

UFS Chair Manfred Philipp called the meeting to order at approximately 6:35 p.m. in Room 9204/05 at the CUNY Graduate School and University Center.

I. Approval of the Agenda for October 28, 2008

The agenda was approved by voice vote.

II. Approval of the Minutes of September 23, 2008 Plenary Session

The minutes were approved as distributed by voice vote.

III. Reports

A. Vice Chancellor Ernesto Malave's Report on latest budget developments: 6:35 pm

Vice Chancellor Malave reported on the worsening budget deficits of the City and State of New York and its impact on CUNY.

Vice Chancellor Malave stated that the current situation is one of uncertainty that will be clarified as the State and City revise the current budgets and formulate new budgets in November, December, and January. He stated that he was confident that CUNY would be able to achieve stability in this crisis while protecting core academic and student services. Vice Chancellor Malave indicated that CUNY would offset shortfalls in funding by the City and State of New York by spending down reserves, belt tightening, and tuition increases.

B. Chair Manfred Philipp's Report

UFS Chair Manfred Philipp delivered a short verbal report:

1. In December there will be a joint meeting of the CUNY and SUNY University Faculty Senate Executive Committees to discuss the current budget crisis.
2. The Chancellery presented an objection to the cost of administering PSC Research Grants. The Executive Committee will respond.
3. The Chancellery requested clarification as to why a second Faculty Experience Survey should be conducted. The Executive Committee will respond.
4. The idea of a new community college is still going forward.
5. A new Endowment Drive is on hold.
6. Dr. Philip Pecorino of Queensborough Community College was asked to report on the UFS's Fall Conference. Faculty hired during the last three years is the intended audience. This conference is scheduled for Friday, November 14, 2008 at The John Jay College. This conference will focus on the rights, responsibilities, and freedoms of CUNY faculty.

C. Representatives to Board Committees

Reports are posted on the UFS website.

IV. Panel Update on Student Complaints Policy

Professor Ned Benton of The John Jay College presented the following comments on procedures involved with student complaints against faculty:

1. An official form is needed to designate when a student makes a formal complaint. At present it is unclear when a complaint is formally initiated.
2. This complaint form should include all relevant information about the complaint so department chairs can judge whether the complaint should move forward.
3. The complaint procedure needs clarification regarding which entities are involved, and consideration must be given as to whether other complaints about the same incident can be made while the investigation is being made.
4. Multiple complaints about a faculty member must be made within 30 days of the incident.
5. Procedure needs to state clearly that the department chair can recuse him or herself.
6. Procedures need to be clarified regarding the Chair's ability to perform on-going, routine duties while investigating a student complaint against a faculty member.
7. Procedures to provide faculty members an opportunity to provide a written statement need to be implemented.

8. Considerations of academic freedom need to be addressed. In particular, what is covered under academic freedom and what is not covered? At present, students' statements are given the most favorable interpretation. Students' complaints must be supported by the facts, and not mere opinion.
9. The term "investigation" should be replaced by the term "fact finding."
10. A "standard of proof" needs to be developed to guide the fact finder/department chair.
11. When the chair seeks to recuse him or herself, the Provost should appoint a chair of another department to conduct the fact finding.
12. Ground rules on confidentiality need to be established.
13. An appeals standard needs to be established. The burden for presenting new evidence should fall on the appellant.
14. The entire procedure needs to be simplified through the development of appropriate forms that will guide the complaints process.

During the discussions, the question of whether a faculty members can file a cross complaint against the student while a student complaint was being investigated arose. This is a potential problem that needs to be addressed.

The Executive Committee of the University Faculty Senate will review Professor Benton's suggestions and the issues raised during the discussion. The Student Affairs Committee and the Academic Freedom Committee will also provide input.

The meeting was adjourned at 8:37 pm.