

MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES OF THE CITY UNIVERSITY OF NEW YORK HELD NOVEMBER 24, 1997 AT THE BOARD HEADQUARTERS BUILDING - 535 EAST 80TH STREET - BOROUGH OF MANHATTAN

The Public session reconvened at 7:40 P.M.. There were present:

Anne A. Paolucci, Chairwoman
Herman Badillo, Vice Chairperson
John Morning
Susan Moore Mouner
James P. Murphy
George Rios
Nilda Soto Ruiz
Richard B. Stone
Satish K. Babbar
John J. Calandra
Kenneth E. Cook
Michael C. Crimmins
Alfred B. Curtis
Edith B. Everett
Ronald J. Marino
Sandi E. Cooper, ex officio
Md. Mizanoor Biswas, ex officio
Secretary Genevieve Mullin
Roy Moskowitz, Acting General Counsel and Acting Vice Chancellor for Legal Affairs
Hourig Messerlian, Executive Assistant
Kisha Fuentes

Upon motions duly made, seconded and carried, the following resolution was approved:

NO. 10. THE CITY UNIVERSITY OF NEW YORK - POLICY ON UNIVERSITY DEGREE REQUIREMENTS:

WHEREAS, On June 26, 1995 the Board of Trustees adopted a "Resolution of the Committee on Long Range Planning," by which the Board enacted the proposals contained in the document titled "University Budget Planning and Policy Options"; and

WHEREAS, Item 27 of the above Long Range Planning Resolution ("LRP 27") provided as follows:

It shall be University policy that, effective September 1, 1996, all bachelor's degree programs will require a maximum of 120 credits for graduation; all associate degree programs will require a maximum of 60 credits. Colleges may be granted waivers from the Office of Academic Affairs for undergraduate degree programs that require additional credits for certification or accreditation from outside professional organizations or for other compelling educational reasons. This policy brings CUNY into conformity with national practices and reduces the cost of tuition by up to \$1,080; and

WHEREAS, In August 1995, Irwin Polishook, as President of the Professional Staff Congress, and others, commenced a legal action against the University pursuant to Article 78 of the New York Civil Practice Law and Rules, styled Polishook, et al. v. The City University of New York, et al., N.Y. County Clerk's Index No. 95/119332 (the

"Petition" or the "Polishook litigation"), seeking, among other things, to vacate LRP 27; and

WHEREAS, The New York State Supreme Court, New York County, issued an Order and Judgment on April 30, 1996 that vacated the Board's June 26, 1995 resolutions that had been challenged in the Petition, including LRP 27, and remanded the matter to the Board; and

WHEREAS, The University appealed the Supreme Court's decision to the Appellate Division, First Department; and

WHEREAS, The Appellate Division issued a decision on December 19, 1996 that reversed the Supreme Court's Order and Judgment and denied the Petition in all respects, except with respect to LRP 27, which the Court vacated on the ground that it did not "perceive a rational basis for Long Term Initiative 27"; and

WHEREAS, The University appealed the Appellate Division's decision to the New York State Court of Appeals, thereby staying the Appellate Division's decision; and

WHEREAS, The parties to the Polishook litigation wish to resolve the matter without further legal action, for the benefit of the students, the faculty, and the University as a whole; and

WHEREAS, The Board originally adopted LRP 27 on June 26, 1995 after a period of internal review, on the grounds that: the University-wide degree requirement of 120 credits for the bachelor's degree and 60 credits for the associate degree would be consistent with national norms; campuses would be better able to target their limited resources; and students would benefit because of changing student financial aid eligibility; and

WHEREAS, LRP 27 states that "Colleges may be granted waivers from the Office of Academic Affairs for undergraduate degree programs that require additional credits for certification or accreditation from outside professional organizations or for other compelling educational reasons," and that such waivers were granted under this procedure; and

WHEREAS, The Board acknowledges that: "compelling educational reasons" means, for these purposes, strengthening and enhancing the specific academic objectives of a program and meeting the educational needs of enrolled students; the waiver standard of compelling educational reasons shall take into account the specific needs of degree programs or the college's general degree requirements; each college faculty senate is encouraged to review current degree requirements where it appears that those requirements are not meeting a program's academic mission or students' needs, and, where appropriate, to submit recommendations that meet the criteria described above to the Office of Academic Affairs; any changes in degree requirements should be implemented to take account of the reasonable expectations of currently enrolled students

who have relied on current requirements in planning their education and fulfilling graduation requirements; and the educational interests of students are paramount in this regard; and

WHEREAS, The University has agreed to withdraw and discontinue its appeal of the Appellate Division's December 19, 1996 Decision and Order to the extent it vacated LRP 27; and

WHEREAS, Petitioners have reviewed and support this Resolution and agree that this Resolution now has a rational foundation, based on the waiver process that will take place under the standards described above; and further agree that they will not bring any legal action or proceeding to challenge this Resolution; now, therefore, be it

RESOLVED, That the Board reaffirms that it is and shall remain University policy that all bachelor's degree programs require a maximum of 120 credits for graduation, and all associate degree programs require a maximum of 60 credits. Colleges may continue to be granted waivers from the Office of Academic Affairs for undergraduate degree programs that require additional credits for certification or accreditation from outside professional organizations or for other compelling educational reasons, as explained above; and be it further

RESOLVED, That the Board, in the exercise of its authority to govern and administer the University pursuant to N.Y. Education Law § 6204[1], in connection with the Board's making educational policy, recognizes and reaffirms that the faculty, in accordance with CUNY Bylaws § 8.6. shall be responsible, subject to guidelines, if any, as established by the Board, for the formulation of policy relating to the admission and retention of students including health and scholarship standards therefore, student attendance including leaves of absence, curriculum, awarding of college credit, and granting of degrees: that this responsibility is to be exercised through the college faculty senates pursuant to Board Bylaws or college governance plans approved by the Board, or the University Faculty Senate in accordance with CUNY Bylaws § 8.13, which states: "There shall be a university faculty senate, responsible, subject to the board, for the formulation of policy relating to the academic status, role, rights, and freedoms of the faculty, university level educational and instructional matters, and research and scholarly activities of university-wide import. The powers and duties of the university faculty senate shall not extend to areas or interests which fall exclusively within the domain of the faculty councils of the constituent units of the university"; and that such policies will then be considered by the Board or its appropriate committees in making policy decisions relating to educational matters.

Upon motions duly made, seconded and carried, the Meeting was adjourned at 7:42 P.M.