

MINUTES OF THE THREE HUNDRED AND TWENTY-THIRD PLENARY SESSION
OF THE UNIVERSITY FACULTY SENATE
OF THE CITY UNIVERSITY OF NEW YORK

November 14, 2006

The meeting was called to order by UFS Chair Philipp at 6:40 p.m. in Room C201/2/3/4 at the Graduate School and University Center. 79 of 118 voting members were present.

Baruch: Present – Albright, Hill, Martell, and Vora. Vacancies – 1. Absent – Dumas, Freedman, Pollard, and Smith. **BMCC:** Present – Agwu, Belknap, Friedman, Martinez-Lopez, Niyazov, Price, and Rani. Absent – Persaud, and Roy. **Bronx CC:** Present –Alternate Ismail. Vacancies—2. Absent – Alozie, Asimakopoulos, and Durante. **Brooklyn:** Present – Antoniello, Bell, Bloomfield, Cherukupalli, Jacobson, Shapiro, and Tobey. Absent – Rodman, Viscusi, and Wills. **CCNY:** Present – Crain, Khalil, and Lascar. Vacancies – 2. Absent – Daghish, Habib, Leonard, and Sank. **CSI:** Present – Cooper, Foleno, Klibaner, Levine, Petratos, and Alternates Schumann, Stearns, and Zimmerman. Absent – Jayatilleke, and Yousef. **CUNY Law School:** Present –McArdle. Absent – Copelon. **Graduate School:** Present – Baumrin, Lerner, Matthews-Salazar, and Nolan. Absent – Cross, and Orenstein. **Hostos CC:** Present –Bernardini, Pimentel, and Alternate Sharma. Vacancies - 1. Absent – August. **Hunter:** Present –Kaye, Palanda, and Splitter. Vacancies – 1. Absent – Friedman, Guzzetta, Krishnamachari, McCormick, Sherrill, St. Hill, and Wimberly. **John Jay:** Present –Crossman, King-Tobler, Romero, and Alternates Chaffie, Dunham, and Soto-Fernandez. Absent – Caldwell, Kaplowitz, Kubic, and Pascoe. **Kingsborough CC:** Present – Barnhart, Galvin, Hume, O'Malley, and Ruoff. Absent – Wood. **LaGuardia CC:** Present – Beaky, Davidson, Lerman, Mettler, and Shean. Absent – Rushing. **Lehman:** Present –Marianetti, Mineka, and Philipp. Absent – Aronowitz, Jervis, and Kolb. **Medgar Evers:** Present – Barker, Hastick, and Stewart. Absent – Hope. **NYCCT:** Present – Cermele, Dreyer, Horelick, Hounion, and Richardson. Absent – Karthikeyan. **Queens:** Present – Gonzalez, Moore, and Savage. Vacancies – 2. Absent – Bird, Brody, Casco, Habib, Tse, and Zevin. **Queensborough CC:** Present – Barbanel, Iconis, Pecorino, and Alternate Dabhany-Miraglia. Vacancies – 1. Absent – Hest, and Jacobowitz. **York:** Present – Divale, Lewis, and Rosenthal. Absent – Frank.

Professor Liesl Jones, Biology, Lehman College attended to participate in the panel.

Governance Leaders present: Baumrin (GS), Cooper (CSI), Levine (CSI), Martell (Baruch), Mettler (LaGuardia), Pecorino (QCC), Raj (CCNY), Savage (Queens), Stapleford (Hunter), Tobey (Brooklyn), and Young (Hunter) attended. Parliamentarian Andrea McArdle, Executive Director Phipps, Administrative Assistant Pasela, and Secretary Blanchard were also present.

I. Approval of the Agenda: The agenda was adopted as proposed.

II. Approval of the Minutes of October 2006 Plenary: Minutes were approved as distributed.

III. New Business:

A. **Faculty Consideration of Assessment Measures** - The resolution was moved by Professor Beaky, seconded, and passed unanimously by voice vote:

RESOLUTION: Be it resolved, that faculty governance bodies should determine whether or not any college-wide or CUNY-wide assessment measure should be adopted. Faculty should participate in decisions regarding how the measure is to be administered, how students are to be recruited and selected to take the test, and how the measure is to be graded and its results disseminated. The assessment measure should be considered and approved by existing faculty

governance structures, including college curriculum committees. Prior to these deliberations, faculty should be presented with information on the format of the results to be communicated to students and to the colleges. Faculty should be presented with evidence of the scientific legitimacy and academic merit of the test, and evidence that the test is valid, reliable, and normed. Only then should faculty be expected to consider the approval of the assessment measure.

B. **Resolution to Support Amending Draft Policy on “Student Complaints against Faculty in Academic Settings”** – The resolution was moved by Professor Baumrin, seconded, and after discussion defeated by a show of hands.

THEREFORE, BE IT RESOLVED, that the University Faculty Senate supports amending the draft policy on "Student Complaints against Faculty in Academic Settings" as follows:

The fact finder should not be the department chair (or member of the administration if the chair is the subject of the complaint), but rather the fact finder stage should be conducted by a panel of 3 tenured faculty elected annually by each department from among its tenured faculty for a one-year term in May at the time of the annual department elections, and

The appeals committee, whatever its makeup, should comprise a majority of tenured faculty members elected by each college's faculty senate or faculty council.

BE IT FINALLY RESOLVED, that the UFS requests that each faculty senate or faculty council take a vote on these amendments and send the results to UFS Chair and Faculty Trustee Manfred Philipp, and also to Vice Chancellor for Legal Affairs Frederick Schaffer.

Proponent: Executive Committee

In its place, a **Resolution Opposing the Draft Policy on Student Complaints against Faculty in Academic Settings**, was moved by Professor Baumrin, seconded, and after discussion adopted without dissent:

Whereas, The Board of Trustees policy proposed by CUNY's General Counsel for adjudicating student complaints against faculty in academic settings does not ensure due process and academic freedom, therefore,

Be it Resolved, that the University Faculty Senate reject any policy on student complaints against faculty in academic settings.

IV. Reports : (Recorded in Reports & Deliberations)

- A. Chair (oral & written)
- B. Representatives to Board Committees (written)
- C. PSC (written)
- D. Chair of UFS Academic Policy Committee, Professor Dean Savage

V. Panel on Doctoral Program Restructuring: (Recorded in Reports & Deliberations)

There being no further business, the meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Bill Phipps
Executive Director

REPORTS AND DELIBERATIONS OF
THE THREE HUNDRED AND TWENTY THIRD PLENARY
SESSION OF THE UNIVERSITY FACULTY SENATE
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Chair Manfred Philipp - Ladies and Gentleman, welcome to the 323rd session plenary session of the University Faculty Senate. We've rearranged the agenda so that the votes come first so that you can vote on and discuss items before the reports.

III. New Business:

A. Faculty Consideration of Assessment Measures: Professor Lenore Beaky (English Department, LaGuardia Community College) - Good evening. We discussed this whole matter of the CLA specifically at the last UFS Plenary. The CLA and assessment generally have come up at the FGL's twice now and basically, I think, what this resolution does is to generalize from our experience of the CLA so far, in which faculty consultation has been completely ignored up until most recent times. It was adopted at City College and Lehman College without any input from governance or from any other faculty member as far as we know. I think that even the academic administrations have been pretty much leaving this to other people in their administrations. This resolution focuses not just on the CLA but takes our experience with the CLA and being totally ignored to another level. We are asking that the institution of any CUNY-wide test occur only after faculty governance has approved it and only after faculty are involved in the way that it would be administered, to whom it would be administered, etc. -- whole range of things that are itemized in the resolution part of the statement. The rest of the statement gives you some background on the CLA and also some background on what critical thinking assessment is considered in order to be considered valid and also what writing assessment should be in order to be considered valid. Those statements are from professionals in the field. We are asking you to adopt this resolution tonight. / Chair Philipp- Thank you, Lenore. Phil, you've often dealt with this issue, were one of the leaders on the Executive Committee to deal with it, would you like to make a statement?

Professor Phil Pecorino (Social Sciences Department, Queensborough Community College) - I made a statement last meeting, and I had almost nothing positive to say about this device as an instrument for institutional assessment. On the other hand, I remember back in December Chancellor Goldstein stood before us and in reference to a question from Professor Beaky on the CLA, said he thought that it might be a good idea if we somehow could determine what a student knows when a student enters our university and what that student knows when that student leaves, and that we all ought to consider how we could go about comparing ourselves or evaluating ourselves as an institution relative to other higher education institutions. The CLA is not that instrument. It tells us nothing about what students know in terms of knowledge and various skill levels of things when they enter, it just tells us about reading, writing and what they claim is critical thinking. So do our placement exams. When they leave, we're not assessing them on how much they know in any academic disciplines or any technical or professional fields or whether they have the skills required in those fields. If we use the CLA we're testing for

reading, writing and what they claim are critical thinking skills; our CPE can do that. We have measures already we're subjecting our students to for reading, writing and critical thinking. As a university, quite a lot of us have been involved for many years with assessing the outcomes of our classes and our degree programs. With those assessments we can tell more specifically what's working, what isn't working, and what needs more attention. With the CLA you're doing a random sampling of 100 students. We have no way of knowing what, if anything produced the results that are being measured. In fact, if you go to the journals, the literature, there's indications that the kinds of things that this instrument is asking students to do are associated with the portion of the brain that develops most fully between the late teens and mid-twenties. Even the makers of the exam claim that they cannot account for the degree to which brain maturation, or even life experience, are contributing to the results that their outgoing student sample would be demonstrating. These considerations alone would make it something for us to be very cautious about. It doesn't surprise me that nowhere have I heard about or read about faculty making the decision to use this. Nowhere have I heard about or read about faculty having the results of this test being made available in any way that's useful for them. While I can sympathize with what the Chancellor wants, it's kind of what we all want, to know that our students are truly having great value added from their experiences with us, this is not the device to do it. / Chair Philipp- Thank you very much.

Professor John Mineka (Math & Computer Science Department, Lehman College)- There is another aspect to this test which I'd like to mention since it came out at our local Academic Senate meeting last week at Lehman College. Our President, Ricardo Fernandez, mentioned that the college had spent between \$40,000 and \$50,000 in administering this test. I don't really know what that money went for; I had heard the quoted figure of \$63 per student. The test, I think, is computer graded. I think the test was tried out on 200 freshmen and maybe 100 -- seniors, I don't know how that all fits together. I don't know what to suggest as far as including this aspect in our motion. I think it's also true that Benno Schmidt is Chairman of the Board of the corporation that produces this test and I think maybe there is another president who is also on the board. This is a little irregular, particularly since no faculty were involved in the decision to try this test out. / Chair Philipp - Thank you. Other comments?

Professor Anne Friedman (Developmental Skills Department, Borough of Manhattan Community College) – I agree with all of the previous speakers. I would like to make a couple of comments in terms of the broader context of this resolution which is not only talk about the CLA, obviously that was the genesis of this, but the issue of faculty involvement, more than just involvement, faculty prerogative in determining assessments of our students. Coming from the developmental education area, being a reading specialist, being joined here by many colleagues across the university, teaching in the Developmental English area, Mathematics and ESL, this usurping of authority on deciding how to assess our students has occurred to us for many years. If you remember back to the days of Anne Paolucci and Herman Badillo and Rudolph Giuliani, you may recall that the whole issue of testing, especially exit testing from reading, those of us who have spent 15 years of higher education, 10 years achieving our doctoral degrees. Basically I teach a course and I can give all the exams I want and assess all I want with my vast 30 years of expertise and in the end my students will sit at a little computer and they will take the ACT reading test and based on that test they will do or die. This is an issue, just think about something like this in another discipline, in Economics, whatever you teach, in History, in the Sciences -- you have no control over how you evaluate and assess

your students. This is something that has to stop. The CLA is the most recent example of it but this has been going on for at least 10 years.

Professor William Divale (Social Sciences Department, York College) - I think it's clear that this particular exam is not very good in terms of cross comparison. Whatever it measures poorly, if it's given at several schools we could see how we're doing with this poorly measured thing in terms of somewhere else. The idea is not a bad -- one it's just the exam is bad. What I'd like to ask is do we have any idea or could the Senate possibly develop a committee to come up with some kind of a good exit measurement device that is probably multi-faceted, not just multiple choice but some sort of writing? Now there's the problem of not being comparable but if it's a good one and we're good at it there's the possibility that other schools may pick it up, especially if we offered it not for profit. /

Professor Beaky - Can I just say that the first paragraph of the explanation itemizes the multiple ways in which we already assess our students and each other. We have assessment coming out of our ears. People will decide but for me I don't think we need to invent such an instrument. I don't think it has or could ever be demonstrated to have validity or reliability. In this paragraph an explanation was put in to specifically say, "We are not against assessment; we assess every day." I have a pile of papers waiting me to assess. Those are the ways that we assess that are connected to our courses, to our students, to the things that we actually do that are not disembodied, are not unconnected and are not single number. What I want to say about the CLA is that students get a single number for each of the tasks that they usually do. They get a 6 or a 5 or a 4. You cannot tell from that what exactly needs correcting or what is good about your program from a single number.

Professor Angela Crossman (Psychology Department, John Jay College of Criminal Justice) – I am concerned even about the idea of using this as a tool for comparing different schools. The students coming into the CUNY system are very different than students coming into other systems. The place that they move to when they leave the system is going to be different from students going into other schools. That's one issue. There are other ways to compare colleges and universities other than a standardized test score of some kind. Generally speaking standardized testing is going to be discriminating against minorities and in some cases, others depending on what the content is. Also I think it really sends the wrong message to students because even if this is supposed to be used internally there is no doubt in my mind that it would be used externally as some type of advertising information. I think it sends the wrong message which is, "here's what you can buy from our college with your tuition money." I'm not a commodity, and the education that students get is not a commodity. They need to learn that what they put into their education is what they get out of their education. It's not something they can buy, it's something they have to earn and it's a privilege.

Professor Susan O'Malley (English Department, Kingsborough Community College) - The Resolution is primarily on faculty consideration of assessment measures. We started with the CLA but we've broadened it a whole lot. I was just curious if we shouldn't mention in the explanation about the Perez decision and the fact that college governance is the final academic policy making body. I don't know if that would strengthen it or not and I don't remember if that was considered at all. / Professor Pecorino- Personally, I think that we have rights under Perez on anything we do whether we explicitly invoke it or not. / Professor O'Malley- I know but I just thought that perhaps

in the explanation it might make it even stronger. / Professor Pecorino – Lenore, do you want to take that as a friendly amendment? / Professor Beaky - If you want to propose something.

Professor Pecorino- I'll start by replying to my colleague Bill DiVale's comment. You might think it's a good idea to give us something to give us a base level so that we can do some comparisons with but again, this is not the instrument. Let me tell you why. There's no protocol for how the students are to be selected to take either the entry level or the exit level experience, so - I'm not saying I or any administrator I know would do this – you could say, “let's give the instrument to our incoming ESL students on the first day of the ESL class, or to our triple remediation students when they go for placement and have to go into a remediation class. Let's give the exit instrument to our honors students because they're dedicated to the college.” At a community college you get students who are taking it and we know at community college it's a really mixed group, and if you give it to the students who are leaving after 4, 6, or 8 years you're going to see a great increase just because they're 8 years older and they've been through a heck of a lot. What this thing is measuring is not specific to what the curriculum is providing. Even the developers of the instrument don't make any claims that it does. If I were more interested in making a claim about the success of my institution, I would move towards this instrument rather than what already exists for institutional assessment and the federal statistics because those numbers don't look so good. This number can be manipulated both by accident and by intention and this number will probably always be somewhat positive. The head of one school might say, “Look, we're doing as well as Harvard. Why? Because the Harvard graduate has x units of incremental added value and we get x + 1.” Yes, but where your students started was a whole different place than the Harvard students. It's more of a device for external use and this is reflected that administrators are the ones making the decisions that they want to use it. I would say it's something that public relations offices should be thinking about. Nothing academic is related to what they are doing, those who are administering this device. As for the money, it's \$6300 for the initial buy-in and for every student beyond the first 100 it's \$20 per test. If you ever wanted it to be given to students in just one program so you could assess that program, you're multiplying by many thousands how much it's going to cost a college to use this instrument. Still, it's only checking on reading, writing and critical thinking, and we already test for that.

Professor Leslie Jacobson (Health and Nutrition Science Department, Brooklyn College) - Having heard all of this debate, I would like to call the question. / Chair Philipp - Since there are no speakers behind you I think that is what will happen; there is no more discussion so we don't need to put that to formal vote. I am calling the question. All in favor, please? We're voting on this motion, we are not voting on calling the question. All in favor of this motion say Aye. All opposed? Any abstentions? Thank you very much. We go on to the next item on the agenda. The next item on the agenda is the amending of the draft policy on students' complaints against faculty in academic settings which is enclosed in your packets. The person who would naturally expounded on this is Karen Kaplowitz, a member of our Executive Committee but Karen is in surgery today. I know that we are wishing good thoughts for her, and we certainly wish her a good recovery. Having said that, I've asked Stefan Baumrin to explain this motion a little bit and then we'll go to questions. Before we do that we have to move the motion. Moved and Seconded. Stefan, you have the floor.

B. Resolution to Support Amending Draft Policy on “Student Complaints against Faculty in Academic Settings”: Professor Stefan Baumrin (Philosophy Department, Graduate School and University Center) - Karen worked mightily to get the policy, which is attached to the Resolution, modified in accordance with the usual standards of academic freedom, appropriate vetting of complaints, appropriate appeals procedures and so on. Many of her recommendations and the recommendations of other people we incorporated by the Vice Chancellor for Legal Affairs in the final draft as we have it and because of one or two objections – which I’ll get to in a moment – it was delayed in its implementation for yet another month. We’re still in the pre-Board of Trustees committee meeting period. One of the things that got this slowed down was the fact that some department chairpersons with many dozens or hundreds of adjuncts would be possibly swamped with complaints. In addition to this there is the difficulty that the chairs in many departments, perhaps most departments, are unilaterally involved in the hiring and firing of adjuncts. You can imagine that a student could be lethal to an adjunct’s continuance by making a complaint, even a frivolous one. That is something, presumably, that the Vice Chancellor is thinking about right now. There is the issue that the chairs were not separately consulted so this is a mandated duty, mandated by a board policy on faculty elected officers and it seems to me that that’s probably something beyond the power of the central administration to implement. A chair could just say, “I wasn’t elected to do this. This is not in my job description and I won’t do it.” I want to know what the Vice Chancellor will do about that. Perhaps we’ll be lucky enough and the thing will be pulled or delayed and the thing will be modified. / Chair Philipp- I’d like to continue the discussion. One thing I should say is that this item is one thing that came up at the joint UFS/PSC meeting that we had earlier this week and we have been discussing this with the PSC.

Professor Morris Hounion (Library, New York City College of Technology) - Chair of the Status of the Faculty Committee of the University Faculty Senate. We just had a lively discussion at our meeting just now about this resolution and the policy itself and we came up with a brief resolution which we are not asking you to vote on, this is just the feeling of the committee about the Resolution and policy. Maybe at the December plenary we’ll have something more formal. Let me just read this to you. “Whereas the Status of the Faculty Committee at its meeting of November 14, 2006, strongly feels that the Student Complaint Policy against Faculty in Academic Settings is not needed due to Article 21 in the PSC/CUNY contract. Whereas, we should wait for the PSC to make a statement on this policy, and whereas by agreeing to these amendments the University Faculty Senate is passively approving this new policy. Be it resolved that the Status of the Faculty Committee unanimously voted not to accept the Resolution to support amending the policy and also that the policy itself should be rejected by the University Faculty Senate.” That’s the feeling of the Status of the Faculty Committee on this issue. / Chair Philipp - Thank you very much.

Professor Lois Dreyer (Dental Hygiene Department, New York City College of Technology) - I’m going to put this forward anyway even though this may not be worth it. This is just wording, in terms of the two sentences, actually the first one, “The fact finder should not be a department chair,” fine, “a panel of three tenured faculty elected by each department.” At City Tech there are departments that don’t have three tenured faculty members. So I’m suggesting, because I’m trying to head off the problems at my campus, could we do something like, “faculty members who have received their third yearly appointment.” Something like that that would say that somebody was there but maybe not tenured. So the question is, if there are not enough tenured faculty could they come from another department. This could be interpreted to mean that it is internal, that each department is voting on three

tenured faculty members from their department. There are departments that don't have three tenured faculty. That was number one; number two is that I didn't understand why a one year term. I think we should extend that to maybe two. The third is that, at least at City Tech, when we run our elections we tend to group them not in a month but in terms of a semester. Could we say "spring semester" rather than "May"? Could we not do it in a particular month? Or perhaps saying that the tenure will be from June 1 to May 30 if it's a one year term. I would like two years but that's just me. / Professor Baumrin - The time of the annual department elections is always in May. The issue is whether or not it should be contemporaneous with those elections. I think we should just say one year term in the spring and leave out the rest. / Professor Dreyer - Now in terms of the tenured faculty, if you could give us a little more. / Professor Baumrin - We'll talk about it. / Professor Dreyer - OK, thank you.

Professor William Crain (Psychology Department, City College) – This whole policy smacks of McCarthyism and it should be totally rejected. One of huge flaws in it is that, say a student doesn't like a faculty member and wants to bring up some charge. The faculty member is teaching evolution, or some such charge. The student is allowed to keep appealing and the faculty member is subject to extended and elaborate investigations under this policy. If you were to have any policy at all it should be resolved the way it's done now, with the chair. And the faculty member, if he is unhappy, should be able to appeal. It's like somebody who is freed of a criminal charge and then the prosecutor gets to keep appealing. That's unjust; it doesn't even follow ordinary legal procedures. You can't just keep a faculty member going to this panel and that panel and then to the provost; it's bad. I concur with the Status of the Faculty Committee report that we should reject the whole policy as totally unfair, unjust, unnecessary and a violation of our rights. / Chair Philipp - Thank you very much.

Professor Janice Dunham (Library, John Jay College of Criminal Justice) - Our Faculty Senate also had a lively discussion yesterday over which Karen presided. Though we have no objection, we are in fact much in favor of the changes in procedure; much of the same complaints arose. Most particularly though, almost every faculty member there and all of the members of the Faculty Senate who were there, had multiple examples of informal resolution of complaints. They wanted to go on and on about how they had informally resolved many complaints and that was the best policy because the student calmed down; or, an incoming Freshman had no idea that a professor was entitled not to like certain religions and once they understood the framework of a college then things got a bit better. Many people felt that this would have a chilling effect on informal resolution. If the procedure is blatantly out there immediately it would go to the procedure and that at a minimum there should be some language in here to strengthen that. Many of the faculty felt that this is going to go through because the Chancellor wants it and somehow or other it's going to go through but, at a minimum, there should be language to strengthen informal methods before you go to this procedure. One of our second points, and I know this was brought up at this meeting the last time and Vice Chancellor Schaeffer said they did not want to specify chapter and verse, but one of our young African-American professors said that he characterized this as a "be nice policy and a do nice policy." This is because there is nothing here about standards or baselines for complaints; in number 6 for instance could a "serious matter" be a "seriously hysterical matter?" There is nothing there for baseline complaints and there's nothing there for evidence and it's like passing a law where you haven't specified what is in question. On the question of changing the procedure as it's written now, fine, it's all to the good to have panels as fact finders and appeals committees instead of a department chair. / Chair Philipp- Thank you very much.

Professor Glenn Lewis (English Department, York College) - Also a member of the Status of the Faculty Committee, and I thought Morris did a great job of pulling together what was a disparate conversation that went on for quite a while but I think it's necessary to illuminate some of the points that were made and to clarify some of the points that were made and some of the thinking that went on at the committee meeting. Several people came up with really cogent points that need to be considered. Number one, the judging of faculty and the disciplinary measures taken regarding faculty have been and should be in the hands of faculty. They should begin with faculty thinking, not Schaeffer's thinking or the Chancellor's thinking. This is not something that's ever been mediated before and it shouldn't be mediated now and even the idea of having an appeal body that is made up of a majority of faculty is assuming that faculty can't govern themselves. I think that's ludicrous, not just I but other people at the meeting. The other thing that's going on here is that we already have within the Union contract, Article 21. By setting up this device in order to adjudicate similar situations then you are having parallel structures and one can very easily be used to work against the other. Why would we give up a situation where we have contractual rights for another situation that's much more flimsy? We can't back up. The third point that we wanted to get to was the idea that campuses are not equal in the way that they approach these things. A lot of it depends on who the administration is and the treatment of faculty. However, just about every campus has a disciplinary committee or some sort of system set up. If we're really going to look to set up something university-wide that is going to create a sense of justice across campuses, again it should begin with the faculty and not being put in this defensive mode to try to make a best case scenario out of something that is being thrust at us. / Chair Philipp – Thank you.

Professor Michael Barnhart (History, Philosophy & Political Science Department, Kingsborough Community College) - I have two points about this. One is to reiterate what happened when the Vice Chancellor for Legal Affairs was here and I asked him if this wasn't a policy on a non-problem and he said that there were certain things that have percolated up. I was thinking about that answer, and it didn't seem very sufficient at the time but I didn't pursue it. It seems to me that just because things percolate up to Rick Schaffer, it doesn't follow that we need to adopt a policy. Furthermore, I should have asked him at the time, although I didn't have the presence of mind to do so, how they were handled when they percolated up and whether they had presented problems in this regard that required a policy. So my first point is to reiterate what I still think is the unanswered charge that this is a policy in pursuit of a non-problem to begin with. My second point then would be something that occurred to me as I was reading through this yet again as I came to the passage that details subsequent action. A number of things have been said about Article 21. I think it's not quite accurate to characterize this as a parallel process to an Article 21 proceeding. I think it's more accurate to characterize it as a possible preliminary to an Article 21 proceeding. If you read through the paragraph on subsequent action, it details such things as may take place. For example, the department chairperson may decide to place a report in the faculty member's personnel file -- that's the least of it. Or the President may bring disciplinary charges against the faculty member. In fact, they go into a fairly extensive amount of detail here, more detail than they do on other things about what that would entail. One of the things that makes this look particularly chilling is this paragraph on subsequent action. It's clear that, of course, consequences could follow as a result of this. I felt that the way in which the Vice Chancellor presented it was somewhat disingenuous. It was as though these were issues that they really have no other mechanism for dealing with, and furthermore they really fall in the grey area and it isn't something that it would be appropriate necessarily to be a

disciplinary matter but now it appears that it might well be a disciplinary matter. Besides, if students bring frivolous charges there seems to be no parallel discipline that is suggested with regards to them. I think that at a very minimum, if this was to go forward and I'm really rather opposed to the idea of it going forward at all, but if it were to go forward I would want stricken from paragraph 6 everything after the first sentence. I think it should read, "Subsequent Action: Following the completion of these procedures, the appropriate college official shall decide the appropriate action, if any, to take." Followed by, "Any action taken by a college must comply with the by-laws of the University and the collective bargaining agreement between the University and the Professional Staff Congress." I think what is there gives people too many ideas about this. I was very glad to see that they did include a suggestion we had made during that previous discussion about including a Union representative -- I think it might be a good idea to strengthen that if possible. My recollection is that in the Sexual Harassment Policy there is stronger language about the presence of a Union representative but I'm not certain. / Chair Philipp - Is this intended as a friendly amendment? / Professor Barnhart - Yes. / Professor Baumrin - It is your recommendation here that in paragraph 6 we strike all of the middle material up to the last sentence. / Chair Philipp- Is that acceptable? / Professor Baumrin- I'm only a scribe. [Tape flip] / [Unknown speaker] - We would have to add it as a resolve. / Professor Baumrin - That's not the issue. It has nothing to do with the Resolution. If it did, it would be in the "Therefore be it resolved..." part as an additional attempt to modify the policy, but the final resolution may simply be no policy at all. In which case, this is just tinkering with the dam. / Professor Barnhart- I think mine is a fallback. Were we not to reject the policy *in toto* then I would want to... / Professor Baumrin - I've got your recommendation. / Professor Barnhart - Thank you.

Professor Robert Cermele (Mathematics Department, New York City College of Technology) - I have to confess also to serving on the Status of the Faculty Committee. I rise to oppose the motion on the floor, not so much because I oppose the improvements to the policy but because I oppose the policy itself. I think that supporting any recommendations for improvements would be passive support for the policy and I think this body should oppose the policy. The policy as I see it is flawed. You've heard some of the flaws and you'll hear more of the flaws, and I'm not going to go into flaws because I haven't got time. It's duplicated because there is a Union contract with the University that does something with it and it's a policy designed by management for management. It is not a policy designed for faculty, students, or the University; it's designed to protect the you-know-what of management. If Schaffer were really sincere about developing a good Student Complaint Policy, if he could cite a need for it and as Michael said, there was no need that he could think of, but if he did have a good reason for having a policy he would have (in the best of all worlds) written a letter to Fred and said, "We need a policy on Student Complaints." Fred would have spoken to Morris, "You need to develop a policy for student complaints, and here are some guidelines." Three or four years later we would have come up with a really good policy. That's not what happened. It's a top down policy that's flawed, it's duplicative and unnecessary. I think this body should go on record as opposing the bloody whole thing and be done with it.

Professor Dina Dahbany-Miraglia (Speech and Theatre Department, Queensborough Community College) - Two months, I stood up and said against the Students Rights Bill that was being pushed forward by President Marti that students do not rule the college, and neither does Administration. Without faculty there is no university, there is no college. Only five of us raised our hands against it. We are so accustomed to having top-down tell us what to

do in terms of testing, in terms of whatever we should do. I propose we throw it out and start with something that has a good main idea, which is how I teach. Faculty and student's rights and responsibilities would make a very good beginning for us to have the powers that be sit down, throw this out, and start from scratch. This is not acceptable. / Chair Philipp - Thank you. I'd like to ask floor rights for Professor Liesl Jones, who is a panelist who will appear later on in the meeting but she is not a Senator. I'd like to move that floor rights be granted, all in favor? Any opposed? No abstentions? Professor Jones, please.

Professor Liesl Jones (Biology, Lehman College) - I actually sit on our Academic Freedom Committee and we have been spending a lot of time with this policy. One of the things that we were trying to get put into it was a deterrent for students so that students wouldn't just go willy-nilly and complain or write written complaints about their faculty or adjunct faculty. Apparently that was not accepted by Rick Schaffer. I was hoping that this body could try to write a resolution that would deal with a deterrent. We had come up with the idea that if after all of the investigation the fact finder had resolved that it was a frivolous complaint, that the faculty could then reverse this and make it so that the faculty could take the student up on disciplinary charges and bring charges against the student in front of the disciplinary committee in the school. We wanted language like that placed within the policy because we felt that that would protect faculty, especially untenured faculty and adjunct faculty from frivolous complaints from students. I don't know if that is something you all would be willing to do but we've been trying to get it into this policy and we'd really appreciate it.

Professor Kathleen Barker (Psychology Department, Medgar Evers College) - I'm also a member of the Status of the Faculty Committee. I object to this Resolution that we are being asked to vote on because I do believe we are being tacitly asked to accept the policy. I believe that this is an attempt to substitute policy for contractual language found in Article 21 of the PSC-CUNY agreement. This is not only an attempt to create a policy that has no grass roots movement behind it, except at 80th Street, but it's a bold attempt to obtain changes to our contract by using this body, the UFS, and not the bargaining table to obtain those changes to our conditions of employment. I am against this policy that will, furthermore, create potential divisions between faculty and in which faculty have to testify in a semi-legal format. For those of you who have been lucky enough never to have to face Article 21, let me tell you this, these "Fact Finders" as they're being called, have to testify or conduct their proceedings in a semi-legal format. These Fact Finders are collecting or selectively remembering/collecting data. This data can then be used against a faculty member after Article 21 kicks in and then all that data can be used in creating conditions for suspension. I am totally against this resolution and I'm for scrapping this, as one other person mentioned, *in toto*. / Chair Philipp - Thank you.

Professor Terrence Martell (Weissman Center for International Business, Baruch College) - The Faculty Senate at Baruch discussed this in the Spring and concluded that we already had ample policies in place and procedures in place to deal with this. We saw no reason for this policy to be promulgated. It's my personal view that no good will come out of this. It will simply divide us; it will create opportunities for conflict where before they did not exist. There's a theory in Economics called Keynes' Law which says "Supply creates its own demand." I suspect that if you put this policy in place, we will generate the very complaints that would not be generated in the absence of a procedure like this. I believe that this will simply ask for trouble, create more opportunities for tensions which

informal dispute resolutions and standing Ombudsmen policies could easily deal with. While I am pleased with the progress that's been made in modifying this, I think we are fundamentally modifying a bad idea. I would not be in favor of supporting the resolution for the reason that I don't think we should do anything at all. Thank you.

Professor Waldaba Stewart (Social & Behavioral Science Department, Medgar Evers College) - Are we for what the administration is doing except for these two lines in here? If that's true then let me know so that I can vote against it. If that's not where you're going, I have heard so many things that are objectionable other than just these two it seems to me that we should be taking a motion to vote to reject the policy totally and outright. Second, what are you doing to my Faculty Senate? Tomorrow we are going to discuss this and we were hoping to get some guts from this Faculty Senate and now you have put the ball to us. You say you are not going to object to it, send it to us and ask us to object to it. Unless we have strength from here it's not going to happen at Medgar Evers. I'm just giving you the point blank. I urge you either to change the final Resolved to one that says that we are totally against this and that yes, maybe something needs to be done but let's collectively, faculty and administration go to the drawing board and figure out something that is better than this. That's my concern. On merit I don't know if we have given thought to the possibility of malicious conspiracies from some faculty against other faculty using students as weapons or some administration using students as weapons. Going back to what I see on TV with the crime stories, one lawyer puts a suspicion out there and it taints the universe. The dangers and damages that are possible by frivolous and capricious, either premeditated or accidental, charges by students can destroy a whole lot of good people. / Chair Philipp- It seems to me as Chair that the sense of this body is fairly clear and I'd like to have your permission to conduct the vote because the vote is what counts in this and you've heard clear testimony. So, if there's a motion to shut off debate I will entertain that.

Professor Sandi Cooper (History Department, College of Staten Island) - I am not arguing in favor of the Resolution and certainly not in favor of the complaint policy but I am appealing to everybody here to show up at the public hearing of the Board of Trustees because this will come before them in January. We will get you the dates, and you have to sign up the Friday before the Monday meeting. After all of this energy, and all of these votes from the various campus senates this must be communicated orally and not just in writing, and not just on the internet to those Trustees who may or may not show up for the public hearing. Make it very clear that we think the Trustee in charge, Benno Schmidt, who has spoken out for academic freedom should be present to hear us. I know it's going to be January, January 22. It's almost the end of the Intersession. The Board will vote a week afterwards and a Board committee will consider this early in January on the 8th. Unfortunately it will come up during the Intersession. I am making this plea now because having been involved in this process for a very long time this issue will go right through that Board. I don't know that we're going to stop it but that testimony is crucial. It must go on the record. / Chair Philipp- I'm going to ask for permission to hold the vote. All in favor of holding the vote right now or should we continue discussion? All in favor of holding the vote? Continuing discussion? People who have not decided one way or the other? I think the majority is to hold the vote. First we're going to vote on this motion yes or no. All in favor of the motion that is on the floor raise your hands and say "Aye." It's the Resolution to support amending the Policy on Student Complaints in Academic Settings, we're voting on that Resolution. A good many people have voted against it, some have argued for it but we're voting on the Resolution not on any change in it. Just so you know what you're voting on. All in favor of this document? All opposed? All abstentions?

This motion fails. Now, if there is a substitute motion that anyone would like to place now is the time to do it. Stefan you have the floor.

Professor Baumrin - My substitution is: “Whereas the Board of Trustees policy proposed by CUNY General Counsel for Adjudicating Student Complaints against Faculty in an Academic Settings does not ensure due process and academic freedom. Therefore, be it resolved that the University Faculty Senate rejects adopting any policy governing student complaints against faculty in academic settings. / Chair Philipp - That motion has been moved and seconded.

Professor Alfred Levine (Engineering Science & Physics Department, College of Staten Island) - As a member of the Executive Committee I want to apologize. It’s clear that we misread the viewpoints of this body and we attempted to create changes, put Band-Aids on the policy, improve the policy but we were wrong. I would suggest that we either pass Stefan’s very simple solution without amendments, or that we table this and send it back to the Executive Committee, having heard you. We will be prepared to bring up, at the UFS plenary on December 12, a strong resolution. If you feel that you don’t need a better worded resolution then let’s just pass the simple one.

Professor Leslie Jacobson (Health & Nutrition Sciences Department, Brooklyn College) - I’d like to amend that because I think that we need several more Whereases to give the University some ammunition as to why we rejected it. Some of those Whereases can say, “Whereas there are informal and formal procedures on each of the campuses,” “Whereas the faculty are the professionals who understand academic freedom,” and any of the other things that were mentioned in terms of fairness to both faculty and students. “Whereas there are no guidelines as to serious complaints,” all the things that we talked about, “therefore we cannot support any kind of resolution of this kind.” I would do that because just saying, “We don’t like it,” is really not enough. / Chair Philipp - That’s a friendly amendment. Is that acceptable to the offerer of the resolution? / Professor Baumrin- We could not accept it in the form it is in now because it is not in appropriate language, which is perfectly fine but if we’re going to send it back to the committee for drafting then we might as well take all of the complaints and then take Professor Levine’s suggestion that we come back to the Executive Committee for drafting and then bring it back to the body at the next meeting. I’m not in love with my short resolution but it carries the sense of the meaning which is, “The hell with them.” If you really want to cover the waterfront of the complaint, then say what the complaints are, then adjourn the vote on the motion until it’s been vetted and we’ll vote on it after we bring it back. /

Professor Vasilios Petratos (Political Science, Economics and Philosophy Department, College of Staten Island) - So I speak to the amendment or? / Chair Philipp- You can speak to anything you want to speak to. But be brief. / Professor Petratos - The body is very democratized by Manfred. I’m speaking against the amendment; we don’t have to send them anything back. We don’t have to read, think, anything. Any erosion of the contract and our Collective Bargaining Agreement is wrong and bad. I’m the Chapter Chair of the PSC at the College of Staten Island. I’m also a Department Chair. I’ve seen a lot and what I have seen very clearly, with very strong binoculars, is that where the Union exists and where the Union functions faculty is protected and this is the only protection that we need and the only protection that we have to have. Therefore, I urge that we vote for Stefan’s Resolution the way it is, without any amendment. We don’t have to worry about what they think or if they like us. You’ve seen

whether they like us or not, you look at your paychecks, you look at all of the other repercussions over the last five or six years where we had no contract. You heard here the Chancellor is repeatedly saying how much they like you. I can tell you in a few words but I won't, it's not really the proper decorum here to repeat such words. Therefore, I urge that we vote for the resolution that Stefan has put forward without any amendment whatsoever. The PSC is our only hope for the future. Let's give it the credit that it deserves.

Professor Anne Friedman (Developmental Skills Department, Borough of Manhattan Community College) - After Vasilios I never know exactly what to say. First of all I really want to follow up on Al Levine's comment; I think that this is a historic meeting of this body as far as I remember. The fact that so many of us have so strongly and clearly verbalized exactly what the problem is here and so clearly are ready to draw the line in the sand on this I think is very significant to this body and I think it will send a very significant message to our Vice Chancellor and the people that he works for. The main thing that we did was we rejected the resolution. I think that, being a member of the Executive Committee I don't particularly need to have a lot of work, to sit down and to write a lot of Whereases. However, I think that if we can accept the resolution as presented by Stefan it is a Resolved. Basically we vote on Resolveds. We can vote that up now -- I think it's very important to do that today, not wait until December. This body can ask the Executive Committee to look at the minutes and to flesh out the Whereases because again we vote on the Resolveds. I am in favor of Stefan's resolution and of voting it up as soon as possible. / Chair Philipp- As soon as Professor Mineka speaks I will close off discussion and ask for a vote.

Professor John Mineka (Math & Computer Science Department, Lehman College) - I think we should think in terms of a program of mobilizing faculty. I think that after we pass this the Executive Committee should draft a more extensive statement about why the policy is unacceptable to our faculty and we should circulate that to our faculty at individual campuses. I don't think we should wait to appear before the Board of Trustees in January. /

Professor Martha Bell (SEEK Department, Brooklyn College) - I didn't like the "any" part. Any one? Never any policy? / Professor Baumrin- They have by-laws and did you ever notice that they change them? We could change; we could be brought screaming and crying to the table to change "any" to "most." What is the point of weakening at this point? I don't want to reject this policy because next week there's another policy. In the words of a colleague of mine from Staten Island, this is historic in the sense that we said no. No means no.

Professor Crain- I appreciate the strong defense but wouldn't it be better to say "any such policy?" / Professor Baumrin - "Any such" in philosophy means "any." / Chair Philipp- I'd like the opinion of the body whether we should continue the discussion. How many people would like to call a question right now? I think that's a pretty clear statement. I'm calling the motion. All in favor of the motion as explained by Stefan. All in favor please say "Aye" and raise your hand. All opposed? Any abstentions? Thank you very much, it passes with one abstention.

IV. Reports:

A. **Chair Philipp** - We go on to the next agenda item is my report. The Chair's Report is in your hands. I'd like you to notice that the Acceptable Use of Computers Policy is still on the table. That's going to come up to this body in the future. We've been discussing governance issues at the School of Professional Studies and that's an

interesting topic in itself. We're going to have a panel discussion on the Science Doctoral Program Restructuring later this evening. I'd like to note that the UFS is carefully monitoring possible issues of Academic Freedom inside this University; I can't say more, but I believe the Union is also doing so. If we are free to make a report on this at a future point, we will do so. You'll see the other notes in the report which I'm not going to read orally. Any questions for me about it? The real reason for giving it orally is so that you can ask me questions about it. Very good, then we're going to go on in the agenda. The Board Committee Reports are written and in your hand. The PSC report is there on the table. Now we have a report from Professor Dean Savage, Chair of the UFS Academic Policy Committee.

D. Chair of UFS Academic Policy Committee:

Professor Dean Savage (Sociology Department, Queens College) - We actually had a meeting today in which the Academic Policy Committee did not discuss the CLA or the resolution on the CLA. We did discuss the Retention Report which was issued by Central last spring, and we discovered to the surprise of some of us that the Executive Committee had already constructed a rather appropriate and snippy response to some of the language included in that Retention Report, and that they'd already shipped it off to Selma Botman. That didn't deter us; we persisted in discussing the Retention Report anyway. One of the things that we found that was difficult was that it appears that the University is asking us to do things which have inherent contradictions. I'll offer two examples. On the one hand they are urging us to go ahead and have more full-time faculty in the classroom and at the same time there is a rather big push on to go ahead and recruit and nurture the most active research faculty that we can who should be out there getting grants, buying out their time and getting active in research. They want us to be world-class in research in some locations in the University and at the same time they're asking us to have more full-time faculty in the classroom. There seems to be a contradiction there. Another area in which there seems to be a contradiction is that there seems to be some rather objectionable language in the report - in the first part of the report - the rest of the report is just a summary of what the national literature reflects on retention and a number of policies that we might consider adopting. In the initial part of the report they have terms to the effect that we have "killer courses," especially in Math and Natural Sciences and that we need to take steps in order to get our "Science house" in order. The contradiction here is that they want us to go ahead and improve retention and one of the ways to do that is to go ahead and improve the pass rates in our courses and in particular in our "killer" math and science courses, and at the same time we are being asked to adopt tests which will demonstrate that we do, in fact, provide value added in our education, which implies that we really are teaching our students in a rigorous and serious manner. Again, there seems to be a contradiction. I think that we are going to invite Vice Chancellor Botman to attend the Academic Policy Committee and ask her to go into some of the details of how to proceed with some of these contradictions. /

Professor Crain - I want to ask Dean if in the discussion of retention they explicitly use the 6 year graduation rate. They're doing that at City College. It came up in the discussion when the Schmidt Report came out in 1999 that a 6 year graduation rate is pretty inappropriate to low income students like CUNY, which serves many more low income students than almost any other university nationwide. Everybody knows that they work, they have childcare responsibilities, and they have to go part-time. The only way to retain students and attain a 6 year graduation rate is to get more middle and upper middle class students, which goes against the mission of our university. At our campus I think that's the goal of the administration. I think we need to start questioning that 6 year graduation rate

and start saying, “Well, you need to look at an 8 year, 10 year, and 12 year.” David Lavin had a report where if you look at 12 year, we way exceed the national average if you go out long enough and given how our students attend it makes sense to do that. It sounds small but I think it makes sense to do that. / Professor Savage- You can measure how well you’re doing in terms of retention in any number of ways. You can do 4 year graduation, you can also do 6 year graduation, you can do 8 year graduation. There’s no problem with using multiple measures on that. The good news is that the retention rates have been incrementally improving at CUNY and that’s the good news. I think it’s fair to say that the faculty in general are all committed to doing everything we can possibly do to improve retention rates. I think the kind of things that are interesting and good about the report is that they’re identifying a number of specific things we should do in order to go ahead and take care of, not those students who are able to go ahead and get through without any difficulties, we’re dealing here with the swing group, the group who might make it within a certain number of years or might not, the group who might graduate eventually or might not. Flagging students who are in difficulty, providing additional advisement, providing advisement for people who haven’t yet declared majors, providing orientation for new transfer student, there are a whole bunch of things that are recommended in the report that make a great deal of sense which many of us are working on on the campuses already. I’m less concerned with the actual use of a particular measurement about how well we’re doing and more concerned about how well we seem to be resolving some of the problems by improving the retention rate. I think that there are things that can be done to go ahead and improve to some degree the success rate of our students. / Chair Philipp- Thank you.

Professor Pecorino - The notion of success is not a one-size-fits-all concept. At community colleges students come to us for a variety of academic goals. If they achieve them they should be recognized as a success. For many of them transferring out as soon as possible to the four year college that they originally wanted to go to is what they came for and they do that. There is no barring CUNY from accepting a community college student in CUNY at a senior college before they receive their Associate’s degree. There’s certainly nothing to bar them from leaving us and going elsewhere. In addition, they come sometimes just to take a particular combination of classes that are related to their occupation. The second point, for the swing stories, I have a lot of colleagues who have labored a long time trying to help those folks in the middle there that we think that maybe they can make it, if only. Where the “if only’s” come in are things we don’t have the resources to meet. “If only we had more time in the classroom, if only we had more tutorial resources for them....” My question is did you see anywhere in that campaign any talk about additional resources being made available other than advising to help us reach these students? / Professor Savage- Additional resources to go ahead and accomplish these goals is not a prominent feature of the Retention Report. It is mentioned in passing from time to time. One of the things that the faculty could do is go ahead and reemphasize the importance of getting additional resources in order to get a better retention rate.

Professor Barnhart - First, I want to add an “If only” to the list which has just been enumerated. If only they could afford their books. I’ve had a much larger number of students, especially over the last few semesters, who could not afford the basic texts for my classes and therefore have just given up on doing the reading and were trying to get by on the lectures and the discussions, which of course is fatal. Obviously financial issues are a major one. A couple of other quick notes, I don’t know if people read the Retention Report, I suspect that many people didn’t, but it actually was quite a bit darker in its preamble. In addition to “killer courses” they also talked about the mutterings,

the growlers amongst the elderly faculty, bad attitudes. I assume that applies to some of us. The other thing was the issue of full-time faculty in the classroom. For some time now we have asked, demanded, that the ratio be made much more favorable, that is reduce the reliance on part-timers and insist on full-timers and magic numbers of 70 and 30 have been floated around for a long time. The Chancellor really is, of course, committed to that. Dean had mentioned the idea of sending researchers into the classroom at the same time that they're supposed to be doing research and I assume that's one of your contradictions. Another issue here (and I think is something we ought to keep our eyes on) which has been coming to me when I wear my hat as grievance counselor, is the complaints I get from older faculty who are running programs under full release time and have now been asked to go back into the classroom. They are told that they still have to run their programs but are getting 2/3 the time. 1/3 of their time has to be devoted to teaching. The rationale is that we need to meet the 70/30 of full-time faculty. You can see what kinds of problems and contradictions this entails; it's also a very cheating way to try to achieve this magic ratio.

Professor Crain - We had a report a few years ago called the Leavers Survey and there was information on the retention rate and why the students said they were dropping out and it was overwhelmingly income. These are students in good standing. This is not brought up in the reports; the fact is that it's getting expensive. This month the Trustees will be voting for a tuition increase, it's only \$100 but it's part of the Compact that it will be about that every year, if it goes through unless the legislature bails them out. This is the plan to keep adding \$100 a year. Students here probably won't suffer. They'll make ends meet with the small incremental increases, but at some point their younger brothers and sisters won't be able to afford to go to the University. I'm going to go testify on the tuition increase. It's probably a lost cause but I think we have to speak up for the students and their income.

Professor Petratos - To reverse that 70/30 ratio that was spoken about before we need to hire at least 3,000 or 4,000 full time faculty. Do you realize that? In other words from 5,500 it should go up to about 8,000 or 9,000. It's not a question that's only about money. 3,000 people at \$60,000 would be about \$180 million, about 10% of the total University Budget, if we were to really make a serious effort. We do have to look at this University as Bill Crain and others suggested here with a good microscope and see what we're doing. We have a mission and that mission is to educate the children of the taxpayers who are our employers. Our employers are not the Presidents of the Colleges, not the Chancellery, our employers are the taxpayers. In the view of many of us, we are not doing the job.

Professor O'Malley – The Leavers Survey said the second problem that students had was the difficulty of getting the courses that they needed in order to finish their degrees. It's a very interesting report to read that the UFS office has if you want to look something that's quite different and seems slightly more humane.

V. Panel on Doctoral Program Restructuring:

Chair Philipp - If I could ask Professor Liesl Jones of Lehman College to come up; Professor Jones is a UFS designee to the Task Force on Science Doctoral Restructuring. She is, as she described to you a moment ago, a member of the Academic Freedom Committee on the Lehman College Senate, and a very, I should say, outspoken member of that committee. I will be part of this panel and Professor Baumrin who is the chair of the Structure Committee of the Graduate Council will be also a member of this panel. You have some documents about the Task Force in your packets. The first meeting was opened by the Chancellor and Vice Chancellor Botman, and the

Chancellor gave the Task Force a charge. Let me summarize what that charge has been. I should say parenthetically that this item, the restructuring, has been on the Chancellor's mind for over two years. The Chancellor has stated to the Science Executive Officers that the quality of the students admitted to the programs was not, in his view, sufficiently good; that the National Research Council's rankings of the Science Doctoral Programs were insufficiently high and that reform is needed. He therefore asked for a report, a series of reports, by outside evaluators on doctoral programs in general. There was a document by Vice Chancellor Zavelle on the subject and the Chancellor brought in a group of evaluators from outside the University more recently, headed by MIT Dean of Science Silbey who issued a report on the status and, perhaps, recommendations for what the science doctoral programs will be. Those reports for the most part are posted on the UFS website so you can read them. After the Silbey report was issued, the Chancellor then convened this Task Force, which the Chancellor named. Some of them were nominated by their colleges and you have list of the members in your packets. None of the Executive Officers of programs affected by the task force were included in the task force, which seems like a slap in the face. The E.O.'s did issue a list of recommendations of what the task force could do in consultation with the Discipline Council. Those recommendations were not responded to in any way. They issued a second set of comments and recommendations and to my knowledge there is still no resulting comments on those recommendations. So, the E.O.'s voice has been frozen out. I could continue talking and describe the Chancellor's proposals a little more but I'd be happy to cede this job to my colleagues sitting at the table.

Professor Jones - I'm been left off the subcommittee lists. I do sit on the Joint Degrees Committee and I am involved in recruitment. I thought I'd start by saying that I also run the MARC program at our school and that's one of the reasons why I've been put on so many committees. I thought I'd start by mentioning that the MORE program just had its annual meeting and what was discussed with the directors of all of the programs across the country was the restructuring of how federal funding is going to occur for undergraduate institutions. Most of CUNY is a Minority Serving Institute and that's where we get a lot of our federal dollars. Most of the CUNY colleges are what are called P32 Institutes and currently NIH has decided that they are going to swap funding and that they are only going to fund P32 Institutes. Many of the colleges at CUNY are running into the problem that they may lose their P32 ranking which means that they may not be eligible any longer for federal dollars with regards to the fact that they're a Minority Serving Institute. It has to do with the amount of funding that you can receive on top of these minority programs. What determines your ranking is the number of R-01's you receive versus R-29's versus R-3's and so if schools begin to lose federal funding they will lower their ranking so that's going to affect undergraduate research and it will also have a huge effect on how the doctoral program is restructured. One of the things that is a huge discussion is the Joint Degrees, which is a task force to figure out which schools are going to have the ability to offer a joint degree with the Graduate Center. What they will do is they will look at the number of doctoral students you have at your campus, they will look at undergraduate curriculum and the number of undergraduates that you graduate, and they will look at how those undergraduates do as they go along. Evaluation was brought up a lot today about how do you evaluate your students and how do you evaluate your program, and the NIH is requiring you to evaluate all of your programs. Part of those evaluations determine how much federal dollars you get for these minority programs. We evaluate our undergraduate program and we are responsible for our undergraduates from their junior year all the way through their doctoral program. Once you get a student into a MARC program you are responsible until they graduate with their doctorate currently.

That's how they evaluate success within these programs. Therefore, if we have fewer undergraduates going on to doctoral programs your college could lose its ability to offer joint degrees. Currently, Lehman College would offer probably a Plant Science degree so that you could get a doctorate in the Plant Science division of the Biology program from Lehman College and the Graduate Center. Some place like City College would probably be able to offer a joint degree in Molecular and Cellular Development or in Neuroscience with the Graduate Center and Hunter would have something similar. The problem is that you start losing schools and you start losing school representation among the doctoral programs. One of the issues is, how do you make this a fair situation and how do you have faculty within a diverse Biology department or Bio-Chemistry department or Chemistry department or Physics department maintain their careers and still be able to get graduate students. That's an issue at hand and having joint degrees at hand would actually make those very difficult situations. At Lehman College we have a biology department that is 1/2 or 3/4 plant scientists and the rest are neuroscience and a few ecology, EEB faculty members. What ends up happening is, now City gets neuroscience, how do you then recruit graduate students to come to Lehman College when they're not going to get a joint degree from the college -- they would just get a single degree in neuroscience from the Graduate Center. So, it's a mechanism that they can use for recruitment to bring doctoral students to the undergraduate institutions but it also makes it very difficult for other colleges and places like Queens that don't necessarily have a focus, or a Staten Island which has a variety of focuses and Brooklyn which doesn't have a lot of doctoral students -- it would make it very difficult for them to compete against City and Hunter to get students. You begin to pit colleges within the University against each other. That's one of the things that the Joint Degree is looking at. It's also using very old data. This is a big problem that we're having currently is that the data is outdated so understanding how many doctoral students there are, how many doctoral faculty there are that are currently active, what the research dollars look like at each school, is very difficult because the data has been outdated. Most of the discussion has been trying to figure out how to evaluate the situation currently because we don't have the correct data; we don't even have the correct data from the doctoral programs in each sub-division as to how many faculty are currently active in each subdivision. One of the big problems that I had with recruitment is that they wanted to use current doctoral students within the recruitment program. That's not the problem -- the problem is that they wanted them to do their dissertation defense as a recruitment mechanism. The doctoral students would be sent to an undergraduate institution. Say we want to recruit from a small school in California. Instead of sending the faculty out, or a representative from the Graduate Center who gets paid to recruit students, they wanted to send doctoral students as one of the mechanisms and have them do their doctoral defense in California, give a public seminar in California as a mechanism to show what fabulous research is going on within the institute. I vehemently opposed this in my emails. I'm saying that it's bad enough to stand in front of your own committee rather than a whole room of people that you don't even know. That I believe has been removed from the way in which they want to recruit students. One of the mechanisms is to try to get faculty out, the other mechanism is one that I suggested. When you go to these large undergraduate research meetings there are hundreds of graduate programs represented. This year was the first time the Graduate Center had a representative at the largest minority research meeting. I find that hysterical considering that fact that almost all of the colleges have a MARC, an AMPS or a Bridges program which means that we participate in all of the federally funded minority programs and yet our graduate school has opted out each year to send a member to represent the graduate school. We do a bad job of recruiting currently and some of the suggestions that are coming up are not going to help. I think the underlying factor of all of this is the NIH is changing its way in which it's funding people. While I think

that restructuring the doctoral program is a huge problem, I think the other issue is that if we don't continue to get funding this is going to become a moot point because we're not going to have the research dollars to maintain a doctoral program. I think that on some level it has to be discussed at the same time. The faculty have to be able to maintain the ability to get funded and so I think that they go hand in hand at the moment with the current administration.

Professor Savage- There have been some documents circulating about how expensive the sciences are. For example, nationally start up for a wet lab is \$500,000. At CUNY we're lucky to come up with half that and it often doesn't arrive on time so you often have your junior faculty members waiting a year or two before their stuff actually arrives. / Professor Jones- The junior faculty get way less. I know when I started I didn't get anywhere near that. I think I got a few thousand dollars and I had to bring my own equipment. / Professor Savage- What a great hire you turned out to be! Do you have any more back there like you? If it really is that expensive, we have a parallel situation over there in Accounting and Business where in order to get an Assistant Professor we have to pay \$120,000. There are certain kinds of areas that simply are a lot more expensive than others. It raises the question which is the motivation on the Chancellor's part that maybe we simply lack the resources to go ahead and nurture excellence in every area. What do you think about that? / Professor Jones- I don't agree with the Chancellor. I think that we have incredible faculty within the sciences currently. I think that instead of trying to create new science centers and trying to recruit faculty from other universities and pay them exorbitant salaries, higher than what current faculty are making and give them labs that are better than any of the faculty have here, I think that money instead could be put into making the labs that we currently have more useful for the faculty that are currently here who are doing excellent research. I can tell you that right now Elli Wurtzel, who is on many of these committees, has just received the AAAS award, which is the highest organization in science in this country. She has just received an award for her ability to put together a Gordon Conference, which is not easy to do, and her research. We also have Nobel Prize winning faculty who have come out of CUNY. We have some extremely distinguished faculty within the sciences. Yes, it is very expensive and currently the government is funding very little in research dollars. I know that from the fact that some grants that I've put in and my colleagues at Columbia have put in, that there is no money out there. We should take the money that we do have and spend it on the faculty that we do have to maintain our ability to stay in our ranking so that we can have doctoral programs.

Unidentified speaker - This is more of a comment, in line with what you are saying. In our own department, I'm not in a science department, seeing the influx of new faculty and new support of faculty research it really strikes me that some of the faculty who have been there and struggling against the lack of support are now feeling that support and are becoming more productive because of that. So people who were dormant assets to the college are now getting some of the support that they need -- that's what I see at John Jay. Tapping the resources that we have is a great idea.

Professor Levine - Thank you, Leisl, you're doing an excellent job. I would just like to respond to Dean. The fact is we have been able to recruit young faculty, superb young faculty in the sciences. Who, even with the limited start up packages that we've been giving them, have been capable of getting grants. In this recruitment we have used the fact that they were part of the Ph.D. faculty as a way of luring them in. If we cut that off we lose our ability to get

the people who will bring in the grants that they're counting on in this restructuring. This issue was raised with Dean Silbey. The report that he issued was very clear that one should not be separating off the doctoral programs from the undergraduate education. It was the only line in his report that was in italics. It was astonishing to me that the charge of the task force, and the questions to the task force, did not come from the Silbey report. / Professor Jones- Most of the report seems to have been disregarded. The report that came from the original task force that was brought here agreed with the faculty that the doctoral programs should remain as they are, the consortium model; that the consortium model was working here but that what was recommended was that the number of students being accepted within the program be greatly decreased to increase the number of fellowships that could be given to the students to keep them out of the classroom. Most of the science doctoral students that come in are required to teach in order to maintain half their fellowships. They have to earn half their fellowships, and most of the students complain about the lack of healthcare that they're provided. Some of them continue to pay half; they don't have the full tuition. Many of the students and the faculty agree that in order to be competitive with other doctoral programs we needed to be able to provide a package. That is the only thing that is being kept over, that we do need to provide a package. However, the task force is still being asked to figure out how to dissolve the consortium. That remains a big problem. / Professor Levine - Thank you.

Professor Jacobson - I want to agree with what Liesl said. If we disband that consortium that we have now, we're going to lose the MARC, we're going to lose the Bridges, and we will have, at best, very poor doctoral programs. I don't think at this juncture we can do it. Unless somebody has decided to make a \$50 million endowment to the University, it's the wrong way to go. / Chair Philipp- I myself was the program director of Lehman College's MBRS/MARC program before Liesl came on the field. I have to say that I agree with you, that this restructuring will not make it possible to continue doing this. However, having said that we have another panelist, Professor Baumrin, who is an expert on the governance and structural aspects. He is the Chair of the Structural Committee of the Graduate Council which will be receiving this report from the task force so that is an important body in the process. Professor Baumrin is not sitting here as a member of the UFS Executive Committee but as member of the Graduate Center.

Professor Baumrin - This recommended destructuring of the science components of the consorial system of the graduate school comes because of 30 years of impoverishment. It's not something that the science programs brought upon themselves. It's something that the University foisted on the programs. Among other things that you should keep in mind as this goes on over the next nine months is that the Presidents have systematically taken the monies from the grant overhead pools for other than science purposes. There might be one or two exceptions, but we can't get an accounting on this issue. Generally speaking, from my years on the Research Foundation Board it was the case that there was no way of tracking this money as far as I could see and in no case did any of the grant overhead money go directly back to the departments, much less the science departments. Now, a particularly bitter pill involved here is it will surely undermine undergraduate science education and probably irrevocably. It's always possible to put something together but we surely will not be, in most of the colleges, on the level of a third rate liberal arts college in terms of the science programs available to pre-med, pre-dental, pre-engineering students. That's one thing and I think that's a very, very serious thing. Secondly, we will almost instantaneously have to hire adjuncts from other institutions to cover our science courses once we severely truncate the number of doctoral

students. This whole business about the doctoral students' package, if you count up the amount of money that's involved, \$3 or \$4 million, it's a pittance that the central administration could provide. The other side of this thing is that they are asking us to self-destruct and that has to go before Graduate Council. I don't know what to say about this because I'm the head of the Structure Committee -- I've been the head of the Structure Committee- more or less- for the last quarter of a century. I cannot participate in the destruction of the doctoral programs at the Graduate School because it would mean an end of the consortium system. The joint degrees -- it's perfectly OK with me if the colleges want to get their name on the diploma. That isn't a problem. Once you move all of the graduate students and faculty in biology, say to Hunter or physics to CCNY, then it seems to me you cannot maintain those programs at any of the other colleges. This is everybody's problem; this is not just a problem for the Senate, just for the Graduate Council or the Graduate School. This is everybody's problem and it needs to have a concerted level of interest by the faculty in the University for the health of the educational program at the undergraduate colleges. From an educational point of view this is a disaster. / Professor Jones- I was going to add to that that a friend of mine is now at Memorial Sloan-Kettering and she used to run the graduate program at Mt. Sinai for a very long time and they just put together a gigantic consortium at Memorial Sloan-Kettering for a doctoral program. Memorial Sloan-Kettering has never offered a graduate degree so she was hired to determine how to put a graduate program together and offer doctorates. Their consortium model is not unlike ours -- it is 7 other universities within New York City itself. The students shuttle between the different schools to take courses and do research. They then get their degree from Memorial Sloan-Kettering; however they could have done their research at Rockefeller or Mt. Sinai or NYU. That consortium model is a much more difficult thing to manage than our current consortium model which is all housed at the Graduate Center and many of the courses themselves are taught at the Graduate Center. It's a real disservice to the University to try to break something apart that works very well. It needs tweaking and everybody agrees with that. Everybody agrees that more money needs to flow in and that the students need more aid and we need to figure out how to provide the students with the services they need but the answer is not pulling the program apart and destroying the consortium model. I don't think we need to reinvent the wheel here. / Chair Philipp- One thing that hasn't been said here is the effect of this model on the capital budget. Some of you may know that the Chancellor has put in a large amount of money to physically construct what is known as the Advanced Science Research Facility which will be located at City College. This money was diverted; I think it's fair to say, from the campus efforts to construct new facilities. At my own campus the new building was cut in half and it will only be completed at a later date, if and when additional capital funds are there. The restructuring not only is done in an organizational, human sense, it is also being done in a physical nuts and bolts sense, constructing buildings.

Professor Levine - Right now this proposed restructuring applies only to Chemistry, Physics, Biology and Bio-Chemistry but the logic of it applies equally well in every other discipline. It is my view that they are talking about the destruction of the consorcial model and not just in these four areas. / Professor Jones- I think it's starting in the sciences because it's the largest of the doctoral programs but I'm sure it will spread. The idea is to make us a Tier One institution such as Harvard, Columbia, Yale, Berkeley, Stanford, Princeton, some of the U Cal's. We're never going to be a Tier One institute and I think that we have to understand that we're not going to be. What we can be is a good Tier Two and I think that if we work towards a goal that is obtainable under our current standards and our current funding situation that that is a better idea.

Professor Jacobson - I just want to tell you something. Contrary to what they're doing at Lehman with sciences, we're in the middle of constructing and developing a new science building at Brooklyn, so I don't understand that. You're right in that they're just beginning with the four sciences but I read a little blurb in *The New York Times* and I heard that the Chancellor at a dinner talked about this new School of Public Health, at Hunter College. I want you to know that Lehman has just gotten an accredited M.P.H. program, Brooklyn College has had one for the last 7 years and interestingly enough, nobody at any of the colleges, including my Provost knew about this School of Public Health until we read about it in *The New York Times*. / **Professor Jones**- I don't think it's going to affect the Master's program because all of the colleges are accredited as Master's granting. / **Professor Jacobson**- I understand that but I don't know what it means for all of these disparate programs once we have a School of Public Health. / **Professor Jones**- I think what it means is that you'll have to recruit a whole lot. Part of it is not going to impact your ability to give a degree. / **Professor Jacobson**- It will because they'll be going to a School of Public Health rather than a school that has a Public Health program. / **Chair Philipp**- Just a point of information on the involvement of people in terms of the doctoral program in Public Health. At the request of the Academic Policy Committee I got in touch with Richard Stapleford, the head of governance at Hunter and asked if they had been involved in it and they said, "yes" that they had actually been involved and that they were satisfied that consultation had occurred. I should add that I am aware of course of what's happening at Brooklyn. The amount of money that's gone into the central facility dwarfs what's gone into the campuses and could have revitalized this university enormously and the decision was not to do that. / **Professor Jones**- They cut the lab space, I believe at Brooklyn as well. They cut the lab space in half so I have a fairly decent size lab and I'm losing half of my space to move into the new science building. All faculty are losing about half the size of our labs and our offices are also being cut in half. You don't actually have a choice, they determine based on funding whether you were moving or not and you weren't given the opportunity to say that you'd like to stay in your current lab. This came down from the administration. / **Professor Savage**- How much do they know about science? / **Professor Jones**- Right, so people are moving not based upon desire but based upon grants. / **Chair Philipp**- OK, I'd like to thank you for your attention. Before we close there is one more announcement. We have a conference on the future of U.S. Higher Education, dealing with the Spellings Report. If any of you would like to take a flyer and post it on your campus we'd really appreciate it if you take one of these flyers and post it in a good place. Thank you for coming and thank you for an interesting and vigorous meeting.