enterprise boards? Is it the intent to examine their functioning? Also, could you tell us the status of the search at Borough Manhattan?"/ The Polk Commission - at least I believe Trustee Polk is chairing it - will be looking into the Boards also. It will be looking into the role of students and all of the issues that are pertinent to the Student Senate. On the search, I have been told that the Committee has five candidates who have been invited to make campus visits and they will be doing that in the next two weeks. Reports from the campus groups with whom they meet will be given the Committee which will take them into account and arrive at a judgement of the remaining candidates. The Search Committee will then meet with the Chancellor to discuss their reports and the Chancellor will then review those reports and arrive at his

recommendations to the Board. After the Board makes its choice, he will then invite someone to serve. I expect to receive the Committee's recommendations by May 19 or 20 and it will probably be in June that the process is brought to its conclusion.

6) Professor Bohigian (Mathematics, John Jay) - "With respect to the minutes again, I find that one of my statements is not recorded. I had said that if Henry Wasser were not so forthright the issue would not have resulted in the discussion it did. How was that deleted? - In an aside Professor Bohigian indicated that the last was said in a somewhat facetious way and that he was not taking the Executive Director to task. He referred he said to the discussion on page 10. 7) Professor Speidel (Geology, Queens) - "It was announced earlier that Paul Le Clerc is to be Acting Vice Chancellor for Academic Affairs and that it is the intent to spend part of his time in that position and part in his current position as Provost of Baruch. Would that not create a conflict of interest and also if not, will he get the needed line for the electron microscope we have requested?"/ To the second the answer is "no" in accordance with the negotiations. On the first Dr. Le Clerc has served as Dean in that office and as Acting Vice Chancellor. I think highly of him; he has the kind of interests such a Vice Chancellor should and I am certain that there would be no conflict of interest created given the individual. In any event, it is only for four or five months. The search will not be completed by then, of course. Dr. Le Clerc is generally sound and aware of the problem of doing both. 8) Professor Donleavy (Special Services to Education, Lehman) - "With respect to the Friedman case in relation to adjuncts. How are they hired? My understanding is that Stanley Simon was the instructor in the course. Furthermore, it is possible for someone to come in to teach in the same pension situation as Friedman and wish to transfer but not have the information. There was such a case of a woman adjunct of whom I have heard./ Perhaps it would be appropriate for arrangements to be made by the colleges for major users of adjuncts to be given the information that should be fuller to pass on to the adjuncts they hire so that the adjuncts would have better information. My sense is that if the leadership keeps an eye on what is happening and acts responsibly then the situation will remain relatively clean. I don't think we should exclude useful people although they are adjuncts. 9) Professor Lea - "I hope no one minds if they go beyond the 55 minutes for which they are paid because there are people in my department whom I can assure you devote far more of their time and themselves to the department and the college than has been implied. 10) Professor Canate (Mathematics, Hostos) - "What happened with articulation?"/ You ask as if nothing happened. I have heard negative comments but I need more specific questions and then I can try to get you the answers. Professor Canate asked further - "When will it begin?"/ If someone could come up with some clear questions I could get the answers. 11) Professor Danziger (English, Hunter) - "During the development of the articulation proposal last year the Senate recommended the setting up of meetings of departments and that proposal was incorporated in the Board Guidelines. Earlier this year the issue of those meetings and implementation of the guidelines with respect to them was raised and the Senate passed another resolution on that implementation. We still have no indication that its implementation is going forward. When will the meetings be arranged?"/ That certainly is specific enough.

VII. Proposed Resolution on Policy on Restricted Publication: Professor Muller, chair Senate Research Committee: Professor Muller once again reviewed the history of the issue and the development of the Policy Statement adopted by resolution of the Senate in September, 1983. She added to that the actions taken since the discussion of the Committee proposal in March and the discussions held among the members of the Committee in response to the comments made in writing to the Senate by Mr. Dugan, counsel to the Research Foundation. The proposal that was before the Senate this evening had been revised in the light of the discussion at the March meeting and in the light of Mr. Dugan's comments. She stated that the changes fell into four categories.

Professor Muller then reviewed the document distributed at the session with the body and identified and explained the changes made from the original resolution of September 1983 and the changes from the proposal presented at the March meeting. She

listed the changes as follows: in 5 of the whereas clauses, the addition of language to be responsive to the needs of federal agencies; in the resolved clause a change to include a dual transmittal of the policy when adopted by the Senate. Both of these changes were included in the March submission to the Senate and were changes from the 1983 document. In the section dealing with policies one change, incorporated for the March presentation was the addition of language to protect disclosure against the use of vague language that might mask the project's real purpose.

The other changes identified by Professor Muller were: reducing the time period permissible from the termination of the project to publication, addition of language to the provisions on conflict of interest (the conflict of interest provision introduced in March was not included in the 1983 document). Finally, clause 11 of the current proposal changed the arrangements proposed in the March document concerning the mechanism and procedures for requests for exceptions.

The proposal's adoption was then moved and seconded and opened to discussion. Professors Speidel, Bohigian, Jaffe, and Kachuck raised questions with respect to various provisions and language in the revised proposal under consideration. Professor Muller with some assistance from Mr. Dugan who attended for the purpose of assisting in discussion of the document on the basis of his written comments explained the reasoning that led to the issues being raised. Some adjustment was made in the language of the proposal in response to Professor Speidel and Professor Jaffe's comments. Professors Bohigian and Kachuck raised additional issues. The former said that whereas he had had no problems in accepting the original 1983 policy, he had many problems with the changes being proposed this year. It was his sense that the problems still required a long way before being cleared up and that he would favor permitting time for further review prior to bringing the matter back to the floor for adoption of a revised document. Professor Kachuck raised the issue, not for the first time, of the dichotomy in the proposal between the principles asserted in the first four whereas clauses and those included in the concluding ones. The first, she noted, expressed a view that was traditional and historical and expressed a faculty and a university's commitment to free inquiry. The later clauses, however, seemed to negate that position by the introduction of materialist and utilitarian concerns. She would oppose including those negations.

Professor Thaxton(Health Sciences, Medgar Evers) then moved to table and the motion was seconded. Since the chairman had jumped the order of speakers the order was completed prior to the vote on the non-debatable motion to table. Professor Baumrin reminded the Senate that the body as now constituted was holding its final meeting and that there would be a new Senate sitting at future meetings. Professor Bohigian reiterated his view that far more discussion and study of any revision of the existing policy were needed prior to placing the matter before the Senate.

The order of speakers having been completed, the motion to table was put to a vote. The motion was adopted. The chair then ruled that the Research Committee proposal would be the first order of business at the next session on May 20.

VII. Committee Reports : The annual reports of the Fiscal Affairs Committee and the Foreign Student Affairs Committees were submitted in writing to the body at the session. Professor Speidel moved their acceptance and his motion was seconded. The motion was adopted unanimously without discussion.

A motion to adjourn brought the meeting to an end.

Respectfully submitted,

Jean Ellis, Executive Director