

Steering Committee Report to Academic Senate –December 2005

1. Meetings of the Academic Senate

On November 17, 2005 the New York State Court of Appeals rendered a unanimous decision that has direct bearing on how meetings of the Academic Senate and its various committees are conducted. (See attachment D) Here are some of the implications:

a. Open Meetings

Senate Bylaws Article I. Section 3. Nonmembers

- a. Meetings of the Academic Senate shall be open to all members of the instructional staff, and students serving on standing committees of the Academic Senate, except that only members of the Academic Senate may vote. Upon the consent of the Senate, nonmembers may enjoy the privilege of the floor. Nothing herein shall the right to hold executive sessions which shall be open only to the members of the Academic Senate.

Court Decision:

Under Education Law § 6204 (3) (a), CUNY Board meetings are subject to the Open Meetings Law.

In its bylaws, the Board has delegated its authority under Education Law § 6206 [7] [a] in part to the faculty (or a faculty council) of the individual colleges, making the local faculty (or faculty councils) responsible "for the formulation of policy relating to the admission and retention of students including health and scholarship standards therefor, student attendance including leaves of absence, curriculum, awarding of college credit, granting of degrees" (CUNY Bylaws §§ 8.6 and 8.7).

the College Senate and the Executive Committee were subject to the Open Meetings Law and the Freedom of Information Law.

QCC ACTION: Revise Senate Bylaws Article I. Section 3. on Nonmembers to bring it into conformity with the court decision and the law.

QCC ACTION: These Nonmembers must conform to the usual requirements of parliamentary procedure in place in the Senate and our By-Law requirements. The Parliamentarian will interpret and enforce the rules which include the fact that no non-member of the body may speak without the permission of the body. If it should ever become necessary each non-member would be given a copy of the "rules" of the Academic Senate.

b. Minutes and recording of ballots

Court Decision:

"[m]inutes shall be taken at all open meetings of a public body which shall consist of a record or summary of all motions, proposals, resolutions and any other matter formally voted upon and the vote thereon" (see Public Officers Law § 106 [1]).

QCC ACTION: All senate votes will be recorded and the minutes will note those who vote in the negative or who abstain.

QCC ACTION: The Senate will need to exercise vigilance in the noting and maintenance of a quorum.

c. No Closed Ballots- All votes recorded

Senate Bylaws Article II. Section 8. Secret Ballot

Any member of the Academic Senate has the right to request a secret ballot vote concerning any item that is to be voted on by the Academic Senate. Such a request must be granted.

Court Decision:

Under the Freedom of Information Law, however, a public agency must maintain "a record of the final vote of each member in every agency proceeding in which the member votes" (Public Officers Law § 87 [3] [a]). This requirement differs from the summary of a final vote mandated by the Open Meetings Law. The requisite record of the final vote of each member would be impossible were the final vote of each member anonymous or secret. Consequently, under the Freedom of Information Law, voting by the College Senate and the Executive Committee may not be conducted by secret ballot.

QCC ACTION: Revise Senate Bylaws Article II. Section 8. on the Secret Ballot to bring it into conformity with the court decision and the law.

d. Impact on Committees of the Academic Senate

We await receiving communications from university authorities on the application of this court decision to the activities of committees of the governing bodies of the CUNY colleges.

2. The Senate Website

The Senate Website is found on the Governance webpage of the Queensborough website: <http://www.qcc.cuny.edu/Governance/default.asp>

The site is now receiving the Agenda and Minutes of all Academic Senate Committees: http://www.qcc.cuny.edu/Governance/AcademicSenate/academic_senate_committees.asp .

3. Senate Parliamentarian

Our long serving and distinguished Parliamentarian, Dr. Pedro Meza, has announced that he will be taking Travia Leave in the Spring of 2006. This being the case, there will need to be an election of a new Parliamentarian at the next meeting of the Academic Senate. We request that those interested in so serving or in nominating someone for this position please contact the Steering Committee. We want simply to assure that there will be at least one candidate for the position at the time of the election.

4. Standing Committees

All Senate Committees have their full complement of faculty. We have been sent a listing of student members. The listing is incomplete. Committee chairpersons have made efforts to inform student members of the meetings of the committees.

Work in Progress:

The Committee on Bylaws is presenting to the Senate a number of proposals for revisions in the bylaw charges of several current Standing Committees. It continues to work on both further changes on the charges of several committees and on the matter of the inclusion of HEO members of the Academic Senate elected at-large.

Annual Reports

The Academic Senate Bylaws (art. VII. Sect 7b) require that :

Each standing committee shall distribute to the members of the instructional staff an annual written report and a copy filed with the Secretary of the Academic Senate prior to the first Senate meeting in September. The Secretary shall inform the Academic Senate of the names of the committees which have not filed such reports.

Annual reports outstanding for 2004-2005: Committees on Academic Development and the Committee on the Gallery and Performing Arts

5. Committee Guide for New Members

Committee Chairpersons are realizing the value of these guides for new members and we are seeing the development of more of them. Guides for the following committees are complete and are located on the Academic Senate Website.

- Committee on Computer Resources
- Committee on Continuing Education
- Committee on Curriculum

6. Council of Faculty Governance Leaders Resolution for consideration by the Academic Senate

The Council of Faculty Governance Leaders voted on November 18, 2005 to request that college senates take a vote on affirming the following resolution unanimously adopted on that date by the Council of Faculty Governance Leaders: "Be It Resolved, that no University-wide degree program should go forward unless approved by the University Faculty Senate."

CUNY is now proposing a CUNY Online Baccalaureate for degree completers that is to be offered by a central unit of the university, namely the School of Professional Studies.

A resolution is being submitted to the Senate in relation to this request. (Please see attachment E with supporting documents in attachments F and G.)

7. The COMPACT Plan for the Funding of the CUNY Master Plan

As President Eduardo Marti has already informed our community, the CUNY Chancellor, Matthew Goldstein, has presented a plan for funding of the CUNY Master Plan that responds to the need for funds and the reality of a continuing decrease in the funding of CUNY by the public (state and city government) (see attachment H). The plan includes five parts and if any of the five are not accepted then the Chancellor has stated that there is no compact and the other provisions need not be followed. "Specifically, the plan would ask for the following:

1. *First, the state and the city would commit to fully funding the University's mandatory costs—things like energy and labor contracts—and to funding 20 percent of the programmatic initiatives in the Master Plan.*
2. *Second, the University would make an unprecedented commitment to philanthropic funding, in order to enhance the investment initiatives....*
3. *Third, the University commits to an internal reshaping of its budget in order to direct more resources to the classroom. Through redeployment and efficiency measures, as well as changes to personnel practices, our college presidents will be given the tools they need to reshape their budgets, and we will redirect resources to meet our Master Plan priorities.*
4. *Fourth, the University plans for managed enrollment growth, through more integrative programming among our colleges. Right now, we have recorded our highest enrollment in three decades, and we expect to continue to attract new students, including increasing numbers of students of high academic achievement.*
5. *Finally, the plan calls for modest tuition increases, not to exceed the Higher Education Price Index over the life of the plan. The increases would have two major differences from those we have seen in the past. First, the revenue from the increased tuition would go exclusively toward funding aspects of the programmatic component of the CUNY Master Plan—with recommendations from students and faculty, including elected representatives, about how the money should be invested. It's the students' money; they should get a voice in how it is spent. Second, the increases in the proposed plan would not be large or unexpected. The last four senior college tuition increases have averaged more than 31 percent. Under the proposed plan, the average increase would be modest. And, of course, those increases would go toward improvements in program quality. “*

There are those who praise the Chancellor for his efforts to obtain funding for the Master Plan and for his creative plan. Some are doubtful of the willingness of the state and city to make the commitment. Some criticize the increase in the reliance on tuition that would rise annually. While on the one hand the plan would increase the percentage of funding from the public for the first time in many years, on the other hand the plan would also place further burdens on students. It would remain to be seen whether or not there were “safety nets” in place for students whose tuition would rise and not be covered by an increase in TAP coverage.

At the open meeting of the CUNY Board of Trustees on items on its agenda on November 21, 2005 many people spoke both in favor of and opposing this plan for a “compact”. Those who spoke in favor did so noting the important need for funding and did so noting particularly the needs of their campuses.

It is noted that if and only if the state and city were to make their commitment to this plan would there be a partial reversal of the trend that has seen tuition count for an ever increasing portion of the operating budget of CUNY and the government or public portion decreasing. The plan calls for the state and city to allow CUNY to keep money raised from tuition for use in CUNY instead of being treated as a tax and being given over to the state.

Those who spoke against this plan did so principally due to the institutionalization of an annual increase in tuition and its acceptance of a trend away from the history of CUNY and its mission of providing access and opportunity for the whole people and most particularly for the poor. Accepting an annual increase in tuition allows for the increases to receive less attention and

perhaps an acceptance that changes the nature of the university. Some who spoke against the compact plan did so noting that the real need of CUNY as a public institution was for greater assistance from the public. Some noted that state aid for both SUNY and CUNY has decreased over the last decades but that SUNY receives significantly more per FTE than CUNY. From 1990 to 2003 state aid to SUNY increased by 35% (still less than inflation) while state aid to CUNY decreased by 17% and now the state aids SUNY at \$10,677 per FTE while CUNY receives \$5,846.

At the meeting of the CUNY Board of Trustees on November 28, 2005 the Budget request including the compact plan for funding the Master Plan was approved by the board with the student member abstaining.

We ask for a brief discussion of this proposal to both inform senators of the direction this proposed program will take the university and to provide an opportunity for senators to express their views.