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## TRUSTEES OK CONTROVERSIAL MEASURES FEEDBACK FORCES CHANGES

By Dania Rajendra

At its January 29 meeting, the Board of Trustees unanimously approved two measures that had sparked sharp controversy – a new student complaint procedure and a policy on computer use. CUNY administration had revised both in the wake of a January 22 public hearing, and critics welcomed the changes but said they did not go far enough.

Faculty across the university had harsh words for many specific details of the student complaint policy and for 80th Street's increasing tendency towards unilateral decision making. Chancellor Matthew Goldstein told the board the last-minute changes to both proposed measures came mostly from testimony at the five-hour long hearing on January 22, as well as PSC and University Faculty Senate suggestions.

Both the union and the UFS had strongly opposed the student complaint procedure as unnecessary, vague and a threat to academic freedom. One of the administration's changes would allow dismissal of a complaint without investigation if the fact-finder concluded that, even if factually accurate, the complaint applied to faculty conduct protected by academic freedom.

### OBJECTIONS

Faculty advocates had objected that the procedure did not specify, at all, what kind of faculty conduct could be grounds for a complaint. The union warned that this lack of definition was an invitation to politicize the classroom. In response, CUNY added examples of the types of problems that might be covered: "incompetent or inefficient service, neglect of duty, physical or mental incapacity, or conduct unbecoming a member of the staff" – a list that comes directly from the PSC-CUNY contract.

PSC First Vice President Steve London told *Clarion* that the fact that this list came from the union

contract underscores the reality that the procedure is unnecessary, since a procedure for addressing such behavior already exists. The student complaint procedure lacks the due process protections that the contract affords.

“Some of the changes are positive,” said PSC President Barbara Bowen, such as strengthening the language on academic freedom. But overall, she said, the procedure still threatens free discussion and members’ rights. “Students need to have their real concerns addressed,” Bowen told the civil service newspaper the *Chief*, “but this policy could have a chilling effect on classroom discussion, and the students will also suffer from that.”

“The union will closely monitor the university’s application of the procedure,” London said. He urged any member investigated under it to contact a union grievance counselor immediately and added that the union is weighing its options for further action against the policy as a whole. (Grievance counselors can be reached at 212 354-1252.)

On the computer use proposal, both the PSC and the UFS had raised concerns about inadequate guarantees for privacy and confidentiality of research. Changes here included some additional privacy protections, such as stricter criteria for conditions under which CUNY could view users’ e-mail without notice. The PSC said that the changes were an advance, but that the policy would still allow excessive surveillance by CUNY and would violate the union contract.

“There are major loopholes that would allow looking at online course materials, discussions, assignments, and so on, without notifying the faculty member,” London told *Clarion*. This, he said, would violate the contract’s Article 18, which requires 24 hours notice before any classroom observation. The union filed a grievance on the issue on February 25.

In another policy change, trustees approved changes to CUNY’s multiple positions policy at their meeting in February. Certain changes – for example, simplifying the calculation of summer salaries – should be improvements for instructional staff members.

But the union criticized the board’s decision to raise the caps on overload teaching so that a faculty member could teach as many as 12 more hours a year. “The policy is an unacceptable substitute for offering decent salaries,” Bowen testified at a February 20 board hearing. “Our faculty need fair salaries, not endless overtime work. It is an admission of failure by CUNY.” After the hearing and a committee meeting, which included objections from the UFS, the proposal was reduced to six additional credits.