

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

March 20, 2007

The meeting was called to order by UFS Chair Philipp at 6:30 p.m. in Room 9206/07/08 at the Graduate School and University Center. 68 voting members of 118 were present.

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

Chancellor Goldstein, Executive Vice Chancellor Botman, Vice Chancellor Schaffer, and Executive Assistant Cura attended.

**Governance Leaders present:** Baurmin (GS), Cooper (CSI), Kaplowitz (John Jay), Levine (CSI), Martell (Baruch), Mettler (LaGuardia), Pecorino (QCC), Raj (CCNY), Savage (Queens), Schlein (York), and Tobey (Brooklyn) 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 326<sup>th</sup> Plenary: Minutes were approved as distributed. There is a correction to page 16 of the January Reports and Deliberations, as follows: “**Professor Kathleen Barker** (Psychology, Medgar Evers College) – I know that the University is committed to academic freedom. My question is, what if a faculty member is instructed to use a particular book, and that teaching a course is contingent upon using that book -- would you not agree that such arrangements defy academic freedom? / Chancellor Goldstein- It is my understanding that faculty are sometimes required to use a certain book that has been approved

by everyone in a given department, in line with an approved curriculum. That makes sense to me, and I don't think that's an encroachment on Academic Freedom. I think that is just good practical sense that would result from faculty working together. With respect to ordering somebody as an individual, a standalone particular course, that sounds to me not like a good thing and I as a faculty member would be quite upset if I were in a course and someone said to me, "You must teach out of this book," as opposed to something else. I can see that under certain circumstances... / Professor Barker- When there's a department process. / Chancellor Goldstein- Yes, I think that makes sense."

III. Reports (Recorded in Reports & Deliberations)

- A. Chair.
- B. Chancellor Matthew Goldstein.

IV. New Business – A & B are Draft Policies due to go to Trustees in June:

- A. Policy regarding the Disposition of Allegations of Misconduct in Research and Similar Educational Activities.
- B. CUNY Conflict of Interest Policy.
- C. Report on the Joint SUNY/CUNY Executive Committees.

There being no further business, the meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Bill Phipps  
Executive Director

REPORTS AND DELIBERATIONS OF THE  
THREE HUNDRED AND TWENTY-SEVENTH PLENARY SESSION OF THE  
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III. Reports: Chair Manfred Philipp -- The Chancellor is here, so without any further ado, it's a pleasure to welcome Chancellor Goldstein to this meeting. Thank you. Chancellor Goldstein.

**B. Chancellor Matthew Goldstein:** Manfred, you brought me back to the summer of 1958, when I was touring with a band in the Catskills, and then the MC said, "Without further ado, Matt Goldstein" and I would come out and play "Mountain Greenery." So for \$12.50 a week, but room and board. It was great. So I haven't heard that in a long time -- thank you. I played alto sax. Not like Charlie Parker or Paul Desmond. Clarinet and flute. A little like Herbie Mann, but not much. I knew I needed to get a different profession. Anyway, it's good to be here. I'll just be very brief. The things that are keeping me very involved, obviously, is the project process that we are wrenchingly going through in Albany as we speak. It probably is one of the more rancorous sessions in some time, but we'll eventually get there. I did discuss with you when the Governor presented his recommendations in the executive budget what that starting condition was, and I indicated that all things considered it was a strong starting condition and that it would lead to stability on a going-forward basis for a year, a year and a half. By stability I meant that all of our mandatory costs were covered so that we would have sufficient coverage to handle the day to day needs of the University. And that was a pleasant change from what we have normally experienced over the years. And I don't need to go over that history with you. There was a very modest investment of \$4 million, which is much less than obviously we need. If we had gotten the tuition piece that the Compact stipulated, we would be having a very different discussion. But in all fairness to the Executive, we understand, and I've shared this with you as well, that tuition policy will be very much on the mind of the Governor as he receives recommendation from a commission that I'll talk about in just a minute. Thus far the Assembly Conference, the Senate Conference, does not have a pool of dollars dedicated for higher education at this

particular point. So people are speculating and making assumptions of what that level of support would be. It's a little as Andrew Wiles said while he was trying to prove, and eventually did, Fermat's Theorem -- it was as if he were trying to reconstruct a room in a very darkened environment, just bumping into things. And through bumping into things you reconstruct what you think you have. And I think that's probably a very good analogy. The Assembly has put on the table, without having an understanding of what the dollars are, about \$10 million over the investment that the Governor has proposed, which is still less than we want. And the Senate has proposed \$6 million, which is much less than we would want as well. And these are in parity with SUNY as well. We're hoping the major thrust of our lobbying effort has been with respect to operating aid. That to me has been the clarion call here, that we must get more operating aid. The Senate, on the other hand, has put an enormous amount of money on the table for their additions to the Governor's budget, including higher education, but it is highly skewed to financial aid. This is really a program that has been supported by the independent sector and to a much lesser extent, CUNY and SUNY. I don't need to go into all of the components of it, but it basically increases the allowable income level, the award is higher, it basically deals with middle and upper middle class families, as opposed to the family profile, the economic profile that our students have in large measure here at the City University of New York. And I have gone public in saying that I think there is such a disjunction here. Just think about this for a minute. The Senate is saying, let's put in about \$146 million over what the TAP proposals were in the Governor's budget and put in \$6 million in operating aid for CUNY and the equivalent number for SUNY. It is absurd. So I don't really think this is going to go where the Senate would like, and there's this push and pull, and we'll see where it all winds up. But wherever we are, we're probably going to be in a much stronger position than we have been for some time. Let me just say one more thing on the capital side. The only thing that we have in play at this particular point over what the Governor has proposed is about \$30 million for the ERP. And that is something that is our very highest priority now. We have all of these management information systems, student systems, financial aid system, human resources system, that are built on platforms written in languages that only a few people on earth know how to operate and write in, and that's a little scary when something goes wrong, how to patch these. So we really have to get this done. And I think the Governor understands this. And if we don't get it done in this particular period, it will be done in the five-year capital budget that we will put together next year. You've heard me talk about a Commission on Higher Education. I can't talk with a lot of -- in a very public way

here -- but just to say that we are deeply involved in lots and lots of different levels here. I especially am involved with dealing with people deep into the Executive branch and also making some commentary with respect to the Assembly and the Senate. What has happened here is that a void was created when the Governor talked about this in his State of the State and I indicated to you that I knew about this, and I told you about this months before, even before the Governor ultimately won election. The statement was made that a commission was going to be put in place and nothing was done in terms of naming the commission and whenever you have a political environment like this, there will be others that will come in to fill the void. So the Senate has some language on a commission, the Assembly has some language on a commission. The main event here, of course, will be the Governor, because you don't need legislative approval. The only person who has the authority to establish a commission is the Governor. So we are on top of that and we'll see where all of that goes. For me, the most important thing out of a commission is to give the Executive Branch really some opportunity to do the kinds of things that will unleash a more free market kind of approach to our pricing of our services here at the University which is something deeply wanted by both SUNY and CUNY. I think if we can get that out of it, it would enable us to do things that we are unable to do right now, and a number of other things as well. So we'll talk about this -- I don't think anything is going to happen until the budget is done. And I was hoping that the budget would get done by April 1, and I don't really know if that is going to happen. But hopefully it will be close. The mayor came out with his preliminary budget. The preliminary budget has all sorts of problems in it with respect to the community colleges. I spoke at the City Council Higher Education hearing, I believe it was last Friday, and really laid out where the problems are. The preliminary budget is not anything more than an initial condition on looking at the budget process. The mayor does not come out with the budget until the State of New York comes out with a budget because New York City has to understand what their resources are going to be and they're not going to know that until the Governor proposes his. I did have a long and very pointed meeting with Mark Page where I talked about some of these problems and I have said to you before and I'll say it again -- I mean, I'm looking at Terry Martell who probably has a better sense of these matters -- but I see some real looming issues here. I've seen it for a while, many other people have seen it at the state and the city, not just this state and this city, but around the country, of some difficulties with respect to outer years and the kinds of support that we would have available to us to do what we need to do here at the university. I think this is starting to become a wake-up call both at the state and the city, and just

the other day Mark Page sent out a directive to all of the city agencies of some budget adjustments for this particular fiscal year, which is a little unsettling and we will look at this very carefully and make whatever adjustments we have to make and move the process along. The College of Staten Island is moving along in trying to find a president to replace Marlene Springer. There's a lot of white noise in the system, which often happens with college searches. But we're hoping that within the next couple of months we can get this done. I just will not be at all comfortable recommending a new president unless I think that person has the stature and the profile to lead that important institution over the next several years. I mentioned - I think it was at the Executive Committee, Manfred, where I mentioned that we have to start the master planning process and I will look to this body as a partner in developing our next master plan, which has to be done within the next year. So I asked Selma Botman to start the process of throwing out ideas and we will discuss this further tomorrow. And then I'm sure that Selma Botman will engage you as she will with other constituencies. But this particular body will be very important in that process. A bunch of other things, but I know that you want to get up here and ask the questions. And so I can almost predict who's going to ask the question. No? I was going to predict, without my eyes open, I was going to predict that Al Levine is going to ask the first question, and there he is. Before I turn it over to Al I just want to mention that we had a conversation with Vice Chancellor Botman which touched on the master plan process this morning, so we've already begun that process. Now, Professor Levine.

**Professor Alfred Levine** (Department of Engineering Science and Physics, College of Staten Island): Hi. In discussing the commission on higher education, I would hope that such a commission would advance the case that public higher education, an educated population, is essential for the maintenance of a vibrant democracy and also as shall we say, a movement of economic growth, or an engine of economic growth. Also, you mentioned that one thing we could get out of it would be, I'm quoting, "free marking pricing." Could you please clarify what you mean? I'm a free marketeer, so of course I'd want free market pricing.

**Chancellor Goldstein:** Well, obviously though, everything you said is apple pie. Of course we want all of those things from our higher education system. So obviously people will talk about those kinds of things and then get down to the real business of deliberation. No, I think it's very important for SUNY and CUNY to understand how to price our services, and not to have the

onerous regulatory practices that have defined that process over many years. I think it's important for us to have differential tuition, not on a campus basis, but on a program basis. SUNY would like to see it on a campus basis. I don't like that idea at all for CUNY. I don't think it works. But it certainly would work very effectively in program -- let me give you one example of what I mean. We have a new graduate school of journalism. This graduate school of journalism is a year old. I can tell you with clarity and honesty that this graduate school now is competing for the same students that are going to Columbia, Northwestern, Berkeley, NYU and Missouri, the flagship graduate schools of journalism. I'm delighted that that's happening. For us to change our pricing for the graduate school of journalism in its tuition, since it gives an MA degree, a Master of Arts in journalism, we would have to change the pricing for all MA programs in the University. Now, that's nuts, that really is crazy, because it would hurt some masters programs if we did that. It would benefit, I would think, the school of journalism, because we can take that excess revenue and invest it back into the program. So when I talk about deregulating that's the kind of thing that I'm talking about. When I talk about pricing, I'm talking about looking at market conditions and what kind of price elasticity we have to work to maximize the opportunities for these programs to do the best work. So that is one particular element that both SUNY and CUNY have in common. And hopefully we can get something like that done. So that is just one element of a whole spectrum of things that we would like to see change.

**Professor Levine:** Would it be possible for you to issue a white paper explaining the areas that you would like this commission to deal with?

**Chancellor Goldstein:** Well, I think it's a little early for that -- and I think it would be a little inappropriate for me to take the thunder away from a commission that doesn't even have a charge developed as yet, nor has there been an assignment of people -- although I said earlier, we are very involved in that discussion.

**Professor Levine:** Thank you.

**Professor William Crain** (Psychology Department, City College): In terms of the master plan and the business of tuition. I've always felt strongly that we should be providing strong support

and opportunities for students who may take a while, some time, to get their skills together. It seems like we're moving in a direction where we're really focusing on the better prepared students. Honors College students don't have to pay tuition. And they also are probably wealthier. There's a plan for the Ph.D. programs in sciences which, I understand, will limit the number of students, will cut down the number of students in the Ph.D. programs and they will, once again, be the better prepared, not those who maybe take a little longer to get their skills together. I understand there's even going to be tuition discounts for students who have a better chance of graduating more quickly. Once again, the better prepared students. Do you agree with this assessment? And are we trying to move our University toward a middle class university that, which will give us more prestige but will leave the students who never really had much of a chance and are left by the wayside?

**Chancellor Goldstein:** I think, Bill, how I would answer it is that for the first time in a very long time, this University is looking at the full spectrum of students. We have spent decades looking at students who came to us very poorly prepared and did the best that we could to advance them. And I thought that was a good thing to do. But we were not looking at students at a different level of preparation, and I think to our detriment. It is true that on the Ph.D. level we are now going to be able to compete, at least in packages for science students, where we've raised money. We will be having a stipend that will compete with the best universities around, we will give them tuition remission, and we will provide health benefits, something that every university that I know that is competing for Ph.D. students offers. And for us not to do that I think compromises our ability to move forward. You know, I'm going to give you a long answer because I feel so strenuously about this. When I look at the rankings that have just come out on Ph.D. programs, I am excited about the idea that programs in Classics and in Linguistics and in Art History and in Philosophy are now ranked within the most prestigious universities in the United States, both public and private. I think that is a very good thing for the University because the more that we think about good things that are happening at this University, I think that helps everybody in the University. That is not the case in the sciences. So that's why we're taking that approach in the sciences. I don't think that we are changing the structure of the University. We still have a rich diversity of students. Our ethnic balances have stayed constant in the University, they really have, in some campuses more so than others. Some have gone down, but remedial action has been taken at two of campuses where we have that problem. I think we will always be a

university that gets the dominant number of students from working class families that live in this city. And that's who I think we should be, I think that's what we always have been, that's what we will continue to be. Hopefully all of their economic profile will improve because I think that's a good thing for all of the citizens in this city. We are building dormitories. That's going to bring in students who live in the city but also live outside the city, and I think that also is a good thing. It's going to be very small in number, obviously. We have 230,000 students now that are in degree programs, so if we have a few dorms for a couple of hundred students from out of town, I think that's a good thing. So long answer -- I think our mission will always be the same mission that we've always had at this University, but we're talking about really just raising the profile and I think that that redounds to the benefit of everybody, our faculty and our students.

**Professor Roberta Brody** (GLIS, Queens College): I wanted to ask you about the operating budget, specifically about infrastructure maintenance. When I come here I have bathroom envy. They are clean, and they have toilet paper and they don't smell, and all the fixtures are working. Well. I'm actually more concerned with technology infrastructure and I'm also concerned about the physical infrastructure, about maintenance going forward.

**Chancellor Goldstein:** Today I met with the evaluation team that has spent a couple of days on the Queens College campus, this five-year evaluation process for president Muyskens. And it was a very candid, open, honest exchange that I had with the team. And one of the things that I was surprised to hear would take off to me which maybe you brought to them, and that's why it's coming full cycle, they talked about the bathrooms. And I said, Gee, I didn't know about the bathrooms at Queens College. I'll have to take a clandestine trip sometime.

**Professor Brody:** Really my heart is in the technology infrastructure and its maintenance. But I can't help but recognize the other is part of the issue.

**Chancellor Goldstein:** When you say technology, meaning telecommunications, that sort of thing?

**Professor Brody:** Computing, IT, whatever you'd like to call it. It seems as if -- it's so much easier, and we all understand that, and it's not just the non-profit, but in for-profit, that it's easier to get capital funds for big projects and it's so much harder to get continuing operating funds for invisible things like maintenance. So I just kind of want to know --

**Chancellor Goldstein:** That's why you ought to say what I said, operating aid, operating aid, operating aid. That's what we need the money for.

**Professor Brody:** Well, who else should I say it to?

**Chancellor Goldstein:** We are all in this game together. I have access in ways perhaps that you don't have access, but we do have faculty, lots of faculty, because I'm in Albany all the time, and I run into faculty from across this University that are carrying the same kind of message, and we would very welcome you to participate in that as well.

**Professor Brody:** Thank you.

**Professor Lawrence Rushing** (Social Sciences Department, LaGuardia Community College): I'd like to call your attention to the fact that the latest issue of CUNY Matters misrepresents the general education and liberal arts programs in the community colleges and says they are different in kind from the four year institutions and that the general education at community colleges consisted, essentially, of skill training, like reading, writing, and arithmetic, and oral communication. This is simply not correct. Most community college students who graduate do transfer to four-year institutions and as you probably know, the liberal arts programs there consist of humanities, social science, science, literature, English, that's just like the four-year colleges. You know, so it's very disturbing to see the article called "E Pluribus Unum", which makes it even worse because the article is about the integrated university and this type of representation of the community colleges is divisive. I hope you might look into this and see that this doesn't occur again and that the correct information about the community colleges is disseminated.

**Chancellor Goldstein:** I will have to admit I have not read -- is this the latest issue of *CUNY Matters*?

**Woman:** The one with ASAP on the cover.

**Chancellor Goldstein:** I can't be held responsible for things I've written in the past. I will look at that, Larry. I will look at that.

**Professor Philip Pecorino** (Social Sciences Department, Queensborough Community College): You've been our chancellor for a number of years now and we've dealt with terms like assessment and evaluation. You've referred to evaluating presidents just a few minutes ago. I teach philosophy. I like the word reflection, in particular self-reflection, so at some time in the near future, not tonight, but soon, would you share with us some reflections you have been having about our integrated university, in particular how you see the evolving status, role, position, of the college presidents, vis'-a-vis the entire University and the Chancellery?

**Chancellor Goldstein:** I would be happy to engage in a conversation like that. I think that would be great. In a different format, maybe over, if we had a martini first or something, that would be great.

**Professor Julian Aronowitz** (Math and Computer Science Department, Lehman College): On the note of services I do consulting as supposedly my mainstay, where teaching is my part-time, extra. Are there any ways CUNY can hire itself out to earn money through outside use of its facilities and services? I know at Lehman College they have a television lab. Why not have a connection with TV studios, the big ones, and say "hey look, you know, we can work with you and for some money." Not a special project just for the University to do, but a way of earning money for the University. That type of services. Is it feasible?

**Chancellor Goldstein:** It's not only feasible, it goes on throughout the University and there are lots of examples where the colleges have gone out for consulting assignments using their faculty, and I'm very supportive of that. I think public universities should be made available to the community in which they reside, and if you get paid for those services on top of it, that's even better. A number of our campuses are very actively involved, and it goes on, so it's not a rare

event, I think. We have the CUNY economic development corporation, which can do that. We also, I remember at Baruch College, we started Baruch Consultants. So I can't give you an inventory of all of it. I know the engineering school is active in this at CCNY. It goes on. I just can't give you an inventory of all of it, but it's happening.

**Professor Vasilios Petratos** (Political Science, Economics, and Philosophy Department, College of Staten Island): Are you going to say anything more about Staten Island?

**Chancellor Goldstein:** I love Staten Island. The college.

**Professor Petratos:** Six of us here, should we self-nominate for the Presidency. Is that a good idea? How do you see it?

**Chancellor Goldstein:** We will welcome your application.

**Professor Petratos:** But you don't say any more about the search?

**Chancellor Goldstein:** The search is going on. Thursday I will meet with the search committee. We are bringing in more candidates, which is the way that searches should go on. You continue to interview candidates until you find the right group of people that are appointable. And we will continue to do that. I'm very hopeful that we will be successful in the next few weeks.

**Professor Petratos:** There are some people on the campus have asked you whether you were targeting toward a certain person or something like that.

**Chancellor Goldstein:** Oh, I've read that. But you know, that's what happens in searches, there's all sorts of stuff. But you shouldn't pay too much attention to it.

**Professor Petratos:** I pay attention to everything.

**Chancellor Goldstein:** Well, some things you should pay more attention to than others.

**Professor Petratos:** Let me go for a second to what Bill Crain asked before, and you commented very well, and I think you are both sincere and honest in the presentation. But on the other hand, you turn to say that a pair of deuces - you play poker?

**Chancellor Goldstein:** Do I play poker?

**Professor Petratos:** A pair of deuces beats a straight.

**Chancellor Goldstein:** Do you have a game that you want to invite me to?

**Professor Petratos:** A pair of deuces beats a straight, because none of them looks the same. What Bill was saying, I think, and what I'm saying now, even if Bill didn't say it, is that 72% of our student body is now people of color. We have a lot of special programs. I've asked questions in the past, how many students are in those special programs. And the numbers are very small. I get the impression that we're moving towards creating, really, and I mean that, Chancellor, you should think about that, because that's one of your legacies, meaning good or bad. Are you creating separate and unequal? That's I think where we are. And I can go through a whole list of things that we have, and I ask, what does this cost us? It's good, excellent, but if we can't afford it? If we can't cover it from the other group? Would you like to comment?

**Chancellor Goldstein:** No, I would only say what I said to Bill Crain. I would use a different phrase. We are educating the whole people. And the whole people to me can be segmented in lots of different ways. We have spent a considerable amount of time and money over the years educating students that came to us in academic difficulty and that was a good thing and something that we need to continue to do. But we also need to educate people who are coming in that are very well prepared. And I think that's a good thing to do.

**Professor Petratos:** It's a good thing to do in smaller numbers. And our commitment is to the lowest scale of the population, as the Free Academy was in 1848 where it was first established. And that's what City College was and that's what all the other units were. Also, if we continue the war for three more years we will have spent \$2 trillion, which means \$1 billion a day. This country and this state and city should understand that we're spending \$1 billion a day and we're

spending for 225,000 students at the University \$1.5 billion for the whole year. It should be stated in public, it should be stated here, it should be repeated by people like you in positions of authority and people that listen to and they see you and you are available to them.

**Professor Baumrin:** You have working for you and the presidents, each of the presidents have working for them, a substantial staff. So 25 years ago Chancellor Kibbee and the Senate discussed the possibility of assessment and evaluation by faculty of campus administrators and the central administration. You don't really need to answer this but I would like to suggest a timeline for developing a faculty instrument. The assessment of the success or failure of success of the people working for the chancellery and those who are working for the presidents. Some administrators are absolutely terrific, but not all.

**Chancellor Goldstein:** That's true for all classes that work here for the university. So that's an invariant remark. I call your attention to the performance management review, which is probably the most in-depth performance system of any university that I am aware of. And all administrators, at least people in the executive ranks throughout the University, are judged on those instruments and the metrics that we use about performance for salary reviews. So I'd like to see that throughout this University. And we do it really well. So I think if there is any review that really should be a marquee, put up in lights, that PMP that we use for administrators. And that represents about 470 people across the University.

**Professor Campbell Dalglish** (Media and Communication Arts, CCNY): My question is, I'm a member of the Committee that is preparing for the Middle States Evaluation. We're called the Resource Allocation and Renewal Committee. And one of the words we're struggling with is Renewal. And the reason we're struggling with that is we're in search of operational charts, we're in search of how budgets are modeled, we're finding out that we receive money, but we have very little to say with what we need money for. Now perhaps you can give us some insights on how to approach this word "renewal" when we have no say in what money we get to do what in our institutions, but where we have to keep up with the technocracy that is taking off. And we as professors are all involved in this society and we want to keep up with it. But we almost are left without any means with which to truly structure renewal into our university.

**Chancellor Goldstein:** Of all the questions that I've heard tonight, this is the deepest and probably most serious issue that has been brought to my attention this evening. I think we need to do a much better job at that than we do right now. We do have committees of this body that I am told work really effectively with Vice-Chancellor Ernesto Malave where he really does whatever he can to open up the books, so to speak, and to drill down deeply so people understand how the budget process works. For me, it has always been the serious attention to a master plan that really lays out our aspirations and the costs of those aspirations. And that master plan then drives a budget message each year. Each year when I talk to our budget people, I always ask them to revert back to the master plan. So where I would say that your initial condition about renewal could be heard would be to truly participate in helping us craft a master plan that makes sense, that is doable, that is fundable and that really will lead to the kind of renewal on your campus that you say. If you participate in that process then I feel that you will feel a sense of connection and in a way that you haven't felt before. So I think that's really where I would start. And we are going to start a very serious discussion across this --

**Professor Dalglish:** By department?

**Chancellor Goldstein:** Well, however -- I can't do it department because there are hundreds of them across the University. You're here as a representative of the governance body of City College. And as we talk to the president of City College so we will with all of the other campuses -- that's where those voices need to be heard. And they will be taken seriously. But once that master plan is developed, the next stages of how you parse together various elements of that to get funding and the vehicle that we use to get the funding I think is something that is easily discernable and -- [tape turned over]

**Professor Dalglish:** .... There's access to us on the faculty level so we can actually participate and get structured for the future in terms of allocation and resources.

**Chancellor Goldstein:** I would start here in this body. I think this is the appropriate body for you to express that view and how you as a body would present yourself. I think that's really the best way to do it. It's a good and serious question. I appreciate hearing that.

**Professor Pecorino:** I've served on the Chancellor's Intellectual Property Committee for a number of years. We would meet three to five times, half a dozen to a dozen faculty items each time. It's been close to one year now that we haven't met. I know there's been some changes in the office operating the committee, but I can't believe faculty had no ideas for 12 months.

**Chancellor Goldstein:** We will look into it.

**Professor Cooper:** The issues raised by Bill Crain reminded me of the fact that in the early '90s or mid-'90s this University, this Senate, the central administration, were engaged in a major effort, called CPI. It was an effort to make sure that students who went to high schools were receiving the kind of education that would let them get through successfully in our colleges. I think it evaporated with that huge uproar on the ending of remediation. But it seems to me that one of the things that I was doing in those days is going around the high schools talking to people and talking to students about that, what they needed to do, how they had to get their act together and all that nonsense that they have to do in freshman orientation. But when we started that earlier, we had bridge programs. It seems to me that that is a much more proactive thing than wringing our hands about the way in which the student body is being distributed now. And I know this thing called College Now exists with various levels of success. I'm not so sure we can get to elementary school, but I mean with active faculty involvement in these local schools. I had a sort of anecdotal impression that we were making an impact in some way at least --

**Chancellor Goldstein:** Sandi, I mean, we did. And I was very involved, when I was president at Baruch working with the state education department. What resulted from all of that was a change in the regents requirements. What has happened is that 25% of the students in New York City or maybe even lower get Regents Diplomas. A Regents Diploma is a college preparatory diploma. It's disgraceful. Those that are passing the Regents Exam, the bar was dropped from I think 60 or 65 to 55. So there are political layers here that are clouding judgments and are compromising the ability of a place like CUNY to get the students from the schools that are adequately prepared for all of you who stand in front of your classes every day to teach the way that you want to teach. It is a problem that has still not been solved, but I think that college preparatory initiative was one node in a series of efforts to try to get more rigor and college preparation in the students that graduate the high schools. I'm going to meet with the Math Discipline Council. I recently saw

some data that really unsettles me terribly. The students that are coming into CUNY today are just not being successful in mathematics at all levels. And I don't know why that is happening. That is a subject obviously that I have some interest in, but I'm going to try to get some more information about this. You know, these are kids that are passing Regents Examinations, some of them with reasonable scores. And yet when we assess them here the faculty are saying that they're not ready for certain kinds of things. Well, you know, I think that's the kind of discussion that we're going to need. Perhaps we need to think about what is it that we're teaching in the lower levels of college preparatory mathematics. Should everybody be prepared to take calculus? I don't think so. I mean, I'm a big fan of learning the calculus because I think that's a good thing. But there are a lot of rigorous curricula that could be developed in discrete mathematics, for example, that I think ought to be looked at. And we need to have some fresh approaches.

**Professor Cooper:** I think the same is true of the English, frankly. But that's another subject.

**Chancellor Goldstein:** And that may be. But the math was brought to my attention.

**Professor Angela Crossman** (John Jay College): I'll be very brief because this is fairly narrow. But I just wanted to talk about briefly again, the Ph.D. programs not just in science in terms of some of the need for enhancement. I know our forensic psychology Ph.D. program is really quite new -- it's not accredited yet. But we are also competing with basically the top schools for the top students, and I think we're really poised to be the top program, but we don't have -- we're not competing in terms of the funding packages. I think our top several students are sort of hemming and hawing because we're \$7 to \$10 thousand less on stipend plus we require teaching. Now, that's not to say it's a bad thing to require teaching, I'm just saying in terms of the competitiveness that we can offer to students not just in science, we are limited. And that has ramifications for hiring, because strong research faculty want strong doctoral students to work with and they also provide a structure for our undergraduate and masters students to get socialized into the field. So I think that's something, but even the enhanced Chancellor's Fellowships aren't competitive compared to some of these other packages.

**Chancellor Goldstein:** One of the things that I would like to see this commission uphold is the principle that if we define ourselves as a research university, and I would say we certainly are a

research university, then we need to be funded as a research university. SUNY is funded as a research university. They would say no relative to some of the great public flagships across the United States and they're correct, but there is a disjunction, there's an asymmetry. And we now have something to talk about. We do have a body of Ph.D. programs that shine, that are out there saying, "Take a look at us. We're a serious place." That is one of the things that I have talked at length about with people that I think can make a difference about trying to build into our base budgets the kind of operating support so that we would be able to be a little more ubiquitous in supporting stipends, for example, and tuition remission, and health benefits across more of the disciplines. And eventually we're going to get there, but it's going to take time. This university never was funded as a research university by any stretch of the imagination. So much of it has been by pulling ourselves on our own bootstraps. I must go. Thank you very much.

[Applause]

#### IV. New Business - Discussion of Draft Policies due to go to Trustees in June: Chair Philipp --

The next item on the agenda is a discussion concerning the proposed policy on misconduct in research. I asked Vice-Chancellor Schaffer whose office offered this proposed policy whether he would be happy to introduce it, and he said yes. Then we can go on and discuss the CUNY Conflict of Interest Policy. This is a very important document. It is in its first draft. We have not yet discussed it with the Chancellery and the Executive Committee because other things had higher priority. And so I think it's clear that we will expect to see changes in this draft. So without further ado, I would like to welcome the Vice-Chancellor to the podium.

#### **A. Policy Regarding the Disposition of Allegations of Misconduct in Research and Similar**

**Educational Activities:** Vice Chancellor Frederick Schaffer -- Thank you very much. I wasn't aware until late this afternoon that these two items were going to be on the agenda. So really all I can do tonight is give you a brief introduction to the background of these two policies, and I'm sure you'll want to discuss them in greater detail. I haven't yet had a chance to sit down with your Executive Committee to go over it in detail, so all of those things will occur. I guess while I'm on the subject of process, just let me say that the University administration really counts very much on this body to both get the word out to campuses as to policies that are in the cooker and then to bring back comments and suggestions for changes, and I know you all take that

responsibility seriously and that's why we engaged in it. Last summer, I sat down with Manfred and gave him a preview of the four policies that I thought we'd be trying to bring to the Board of Trustees this year. Two have now been to the board. These are the last two. And as soon as my office is done with the drafting process I send it, usually email it, to Manfred to distribute through whatever the appropriate means are to the Executive Committee and to the rest of you. The first policy that is on the agenda is a policy on -- it's got a long title -- I call it the Research Misconduct Policy. We have such a policy already and it's used to set up investigative committees from time to time when there are allegations of research misconduct. Over the last few years, the federal government, some of the most important granting agencies, have issued regulations as to what they expect of research universities who receive federal funding. And so the document that you see before you in large, large measure is simply a translation and implementation of federal regulations that we are required to follow at least with respect to research involving federal grants. Now, it doesn't make sense to have a separate system for research not involving federal grants, and so *per force*, we are obligated to essentially implement federal regulations in this area across the University and the Research Foundation. I have to tell you, I believe in plain English and I have a wonderful attorney who worked on this for a period of about two years named Dick Molina who is one of the most elegant draftsmen I've ever encountered as a lawyer. And both of us are slightly appalled by this product because the federal regulations are so clunky. There is no way to work your way through them and to demonstrate to the federal government that we were in fact implementing their regulations except to sort of use some of the same vocabulary and some of the same categories. So this really does not read like poetry. But as I said, it is 90 or 95% what we're simply obligated to do. On balance, it's not all that different from what we've been doing in the past. It's a little bit more detailed and it requires at least one additional step in any investigative process. But there you are, we have to do it. One comment that Manfred did share with me immediately -- well, not quite immediately, but recently -- about this document, and I want to repeat what I said to him because it really was an oversight, is that it speaks of an investigative committee that we're required to have and it doesn't say anything about the membership of that committee other than the number. In the past -- and I think that's true of our existing policy as well -- but the University dean for research Gillian Small has largely been the person who deals with that process, and I don't think she's ever appointed anybody to one of these investigative committees who wasn't a faculty member. But certainly even if there should be an occasional dean or somebody who might have some

special expertise in a particular area, I have no disagreement at all with the proposition that these investigative committees should be overwhelmingly made up of faculty, and we'll correct that pronto. Let me just then briefly introduce the Conflicts of Interest Policy. This is really an amalgam of sort of three separate areas. One also derives from federal regulations. The longest, most detailed section deals with conflicts of interest in the context of the commercialization of intellectual property and the kinds of competing economic interests that people can get into. I don't think you'll find that too controversial, and in any event, it largely is required by federal regulations. A second piece of it also, I think, pretty straight forward, is simply a restatement of certain general ethical principles that are actually almost entirely covered by state law, and more recently there's been some additions by an executive order, or the first executive order of Governor Spitzer. And it's pretty straight forward and pretty much motherhood and apple pie. I don't mean to denigrate it, it's important, but I think it's principles that are pretty obvious and uncontroversial. And then the third piece of it and the one that is new and is probably going to need some smoothing out as we think about it is an anti-nepotism policy relating to situations, not that people of the same family can't work at the same university or at the same college or even in the same department, but that when people are related, one shouldn't be supervising the other, and one shouldn't be responsible or really play any role in the decision to hire the other or, in the case of contracting, to award contracts to the other. You know, it's a big university, but there obviously are a lot of family members, particularly spouses who work here, and already some questions have come up that I hadn't really thought about or anticipated, such as what if you have two family members in the same department, and then one of them becomes the department chair. So we're going to need some time to think about these things and I'm going to want to hear your suggestions on how you deal with these situations. But I think again you'll find at heart the conflicts of interest policy, in its general outlines, agreeable. But I'm sure there are things we've left out or errors that we've made or quirks that we haven't noticed that you'll bring to our attention. That's the end of my introduction. I don't know that I even need to stay, because I'm really not prepared to answer your questions tonight if they get into any level of detail. I'm still up at ten thousand feet. But I see people lining up to ask me questions so I guess I'm not going to get out that easily. But I'll be more than happy to both meet with your Executive Committee and go over this in detail and then come back on another occasion and answer more questions then. Thank you very much.

**Chair Philipp:** Before we begin the questions, could you comment on when you see bringing these two ideas to the Board?

**Vice Chancellor Schaffer:** There's a real need to bring the research misconduct procedures to the Board this academic year. So I'd originally thought maybe we'd get it done in April. We clearly aren't going to do that. There's no May meeting so that leaves June. I'd sort of like to get the Conflicts of Interest Policy done by then as well. It's perhaps not as critical, although part of it is because the Governor issued this Executive Order, but his Executive Order by force of law only applies to some of our faculty and staff and not others, and we'd like to have a single consistent policy that covers everybody. So if we possibly can, I'd like to get both of them to the board this June.

**Chair Philipp:** That gives us a couple of months to discuss.

**Professor Baumrin:** I would like you to add to the document so that we ourselves can research and the statutory authority for the provisions that are there. It's not that I doubt your word, it's just that I'd like to read it for myself.

**Vice Chancellor Schaffer:** The Research Misconduct Regulations I think I sent to Manfred when I sent the policy. They are 65 or 80, 75 pages, double column from the Federal Register. You're welcome to them. It would just be an overwhelming task to cross-reference every provision to those regulations.

**Professor Michael Barnhart** (Department of History, Philosophy, and Political Science, Kingsborough Community College): Coming from Brooklyn, I try to reach the outer boroughs. Two things that occur to me off the top of my head. One, I was very glad to hear that you might be changing the research misconduct to make sure that faculty were encouraged to be a part of these investigatory committees should they arise. In regard to that policy the one thing that caught my eye was the Research Integrity Officer I believe is supposed to be appointed by the president. And I was wondering about a recommendation that that be a faculty member. I think that that might be highly appropriate for various reasons that I don't want to argue out right now. In regard to the other policy, the Conflict of Interest Policy -- I do serve on an ethics committee,

actually in my town, and essentially what we deal in is conflicts of interest there involving town officials. And there is more or less a strict prohibition on such conflicts. It's more where we get into nuanced judgments about the appearance of conflicts of interests. But that distinction didn't seem to be part of the policy here particularly, and in fact there is language in there that sort of puzzled me. It says essentially that you're going to manage conflicts of interest and that they will arise from time to time. Now, the way I read that it sounds like there are going to be conflicts of interest but we're going to try to make a judgment that the individual who has such conflicts is not going to be biased in his judgment as a result of such conflicts. Well, I was thinking supposing I was sitting on one of these committees trying to decide whether so and so was actually going to be biased in his judgment or her judgment, and I think that would be a very difficult thing, actually, to determine if it comes down to it in the end, the kind of subjective assessment as to that person's overall integrity, I suppose. That is, it seemed to me that we were inviting either a very subjective judgment on the part of people on the committee or leaving them really with no guidance about how they were supposed to implement this policy.

**Vice Chancellor Schaffer:** Well, like you, I spent a lot of time interpreting and adjudicating issues relating to ethics. And they come in different areas. I think what you're referring to when you talk about the managing of conflicts is almost exclusively in the area - the first area that I described, the commercialization of intellectual property. And particularly for me as a lawyer who's used to fairly black and white rules when it comes to ethics and conflicts, there is something a little bit fuzzy about that area. But as I learned more about it, you know, in areas like contracts or hiring, you can have a black and white rule. And you say, you're not only going to make sure there's no conflict, we're going to avoid even the appearance. In the areas of commercialization of intellectual property, if you start to take that kind of rigid approach you very quickly wind up in a situation where our faculty really can't do it, period. And that's not really where anybody wants to wind up. And so what you instead have is a regime of rules that require disclosure, number one, and then some judgment and consideration about how serious the conflict might be in a very particular circumstance because in these commercial opportunity situations it varies very, very subtly based on the facts. I'm told, I've never done it, I've never been in the midst of this kind of process before, that it works generally pretty well. It's very, very similar not only to what the federal regulations require but in fact what other colleges and universities have been doing for quite some time. We've come to this really quite late, but I'm

told it works. I'm in contact with general counsels around the country, and I'm told that this regime works pretty well. But I'll be happy to look at more detailed comments on specific provisions.

**Professor Dina Dahbani-Miraglia** (Speech and Theatre, Queensborough Community College): I'm going to bring up one point. Confidentiality. As an anthropologist and ethnographer including doctors, lawyers and other people who have to deal with the confidentiality of the data, I am not allowed to name names, I'm supposed to fudge some of the data so people will not know who these people are when I write, especially in the group I work with who are a very, very tiny group, and I can't even name names. I have to change the names. Someone could come and say, "oh, she's plagiarizing. Somebody else wrote that." And I would have to divulge all of my data, which is confidential, which I'm not allowed to do as an ethnographer. When I first took my first field methods course, the most important issue, my professor said, is you never reveal your sources. You must keep this confidentiality. It's as valid and as important as a psychiatrist's, as an MD's and as a lawyer's. What do you do in that sense? Not only that, but who is going to complain? Who's going to claim plagiarism if a student comes and says, "oh, my professor is plagiarizing"?

**Vice Chancellor Schaffer:** I think there are really very few kinds of allegations of research misconduct that would require the revelation of confidential information. Plagiarism certainly wouldn't because if there's an allegation of plagiarism, there must be a point, you know, the allegation must be pointed to a particular source, and largely it's a question of comparing what the accused as written with these other sources. So I don't really see where that gets into confidential data. Fabrication in my experience almost always comes up in the scientific area. I don't think I've seen too much of it yet, not at all, in the humanities, and very little of it in the social sciences. But I suppose fabrication and falsification, the two other areas, falsification is usually what -- it's just the making up of data -- so if you're making it up it doesn't qualify as confidential. But I can conceive of some situations in fabrication which might require a social scientist to reveal notebooks or other sources that has confidential information in it. You know, I guess it's a conflict between two desirable goals, but this is why it's important in creating an investigative committee to have a) faculty members, and b) faculty members who are research active and who are expert in the very same field. But I don't think that the very, very important goal of keeping data confidential can prevent or should prevent the conduct of investigations on

such a serious matter. Now, there are steps in this investigative process, probably more steps than are desirable, but that's how the federal regulations read, and so the depth of the inquiry really depends on whether the first hurdle has been passed or the second hurdle has been passed, and I imagine that one would have to get to a fairly serious and well-substantiated allegation before the confidentiality of information gets compromised, at least to the limited extent of the members of the investigative committee looking at it. But I think there's a balance that can be reached and that these goals can be harmonized here. But I guess you're right, there are going to be at least occasional situations in which --

**Professor Dahbani-Miraglia:** There are quite a few, and I think a few being people who have plagiarized from each other. They have also misrepresented in certain fields, like mine, linguistic anthropology. You are supposed to misrepresent certain information if it's going to affect your "informants."

**Vice Chancellor Schaffer:** Every discipline has its own professional standards and that's why it's important for the judgment to be made by your peers, and this is what is intended to do.

**Professor Dahbani-Miraglia:** This is going to be a problem for ethnographers.

**Vice Chancellor Schaffer:** Well, I'd be interested in your sending me more detailed stuff on this.

**Professor Jason Young** (Psychology Department, Hunter College): I have a question which comes by way of a colleague relating to the Governor's recent Executive Order, particularly about student employees not being able to accept gifts. I have a colleague who's taught for many years and many of his students are international students and students from certain cultures. After the semester is over, it is appropriate for them to give nice gifts to the instructor, and it would be considered -- so this colleague feels -- insulting for them to refuse the gift. So what is CUNY's official position on what this person should do?

**Vice Chancellor Schaffer:** The official position is no gifts. I would encourage them perhaps to jointly throw a class party, or do something as a collective. Initially I thought, well, if the

semester's over, the grade's in, what's the harm? But then the question is, references later on, and recommendation letters and things like that. There's really no comfortable way to draw the line except to say no. And sometimes that becomes a learning experience. It does remind me - I can't resist this opportunity, maybe you've heard this story before, and I'm told it's a true story of someone here at CUNY who was teaching a class, during the time of uncertainty after the 2000 election about who had won the election. This was a political science class and there was this furious, interesting, heated debate going on, back and forth, back and forth, and finally, one student raised his hand, I think he was from one of the nations in Africa. And he said, "Look, this is all very interesting. But nobody's answering what to me seems like the really important question." And the professor said, "What's that?" And he said, "Who does the army side with?" So you know, we have many cultures at CUNY, and we just have to deal with it. Just say no.

**Professor Levine:** I wanted to follow up Professor Barnhart's question, and in the interest of public disclosure, I am a professor of engineering who has filed for patents and has worked with commercial entities and attempts to commercialize the products.

**Vice Chancellor Schaffer:** Good!

**Professor Levine:** This activity has been encouraged by the Vice-Chancellor for Academic Affairs Office. There are people in that office who encourage this and technology transfer, the University Dean of Research. And all of this is appropriate in the modern university. Hence the problem: no one from the Office of the Vice-Chancellor for Academic Affairs should be involved in judging conflict of interest. I would be much happier if your staff were involved, and if I could bring my questions to your staff because I want the help of the Office of Academic Affairs in encouraging the activity. And there's a conflict at birth.

**Vice Chancellor Schaffer:** Let me think about it, Al. I don't actually see it, but it's a point that I've never heard before, and I'd be happy to spend more time talking to you about it because I certainly respect your views. But I must say I don't see it, but we need to talk more about that.

**Professor Pecorino:** Following up on Al. Let me give you a couple of cases, because I'm very worried about living with a conflict of interest. I'd rather just avoid the appearance, even the

appearance of a conflict of interest among the people who have to adjudicate whether or not there is a conflict of interest. Case 1, a department head, academic department or another unit of a college at CUNY, sees the college struggling to perform certain functions or operations, decides that he or she might be able to help out. Leaves the campus and on his or her own time forms a company, works with some others in Dell, it's a piece of software. Applies for a copyright, and then turns around and says to the campus, that person has located out, "Hey, I've got something that would make life easier at this campus, I'll sell it to you." In fact, the person might be in a position to influence the decision-making over the purchase. This would go to that Committee to somehow resolve whether this should go on or not?

**Vice Chancellor Schaffer:** No, that one's a real clear one. It doesn't need to go to any committee.

**Professor Pecorino:** Second one: An officer at the University is an officer of a non-profit organization that vends a project to universities and colleges across the country and that officer would like this University and its campuses to make use of that product. The officer of the non-profit doesn't receive a salary but receives things that have a financial worth to them: trips, dinners, offices, assistants, a whole bunch of nice things. That too would be adjudicated by this group, when that officer of the University might have a relationship with the people in the Office of Academic Affairs? I too would rather see legal officers charged with insuring the appropriate image of the University as a fiduciary responsibility when making a decision that officers of the academic units of the University are doing that.

**Vice Chancellor Schaffer:** Not everything that has anything to do with research would go to that committee. I mean, relations between employees and the university itself of a commercial nature as opposed to relations with outside groups are often, and in your two examples, in fact covered by state law. I am, in my role as general counsel, the ethics officer for this University. Perhaps unbeknownst to you, each of your colleges also has an ethics officer and in many cases it's the same person who's the counsel of the college. And those kinds of issues can be taken directly to them. People sometimes miss them, and you know, I've had situations where after the fact there's been a violation of the state ethics law. People bring it to my attention. I generally call the people at State Ethics immediately and tell them of the problem and tell them how I

propose to handle it and nine cases out of ten they say “fine, it sounds like it’s being handled. We don’t really need to do anything about it.” And we correct it. Sometimes it’s better, obviously, if I hear from people before the fact or if your college counsel hears it before the fact, but most of these are basically straight-forward questions on how to interpret the State Ethics Law, and for better or worse, there actually are pretty clear answers to most of those questions.

**Professor Pecorino:** I wouldn’t want this procedure to be in any way a work-around of the other one.

**Vice Chancellor Schaffer:** No. Absolutely not.

**Professor Timothy Aubry:** (English, Baruch) I just had a question about the nepotism policy. Is this in any way going to influence the very common practice of universities hiring the spouses of people they’re trying to recruit?

**Vice Chancellor Schaffer:** No. It really only pertains to when one member of the family is the person making the decision about the hiring of the other. And in that case, he or she would have to recuse himself or herself. But in cases where the two are being hired simultaneously, which is obviously an important recruitment aspect, it shouldn’t have any relationship at all.

**Professor Terrence Martell** (Weissman Center for International Business, Baruch College): I would encourage maximum flexibility in the Conflict of Interest Policy in the procedures and processes. I’m concerned that as I read some of the rulings from the State Ethics Commission, they do not seem to be easily applied to a higher education institution. For example, I am concerned about faculty authored textbooks being used at the institution where the faculty member is employed. That’s just one of a myriad issues. So anything that would try to give the faculty some protections in the general scope of reasonable academic work, I would encourage you to try to find.

**Vice Chancellor Schaffer:** That’s a fair point. I spend a good deal of time on the telephone with the folks up at the State Ethics Commission, and they’re actually not a bad lot. They understand that the state ethics law wasn’t drafted with the public universities in mind and that we and

SUNY are a little bit, more than a little bit, different from other state agencies. And by and large they've been reasonable and flexible in confronting problems that are unique to us and you know, we'll keep working on it. I'm certainly very much aware of the problem, and it's one of the pleasant parts of my job when it comes to ethics issues that I'm usually on your side arguing with them. It's one of the ways in which I make friends with the faculty.

**Professor Martell:** I am aware of that. My concern is as we move down this path, it converges on one point: we are state employees, this is a state institution. If we don't have some protections that other external groups agree to and with, I fear that we will find ourselves in situations where innocent third parties will be very seriously and negatively impacted.

**Vice Chancellor Schaffer:** It's a fair point and by the way, I think one of the things we need to do once we get this policy adopted is spend some serious time training everybody.

**Professor Martell:** And also getting a buy-in from the state ethics commission, if that's possible. Thank you very much.

**Professor Angela Crossman** (Psychology Department, John Jay College of Criminal Justice): I apologize if you've answered this or addressed this, but I was curious if this policy applies also to the people on the Board of Trustees, because I know there was a question that we had had with the Collegiate Learning Assessment about a conflict of interest there, and I just wasn't sure.

**Vice Chancellor Schaffer:** By state law, boards that are appointed by political authorities but are uncompensated and in fact not covered by the State Ethics Law, but the State Ethics Law requires them to adopt their own conflicts of interest policy. Our Board of Trustees has such a policy. You can find it on the CUNY web site and it's somewhat shortened, but essentially an identical version of the state ethics laws applied to the trustees. And one of the things that I need to do separate from this document when we get ready to present to the Board of Trustees is to amend their conflicts of interest policies in certain parallel ways so that we're all subject essentially to the same rules. Some of you may have seen the memorandum that I sent out about the Governor's Executive Orders when they first came down, and in describing Executive Order Number 1 on ethics issues, I promised that that would be part of what we took to the Board of

Trustees would be a part that covered the rest of the University in equal ways and then a second part that would essentially do the same thing for the Trustees. So we're certainly aware of that. I looked very carefully at the Collegiate Learning Assessment issue and I think it was okay. I think, there were two separate issues. With respect to the Trustees, there was just the one issue, and I was well satisfied from the state ethics opinions that I read that it was not a problem.

**Professor Crossman:** Thank you.

**Professor Sandi Cooper** (Department of History, College of Staten Island): I know I have to return the six nesting Russian dolls, except the student who gave them to me flunked, so I'm not sure if it's a conflict of interest.

**Vice Chancellor Schaffer:** I don't think that's a defense.

**Professor Cooper:** And it was before I heard about this. But the real issue was textbooks which was raised by Professor Martell. I am now getting exceedingly nervous, not just about textbooks, but books in general, books in which some of us have essays and which we get royalties on -- you know five cents every three years or something like that -- but the standard works in the fields we teach. So what do we do now? Write under a pseudonym?

**Vice Chancellor Schaffer:** No. I've just gotten a flurry of questions about this, and I'm not sure what generated it, but I've got a call into the state ethics commission to see if they recently came down with an opinion in this area that I'm not well aware of. It has always been my view up to this moment that there is nothing wrong or unlawful in a faculty member assigning his or her own book or books as part of the reading list of a course. After all, particularly if you have a textbook, presumably, it came out of years and years of your teaching experience, and you do the students a benefit in giving them a textbook to read that more or less meshes with the lectures. So I've never thought of this as a problem. I did hear of one case which was a little troublesome in which a professor was selling directly to the students and collecting the money in class and then it also turned out that it may not have been a very good textbook. But except for that one instance, I've always thought that this was pretty well established. If I hear anything different, you'll be the first to know.

**Professor Levine:** I would suggest the following on that issue, and we have it as one of the questions on the material that you handed out, so I'm going to plagiarize it by reading the question. So I am freely acknowledging, I am quoting. "While academic freedom grants the faculty, individually or through their departments, the right to choose their textbooks, should any profits realized from textbook selection be returned to students in the form of discounts?"

**Vice Chancellor Schaffer:** I know where that question came from because Phil asked me about it two years ago. Should that be required as a matter of mandate? I don't think so. I think it's certainly an honorable thing if individual faculty members choose to do it. It's my understanding that your royalties would amount to a fairly small discount to the students and I think the bookkeeping would be overwhelming. But you know, if that's how you feel, you know more honor to you.

**Professor Frances Ruoff** (English Department, Kingsborough Community College): In one department that I worked in, the supervisor, the immediate supervisor over a group of us, insisted that the only book we could choose for one of the major courses was her – (tape turned over) ...

...the other people. It came through P & B that it was the book that had to be used for that course. And there were 12 or 14 sections of that course.

**Vice Chancellor Schaffer:** Yeah, I think that's a problem, and I think it's a problem not only from an ethical point of view but from an academic freedom point of view. Departments do occasionally get together and say, for purposes of consistency, we thought we all ought to use the same textbook for the introductory course in American History, and they agree on one and some people get sore because they lost the vote. But you know, that's normal. And apart from that, people generally pick their own books. I think somebody demanding that a department or a subdepartment use her book is just plain wrong. And I think there are a number of provisions that I could point to that it would probably violate.

**Chair Philipp:** Thank you very much.

**Vice Chancellor Schaffer:** Thank you very much, it was nice to see you.

[Applause]

**Chair Philipp:** Especially after such short notice. At this point we have two other items on the agenda. Professor Beaky is going to do a short presentation on the Conflict of Interest Policy and then we still have the Chair's Report, which you have in written form. But there is an addendum that will cover the joint meeting of the UFS Executive Committee and the Executive Committee, the Faculty Council for Community Colleges of SUNY that we had last week which couldn't be covered by this document.

**Professor Lenore Beaky** (English Department, LaGuardia Community College): In your packet is a copy of the Conflict of Interest Policy and also a one-pager that turned into a two-pager. What I did was to summarize the most important parts of the policy, what I thought were the most important parts of the policy, and then in the back list some questions which came from various people, many of which have come up already today. Number two, the role of the Office of Academic Affairs. Number four about textbooks, generally is do you think that the role of faculty is sufficient in this policy, and some other questions about faculty, faculty governance and so on. So you can look at these, look at the policy and that's just to help you understand what's going on here. I just do want to mention though that in this policy, the issue of management of conflicts of interest is very important. Yes, there is a statement of apple pie and a statement of nepotism and commercialization, but then the real meat of the policy seems to be section four -- given that we don't actually want *no* conflicts of interest, how can we manage those so that those are acceptable, and section four and all its numbers attempts to do that by setting up a committee and a local officer and so on. So please read it and I'm sure we will discuss this further.

**Chair Philipp:** I'd like to point out that there's also an analysis sheet, a very brief one, on the misconduct in research policy. Now, at this point I've asked Susan O'Malley and Lenore Beaky to come up and discuss the joint session that we had with the Faculty Council of Community Colleges from SUNY. This is a new initiative of this organization.

**Professor Susan O'Malley** (English Department, Kingsborough Community College): This will be quick. Last Friday a group of us from the Executive Committee met with professors from several of the community colleges of SUNY. They were from Nassau, Suffolk, and Finger Lakes. Kimberly Reiser, who has addressed this body, is the chair of what is called the FCCC. We talked about a few things. In the beginning, it was comparing governance structures and how different they are. We have a seat on the Board of Trustees and we have voting members on the trustees' committees, and they do not. But Kimberly Reiser is on COPS, the council of presidents, a very useful place to be that we have tried to get to and never have quite managed. But we did a lot of that kind of stuff. Kimberly Reiser gets to pick her Executive Committee. Ours gets elected. Her vice chair automatically becomes chair. So it was fascinating talking about the differences in the two bodies. We also talked about ASAP, which is the new community college program, the \$20 million from the poverty program from the mayor. This is to get community college students to graduate more quickly, yes, and to have jobs and internships. The problem, of course, is that they're taking students who don't need remediation and probably should go to four year colleges. But what insults the community colleges the most is we're moving back to our original mission of the community colleges, which is vocational education. That drives most community college professors absolutely crazy. So we talked about that and the sort of de-professionalization that has gone on in schools and that is moving up into the community colleges. And we thought it might be interesting for us to work together to try to put out some kind of white paper about that and about how faculty are being reduced to employees as in this program, which didn't go through any governance body, no professors knew anything about this. A third thing we talked about was something that Manfred had mentioned, which was the whole prison issue, trying to get college programs back into the prisons. You know, they'd been eliminated because the TAP funding had been eliminated, and I think also the Pell money. So the idea was that we would talk to Spitzer, but probably first through Deborah Glick, who is the new chair of the Higher Ed Committee and that Manfred and Kimberly Reiser and then Carl Wieszalis, who is chair of the four-year, the senior colleges, governance body, and SUNY would go and first start with Deborah Glick to see if we could reinstate college programs in the prisons, which I think is just a marvelous idea. And finally we talked about testing, and I'm just going to say one thing about testing and then Lenore is going to be talking about the latest crazy testing outsourcing. It's outsourcing though, really. In terms of testing, CUNY is a high-stakes testing institution, SUNY is not. What they managed to do was their board said they

must have a test. They fought back. Instead, each college does outcomes assessments and does tests or assessments that match those outcomes or goals or whatever. And they manage to do that. Now, the college can buy a test off the shelf, or they can design their own. They got it in some way nationally normed. They're very, very pleased with this. They said it really brought them together talking about education, and it didn't become a sort of report card with each college competing against the other in "what's your score in this? what's your score in that?" But it's just a lesson for us to learn. Now, the latest thing is the Twigg. This is an outsourcing thing. "Twigg" is actually the name of a person, Carol Twigg, who runs the National Center for Academic Transformation, NCAT. I'm reading from their web site: "An independent non-profit organization dedicated to the effective use of information technology to improve student learning outcomes and reduce the cost of higher education." So they really get into the nuts and bolts of course re-design. They have five different models just here. Most of these are in science and math, but at least one is in English composition. What happened was that the story about this program, which has been going on for a few years, appeared in *Inside Higher Ed* on Thursday. Kimberly Reiser had known about them. They'd been in discussions with SUNY, but she was astonished, and they were astonished to see that in fact, according to the story, SUNY is going to be participating next year. They knew nothing about any decisions or anything like that. So naturally, Kimberly said, "so, is CUNY doing any of this?" Manfred and I looked at each other and we asked, today, when we met Selma Botman. And Selma Botman said that CUNY is reaching out, reaching out to them. So you know, all these things may be good, although I can just imagine what you'll think when you read them. But I think that we want faculty to know that this is being considered, that it is being looked at by some people, and so you should know it too. It's the National Center for Academic Transformation, NCAT. And they are on the web, I just googled them and found them right away.

**Professor Pecorino:** Please describe what this project is going to do at the campus level, and why we must be on the alert for it and how it challenges the faculty role in all kinds of decision making, particularly about curriculum.

**Professor Beaky:** Well, I'll give you the five models that have emerged so far. Supplemental model retains the basic structure of the traditional course and supplements lectures and textbooks with technology-based out-of-class activities or changes what goes on in the class by creating an active learning environment within a large lecture hall setting. There's all sorts of interesting

details here. There's a replacement model. That reduces the number of in-class meetings and replaces some in-class time with out-of-class online. Also makes significant changes in remaining in-class meetings. There's an emporium model. Eliminates all class meetings and replaces them with a learning resource center featuring online materials and on-demand personalized assistance using an open attendance model -- come when you want -- or required attendance model. There's a fully online model, eliminates all in-class meetings, everything online, web-based multimedia resource, commercial software. Automatically evaluated assessments with guided feedback and alternative staffing models. And a buffet model, customizes the learning environment for each student based on background, learning preference and academic professional goals and offers students an assortment of individualized paths. And then when you click on these various things you see different colleges, different courses, you can actually look at the courses that they have created.

**Professor Levine:** Lenore, I don't understand the phrase "CUNY is reaching out." I was under the impression that curriculum was a faculty responsibility. Now, are there faculty members who are reaching out? Could we get some clarification as to exactly what the meaning of this phrase "reaching out" is?

**Professor Beaky:** So Alfred, you are asking who is reaching out and where and how and for what? Excellent questions.

**Professor Crossman:** It doesn't sound surprising to me that this is something that the Vice-Chancellor's office is reaching out about given that it's focused on online education. I think what's strikingly troubling is the lack of reaching out or seemingly lack of reaching out to our expert faculty who do online teaching and learning and assessments. It would seem like a more appropriate place to start than going to an external source for what we clearly have expertise in among our faculty.

**Professor Beaky:** I inquired as of my own associate dean at LaGuardia who knows everything about the academic things going on at LaGuardia and he had never heard of this organization. So we don't know who the online people are that have been reached out to.

**Chair Philipp:** Just to supplement this, I was with Lenore at the pre-CAPPR meeting with Vice-Chancellor Botman this morning. I'm not entirely convinced by her choice of words that she has had any substantial contact with this organization, but we will keep our eye on it. Thank you for your attendance.