Minutes of
The Lehman College Senate Meeting
Wednesday, February 1, 2006

Bard, A.; Bigman, D.; Blot, R.; Bonastia, C.; Bullaro, G.;
Burgess, K.; Calvet, L.; Capetola, L.; Carey, R.; Caroll, M.;
Colburn, F.; Deminco, S.; DiPaolo, M.; Eschenauer, R.;
Feinerman, R.; Fernández, R.; Ferraro, M.; Freedberg, S.;
Kreuzer, P.; Kunstler, R.; Marianetti, M.; Matthews, E.;
McLaughlin, J.; Natividad, R.; Nwogu, E.; Ogunjemilusi, O.;
Ostrow, R.; Paez, J.; Pant, H.; Pascal, I.; Perez-Morales, I.;
Sailor, K.; Salamandra, C.; Saravia-Shore, M.; Seraile, W.;
Silverman, H.; Sloan, H.; Tananbaum, D.; Tramontano, W.;
Williams, L.; Zucchetto, V.

Senators Absent: Abibabu, A.; Abreu, R.; Aronowitz, A.; Bawa, G.; Blanco, W.;
Espinosa, M.; Esteves, C.; Falcon, L.; Figueroa, J.; Ganjin, I.; Garro, A.;
Levitt, J.; Magdaleno, J.; Mineka, J.; Muller, S.; Nnoli, E.; Paull, M.;
Polirstok, S.; Powell, C.; Rice, M.; Rodriguez, J.; Rodriguez, Y.;
Selwyn, S.; Shi-Ttu, A.; Ureña, K.; Wilson, L.; Wyckoff, S.

President Ricardo Fernández called the meeting to order at
2:10 p.m.

Minutes Adopted

A motion was made and seconded to adopt the minutes of the
December 7, 2005 meeting with the amendment that Prof. Dimitra
Karabali should be removed from the Senate roster. Also on the
attendance record for Fall 2005, Prof. Matthew Kerner should be
marked present at the 12/7/2005 meeting, raising his attendance
record from 3 to 4.
Announcements and Communication

a. President’s Report-

1. President Fernández familiarized the Senate with the recent New York State Court of Appeals decision that the rules of the Senate and the rules of any public body in the University making decisions has to change when we do not have unanimous consent and a quorum on a vote. We would then have to resort to a ballot in which each senator will have to say “yes” or “no” or “abstain” (to be covered in the Governance report). Ballots will have to be collected and results will likely not be known immediately. It will be a time-consuming, awkward process. But that is the nature of democracy, and we will comply with the requirements.

2. On a happy note, Student Michelle Augustine has been selected to receive the prestigious Soros Scholarship. She spent the summer in Ghana, is one of the Watson fellows and has done splendid work.

3. Yesterday, President Fernández led a group Bronx CUNY presidents who visited Albany and had the opportunity to meet with the Bronx assembly delegation. One issue raised was how do you bring in resources necessary at an affordable level so the University can move forward? The issue of tuition came up and how that can be handled. If you look at what the state was contributing to higher education to CUNY in 1991, it was about $739 million. But if you look at it 15 years later, it’s about $790 million so the net gain is about $51 million. CUNY’s budget, of course, has gone up significantly. If you look at the tuition chart, you see that in 1991 it was $246 million while it is now close to $750 million, a factor of 10 to one vis-à-vis the contributions of the state and that of students. The people in Albany need to look at this in a long-term view. When the technology fee was initiated, there was concern about how that money would be spent. At Lehman the Tech Fee generates close to a million dollars to provide services and benefit students. One of the conditions of the CUNY Compact is that all the funds that will be generated through tuition increases are modest---four, three, or two percent. These funds impact on and benefit students so it’s analogous to the computer fee. Now for that to work, the COMPACT requires that the state provide funding to meet the mandatory costs, to meet the energy costs, which have risen significantly, and to provide a fraction (20%) of the new funds that will be used to expand programs. The other 80 percent will be funded through private funds, through economy, and through efficiencies, and modest
tuition increases. This represents the substance of the presentation made in Albany, and the
legislators appeared to be listening more intensely than previously. The governor's proposed
budget is out, and it allows a $300 tuition increase while CUNY proposes $130. CUNY is
working to keep any tuition increase at that level. We expect to know more next month since
Albany is shooting for an on-time budget, which means April 1.

b. Student Conference-

There was no report.

REPORTS OF THE STANDING COMMITTEES

a. Committee on Governance-

1. Professor Vincent Prohaska discussed the New York State Court of Appeals ruling on the
New York State Open Meetings Law and Freedom of Information Law. The ruling
strengthens faculty governance and its role in decision-making, especially on curriculum. It
requires that we follow applicable state laws, the Open Meetings Law and Freedom of
Information Law. The changes are not open to discussion. Though the laws were not intended
for us, the court has ruled they apply, and we will do so as much as we can to implement
them, effective immediately. Prof. Prohaska thanked the committee and Mr. Esdras Tulier,
Legal Counsel to the President, for their efforts in complying with the law. It is important to
note that the ruling applies to the College Senate and to all Senate Committees. A meeting
will be held with all the chairs at 3 p.m. February 9, in Shuster 336 to cover this subject, and a
written version of today’s remarks will be distributed shortly. Four main areas need to be
discussed. On meetings, Senate meetings and committee meetings are open to the public.
This means that anyone may attend any of these meetings. Executive sessions are rare if ever
and must fall under specific exemptions. A major one might be involved when dealing with
personnel matters or confidential information such as CASE and Graduate Studies when
hearing student appeals in Executive Session. If any committee thinks it may need to go into
executive session, Mr. Tulier and the Governance Committee are to be consulted. As to
publicizing meetings, this must be done in advance internally and externally. We’re working
on exactly how to do that. For now, committee chairs are asked to announce their next
meeting; once a meeting is announced, it should not be changed or cancelled, if possible.
Minutes must be taken at all committee meetings; they need only include action taken, not the
specific discussions. Most importantly, if a vote is not unanimous, how each member votes
must be recorded, either in the minutes or in separate document. Minutes are to be publicly
available within two weeks of a meeting and must be preserved. Minutes and voting records are to be sent to Mr. Tulier, preferably electronically. **Quorum**: a quorum is defined as the majority of those eligible to vote. Notice that vacancies are included. With the Senate quorum at 55, it indicates that vacancies need to be filled quickly. At the first Senate meeting of the year, for example, with no students present, the quorum was still 55. It is extremely important to sign in on the attendance sheet. At any meeting, if a quorum is not present, the committee can still meet, discuss agenda items, and present a report to the Senate. It is then up to the Senate to decide what to do. Without a quorum, the Senate can still meet, discuss motions and reports, take informal votes, and attempt formal approvals at the next meeting. Thus, attendance is critical. Prof. Prohaska congratulated the senators for good attendance so far this year. He urged senators to make certain they are included on the Senate attendance list because it legally establishes whether a quorum was present and will be important in voting. On committees, the same rules apply. If a committee has no quorum, it cannot take any official action. **Voting**: motions pass only if a majority of members eligible to vote approve. For the Senate, 55 yes votes are needed, regardless of how many members are in attendance. For example, if 60 are present and the vote is 50 to 10, the motion fails. So at the last Senate meeting, when a motion was counted as 37-34, the motion would not pass. The same would apply to committees. If there are 12 voting members but seven present a vote of 5 to 2, the motion fails. It is important to note that abstentions effectively become votes against the motion. There is no more anonymity in voting; secret ballots are illegal. Every member’s vote must be recorded either in the minutes or in a separate document. As President Fernández previously suggested, we will try to proceed by calling for a unanimous vote. If a few members wish to present “No” votes, they can. We can say the members voted unanimously except for X, Y, and Z who voted “No.” As a last resort, we will have paper ballots on the motion and count them at the end of the meeting, determining whether the motion passed or failed. If we have to know immediately, we will have to go for a roll-call vote.

2. Prof. Prohaska next brought up the revision of the Resolution from the Governance Committee presented at the last Senate meeting: “Be it resolved, that no University-wide degree program should go forward unless passed by the University Faculty Senate and that the University Faculty Senate establish a Curriculum Committee that includes student involvement.” The big issue discussed last week was a student voice in curriculum matters.
We decided to urge the University Faculty Senate to essentially use our Lehman model of involving students in their curriculum committee as they review the university-wide degree programs. It only applies to these programs and has nothing to do with programs at individual campuses. The motion was moved and approved with all voting to approve, except President Fernández who voted “No.”

3. Prof. Manfred Philipp will resign from the Governance Committee because he will not be on campus for the rest of the semester. In replacing him, to keep the committee’s quorum, Prof. Heather Sloan was nominated and approved by acclamation.

b. University Faculty Senate-

1. Prof. Manfred Philipp reported that a plenary was held yesterday evening. A resolution was presented by the Senate Academic Policy Committee rejecting the proposed CUNY on-line degree. The resolution passed. Nothing was said about the content of the degree but dealt with the process leading to the proposed degree. In particular, the full proposal for the degree was not published until a day before the vote in the School of Professional Studies Board, and there was no public discussion of the full proposal. The draft letter was subject to a Curriculum Committee of The School of Professional Studies but the full proposal was not. Because of procedural deficiencies, the Senate voted to reject the on-line degree. Public comment on the proposal is still open until late in February, but the Trustees’ Committee on Academic Programs Policy and Research has already voted on it.

2. The Chancellor announced last night that the capital campaign goal will be increased to $1.4 billion over $1.2 billion due to the campaign’s success. He said that he has never been more optimistic on the university’s funding on the tax levy side. He was asked questions on unequal work loads on different campuses, particularly John Jay, which has a higher work load than other campuses.

3. It was brought out that it costs $9.5 million to administer financial aid with the tuition collections being $770 million. About 70,000 get TAP out of 220,000 students, which is a relatively small number. The governor has proposed that TAP requirement be 15 credits per semester instead of 12---an idea that is meeting with resistance.

4. There is no Early Retirement Incentive proposal yet in the Governor’s proposal.

5. Concerning ERP (Enterprise Research Planning), the new computer planning program that will replace CUPS and SIMS is supposed to cost $40-50 million and it will come out of the capital budget, not the tax levy budget.
c. **Undergraduate Curriculum**-

There was no report, but Prof. Barbara Jacobson announced that committee meetings will be held between 9:00 and 11:30 a.m. on Mondays in the IT conference room.

d. **Committee on Graduate Studies**-

Prof. Robin Kunstler has a change in credit loads from the Office of Academic Advising, Standards, and Evaluations/Graduate Studies. The report was approved with unanimous consent. The next meeting will be at 10:30 a.m. Monday; with the location to be announced this afternoon.

e. **Committee on Budget and Long-Range Planning**-

President Fernández pointed to an in-depth committee report included in the packet. It spells out in detail the funding requested if the COMPACT is approved: what we will get and how we will spend the money. It was made available for public information. It is contingent, of course, on receiving the funds.

f. **Committee on Academic Freedom**-

There was no report.

g. **Committee on Admissions, Evaluations and Academic Standards**-

There was no report.

h. **Committee on the Library, Technology and Telecommunications**-

1. Professor George Chaikin said the Committee met and focused on student concerns such as having an on-line student directory, and the possibility of having student web pages.

2. At this moment, the idea of a quorum does raise a problem for this Committee and presumably others as well because most faculty and students have been negligent in attending meetings. Prof. Chaikin suggested that the committees act collectively to reach a solution.

3. The next Committee meeting is scheduled for Wednesday, at 2 p.m. in the Chief Librarian’s office.

i. **Committee on Campus Life and Facilities**-

1. Prof. Matthew Kerner said that at the December 12 meeting mention was made of smoking in the APEX Building, 2nd floor vestibule, with the doors held open, which acts like a flue, pulling smoke into the building, representing a violation of the New York State law on smoking in public buildings. Vice President Derek Wheeler asked Acting Security Director Domenick Laperuta and Dr. Martin Zwiren to come up with a solution.
2. Surveys have been conducted in the following lecture halls: Gillet Hall, Room 223; and Carman Hall, Rooms B04, B08, B34, B36, and B39. Seating and related desktop problems were identified. The Director of Campus Facilities will investigate the ability to make repairs, including cost estimates, to determine what can and cannot be done.

3. A discussion was held about students from Celia Cruz High School as to behavior and the wear-and-tear on Lehman equipment. The Committee will look for a suitable remedy.

4. Since the last Senate meeting, there has been one meeting on the Science Building. Discussed was a review of the ten most significant project goals; further discussion of the model program; review and discussion of potential massing schemes for the new construction; discussion of the draft program review, and discussion of the new construction as a “living machine.”

5. Since the last Senate meeting, there have been two meetings of the Science Building Programming Committee. The design team presented a matrix of faculty by department and encouraged discussion to determine which collaborative relationships exist currently and which are planned in the future. A hierarchy of relationships emerged and a number of relationships were added or emphasized. A new scheme of adjacencies and relationships was developed to help in the planning of the new construction. The design team presented the relative capacities of Davis and Gillet Halls, as well as Phase I and Phase II of the new construction. Lab planning concepts, model programs, and phasing strategies continue to be discussed among the Committee members.

6. The next Science Facility Executive Committee meeting is scheduled for March 7 at 10 a.m. at the CUNY offices on 57th Street.

7. The next Science Facility Programming Committee meeting is scheduled for Thursday, February 16 at 10 a.m. in Shuster Hall, Room 336.

8. The next meeting of the Campus Life and Facilities Committee is scheduled for March 1 at 11:30 a.m. in Shuster Hall, Room 325.

OLD BUSINESS

There was no old business.

NEW BUSINESS

There was no new business.
ADJOURNMENT

The meeting was adjourned at 3:40 p.m.

Respectfully submitted,

Esdras Tulier