

# SENATE NEWS BULLETIN

Office of the Hunter College Senate

Room 1018 E

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NO. 1

16 February 2016

## News Concerning Hunter School of Urban Public Health

On 11 December 2015, the Senate Office forwarded the Resolution Concerning Hunter's School of Urban Public Health, approved by the Senate on 9 December 2015, to the CUNY Board of Trustees. Below is the communication that has taken place between CUNY Vice Chancellor Schaffer and Hunter Senate Chair Sandra Clarkson regarding this issue. These emails are presented in order of the actual communication. Attached also is a copy of the original resolution from the Hunter College Senate.

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From: Sandra Clarkson  
Date: Thursday, January 14, 2016 at 1:51 PM  
Subject: FW: Hunter College Faculty Senate Resolution Concerning the CUNY School of Public Health

Dr. William Murphy  
The State Education Department  
The University of the State of New York  
Division of Professional Education Program Review  
Albany, NY 12234

Dear Dr. Murphy,

Hunter College challenges actions recently undertaken by the State with respect to Hunter's Degree Programs in Public Health. According to CUNY's own rules found at

<http://www.cuny.edu/academics/programs/resources.html>

and the State's Program Change Application found at

<http://www.highered.nysed.gov/ocue/aipr/gaproposal.html>

re Changing and Existing Registered Program, both state, "For programs that are registered jointly with another institution, all participating institutions must confirm support for the changes."

Please be advised that in the attached documents, changes were approved BY THE STATE that were never approved by the Hunter College Senate, the only duly elected and duly chartered body at Hunter College that has the authority to approve such changes. Not only were they never approved but the Senate was never EVEN consulted on any of these changes. Attached also are resolutions that were passed by the Senate at its December 9th meeting.

We challenge the legality of the decision to strip Hunter of its right to offer degrees that were approved here, at CUNY, and by the State. We acknowledge CUNY's authority to seek to create a new School of Public Health, and to do so without our approval or consultation, but we do not at all agree that we may be stripped of our programs, by either CUNY or the State, without due process.

I await your response.

Dr. Sandra Pryor Clarkson

Chair, Hunter College Senate  
Professor, Department of Mathematics and Statistics

New York, New York 10065

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From: Frederick Schaffer

Date: Tuesday, December 22, 2015 at 12:43 PM

To: Sandra Clarkson

Cc: [names redacted—BoT members, Pres. Raab, VC Rabinowitz, Chancellor Milliken, VC Hershenson]

Subject: Hunter College Faculty Senate Resolution Concerning the CUNY School of Public Health

Dear Chair Clarkson:

Chairperson Benno Schmidt asked me to respond to the "Resolutions of the Hunter College Senate Concerning Actions of the CUNY Board of Trustees and the CUNY Office of Academic Affairs with Respect to the Disposition of the CUNY School of Public Health and Consortial Programs", which was transmitted to the Board by the Office of the Secretary at your request.

As you know, at the November 23 meeting of the Board, a resolution was unanimously adopted requiring that the Chancellor develop and implement a plan to transition from the current consortial CUNY School of Public Health to the CUNY Graduate School of Public Health and Health Policy. Although the Board did not require approval of this particular action by college governance bodies, there was in fact extensive consultation with many affected faculty as well as the leadership of the University Faculty Senate. The University Provost also met with virtually the entire faculty of the CUNY School of Public Health in November and conducted an informal, non-binding poll of the group to gauge faculty preferences for the current consortial model, a return to college-based programs, or the unified graduate school. The support of the public health faculty across the colleges for the unified graduate school was extremely strong and played an important role in the Board's decision.

Please also be advised that the University was informed in response to its earlier request that a delay in accreditation would not be possible. The Board's action, therefore, was both necessary and the right thing to do in the very best interests of the school, the students, and the faculty.

The University remains committed, as I am sure you are, to the development and enhancement of public health education opportunities at CUNY.

Thank you for your understanding and for writing to the Board of Trustees.

Sincerely,

Frederick P. Schaffer

General Counsel and Senior Vice Chancellor for Legal Affairs

The City University of New York

205 East 42nd Street

New York, New York 10017

Office: 646-664-9210

Mobile: 646-423-6920

c: Board of Trustees

Chancellor James B. Milliken

Executive Vice Chancellor and University Provost Vita Rabinowitz

Senior Vice Chancellor for University Relations and Board Secretary Jay Hershenson

President Jennifer Raab

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From: Sandra p Clarkson

Sent: Wednesday, December 23, 2015 4:39 PM

To: Frederick Schaffer

Cc: [names redacted—BoT members, Pres. Raab, VC Rabinowitz, Chancellor Milliken, VC Hershenson]

Subject: Re: Hunter College Faculty Senate Resolution Concerning the CUNY School of Public Health

Importance: High

Dear Vice Chancellor Schaffer:

Thank you for your email of Dec. 22nd, regarding the Hunter College Senate's resolution on the Board's actions around public health. As much as the Senate wishes that the Board had consulted campus governance bodies, as a matter of collegiality, before authorizing the creation of a new CUNY public health institution, we agree with you in recognizing the Board's right to create a CUNY School of Public Health without consultation.

However, the Hunter College Senate challenges your suggestion that consultation with individual Public Health faculty and the chair of the University Faculty Senate constituted appropriate involvement with governance. The action of the Board appears to infringe on the Board's Charter, and the actions of the Chancellory in bringing this matter to the Board without any prior notice or public discussion violates CUNY's procedures and University Bylaws. Your email response does not address these facts.

The Senate also challenges your assertion that consultation with the UFS was "extensive." The UFS representative who sits on the relevant Board committee, CAPPR, was unaware of the action prior to its approval. And where the UFS does have responsibility for "the formulation of policy relating to ... university level educational and instructional matters," they do not represent the individual colleges in their curricular matters; only the individual College's governance bodies have that power.

You are incorrect in your assertion that there was "in fact extensive consultation with many affected faculty" prior to the Board's resolution. Our inquiries with Hunter public health faculty, who comprise the bulk of faculty affected by the Nov. 23rd resolution, indicate that there was insufficient information available to faculty about what the creation of a new CUNY unit would mean to them as a faculty, and to each of them individually. To claim that there was "extremely strong" support on the part of Hunter public health faculty begs the question of just how much the supporting faculty

knew about the planned changes. And your claim overstates the validity of what your letter acknowledges was an "informal poll" taken with an uninformed faculty.

We note a further violation of the Board's own Charter, based on your letter. Even were it true that Public Health faculty were in support of a reorganization, the preferences of faculty are insufficient grounds for circumventing appropriate CUNY governance procedures.

Finally, your letter is incorrect in asserting that the Board was within its rights to move established degree programs from Hunter to a new CUNY School of Public Health. Whereas the Chancellor can recommend the elimination of a program if it is not "justified," the programs and degrees are not being eliminated, they are being moved to a new "location." CUNY procedures require that all colleges involved confirm the changes, with approvals indicated by listing in the CUR. Hunter's Senate has not confirmed these changes, as our resolutions note. Therefore, while the Board may authorize the creation of new masters programs in public health fields, as the Nov. 23rd resolution stipulates, it may not close the existing programs at Hunter absent action by the Hunter College Senate.

I am attaching herewith the text from NYSED and CUNY rules on curriculum changes, BoT Bylaws, and the Manual of General Policy, wherein the Senate finds support for our resolution. Attached also is a copy of the Hunter College Senate Charter ratified in 1970.

Please be assured that the Hunter College Senate will continue to explore the actions of the Board, to pursue whatever avenues we find to be necessary to have this matter addressed properly and legally, and to resolve our disagreements with you and the Board.

Sincerely,

Sandra Pryor Clarkson  
Chair, Hunter College Senate  
Professor, Department of Mathematics and Statistics

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From: Frederick Schaffer  
Sent: Wednesday, December 30, 2015 11:43 AM  
To: Sandra p Clarkson  
Cc: [names redacted—BoT members, Pres. Raab, VC Rabinowitz, Chancellor Milliken, VC Hershenson]  
Subject: RE: Hunter College Faculty Senate Resolution Concerning the CUNY School of Public Health  
Dear Chair Clarkson:

I am writing in response to your email dated December 23, 2015. We continue to disagree about the extent of consultation with faculty concerning the establishment of the CUNY Graduate School of Public Health and Health Policy. There was widespread consultation with the faculty in public health at all three colleges, some of whom initiated contact with the Chancellor and with the University Provost to express their concerns about the future of the public health program, as constituted. Aside from consultations with the chancellery, elected and appointed faculty leaders shared their concerns with the Deputy Director of the Council on Education for Public Health, the President of the Association for Public Health Schools and Programs, and the leadership of the University Faculty Senate, among others. Public Health faculty were provided with full information as it became available, and to my knowledge there has been no complaint from the public health faculty about the process to date. The University Provost addressed the full faculty in November and took questions and held two very well-attended information sessions in early December to answer further questions. The perspectives, concerns and preferences of the public health faculty across the university have in fact been central to the process, as have accreditation standards and the ability of the CUNY School of Public Health to realize its full potential.

Moreover, it is simply not the case that the process for implementing the resolution of the Board of Trustees, which established the CUNY Graduate School of Public Health and Health Policy at which all graduate programs in public health would be administered, violated the Board's Bylaws, policies or procedures. Section 6204 of the Education Law provides: "The control of the educational work of the city university of new York shall rest solely in the board of trustees which shall govern and administer all educational units of the city university." Although the Board of Trustees, in its Bylaws, has delegated certain advisory functions to the faculty, Sections 8.5 and 8.10 make clear that the faculty's recommendations are subject to the guidelines and actions of the Board. Accordingly, the courts have consistently and definitively held that the Board of Trustees has full authority to act without consulting the faculty governance bodies.

While you have conceded that the Board had the authority to create the CUNY Graduate School of Public Health and Health Policy in the resolution it adopted at its November 23, 2015 meeting without consultation with the governance bodies of the affected colleges, the Board's resolution does more than just create that school. It directs the Chancellor to "develop and implement a plan to transition the existing consorcial CUNY School of Public Health . . . to a unified graduate school which will administer all master's level and doctoral degree programs." Such a plan requires the transfer of existing graduate programs in public health from Hunter College, Brooklyn College and Lehman College to the Graduate School and University Center, where they will be administered by the CUNY Graduate School of Public

Health and Health Policy. There is nothing in New York law or any CUNY bylaw, policy or procedure that prevents the Board from proceeding in that manner and acting in the best interests of public health education, scholarship and practice at CUNY.

Sincerely,

Frederick P. Schaffer  
General Counsel and Senior Vice Chancellor for Legal Affairs  
The City University of New York  
205 East 42nd Street  
New York, New York 10017  
Office: 646-664-9210  
Mobile: 646-423-6920

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From: Sandra Clarkson  
Date: Saturday, January 9, 2016 at 5:06 PM  
To: Frederick Schaffer  
Cc: [names redacted—BoT members, Pres. Raab, VC Rabinowitz, Chancellor Milliken, VC Hershenson]  
Subject: RE: Hunter College Faculty Senate Resolution Concerning the CUNY School of Public Health

Dear Vice Chancellor Schaffer:

Your email note of Dec. 30th ignores the central point underlying the Hunter College Senate's resolution on the Board's actions regarding public health. This point is that the Board is obligated to confer with duly constituted campus governance bodies, and it failed to do so.

While we continue to be surprised that you have not heard about faculty members' concerns that they were not apprised of the process ahead of time, nor aware that they would be required to choose between their original campus appointment and the proposed new School, our claim is not that the Board failed to consult with faculty. The number of faculty who were consulted is irrelevant, since no unelected group of faculty has the authority to approve the transfer of degree programs or creation of a new CUNY entity. The Board, according to its own By-laws, was supposed to consult with the governance body ("faculty council," in the language of the BoT By-laws) at Hunter College, and it did not do so.

Now that the reorganization of Public Health at CUNY appears to be going forward, it seems even more important for the appropriate governance bodies to be involved in the important decisions regarding the proper location of degree programs.

Sincerely,

Sandra Pryor Clarkson  
Chair, Hunter College Senate  
Professor, Department of Mathematics and Statistics  
Hunter College of CUNY  
695 Park Avenue  
New York, New York 10065

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Passed the Senate on 9 December 2015:

RESOLUTIONS OF THE HUNTER COLLEGE SENATE CONCERNING ACTIONS OF THE CUNY BOARD OF TRUSTEES AND THE CUNY OFFICE OF ACADEMIC AFFAIRS WITH RESPECT TO THE DISPOSITION OF THE CUNY SCHOOL OF PUBLIC HEALTH AND CONSORTIAL PROGRAMS

WHEREAS, Hunter College has some of the oldest and most distinguished health programs in New York City; and

Whereas, Hunter currently enrolls more than 500 students in its graduate programs in public health, and hundreds more complete public health courses as they pursue coursework and dual degrees in its nationally-recognized programs in Nursing, Social Work, and Education; and

Whereas, the degree programs, courses of study, and courses in public health offered at Hunter College were created by Hunter College faculty following procedures defined in accordance with the College's duly adopted governance plan; and

Whereas, CUNY Bylaws recognize the prerogatives of the faculty to "formulat[e] policy relating to the admission and retention of students [...], curriculum, [... and] granting of degrees" (8.5), and the same Bylaws grant the priority of "duly adopted college governance plans" as superseding CUNY Bylaws with respect to "Duties of the Faculty" (8.11); and

Whereas, these programs are inextricably entwined in other academic programs offered at the College, including those in the School of Education, the School of Nursing, and the School of Social Work; and

Whereas, the university funding model has required the college to adopt a budget model that relies on graduate student tuition fees, which, if lost, would exceed \$1,000,000 annually; and

Whereas, the loss of its graduate programs, faculty, students, equipment, library resources, and facilities would have devastating economic, curricular, and structural consequences for the entire college as well as governance within the university as a whole; and

Whereas, the CUNY Board of Trustees, without any prior notice, passed a motion at its meeting on November 23, 2015, to consolidate the consortial programs, which will dramatically affect academic programs yet in so doing failed to give the affected colleges, faculty, students, and the public the opportunity to exercise their rights to testify as to the likely impact of such a momentous decision; and

Whereas, the CUNY Office of Academic Affairs is interpreting the Board's actions as authority to disregard the rights and responsibilities of the faculty, college governance plans, and the processes and procedures adopted by the Board itself concerning academic program development and change; therefore

BE IT RESOLVED, that the Hunter College Senate calls on the Board of Trustees to immediately revisit the matter and clarify its directives with respect to effecting academic program changes by following its own adopted procedures and policies, which include respecting duly approved college governance plans and the processes and procedures defined on that basis; and

BE IT FURTHER RESOLVED, that the Board is called to reconsider its desired outcome with respect to the disposition of existing programs, many of which predate the existence of the CUNY School of Public Health and which may be sustainable independently through existing institutional structures; and

BE IT FURTHER RESOLVED, that the Board direct the Office of Academic Affairs to cease the hasty and ad hoc implementation of any plans that have been developed without the benefit of deliberation and public review; and, working through university and college governance structures to devise and submit for approval a sound plan for the future of the public health programs within CUNY.