**DRAFT of CUNY FGL Communication to BOT**

Communication of CUNY FGL to be sent to all members of the BOT and sent separately to their email accounts

**Board of Trustees of the City University of New York**

We are a large number of the elected faculty governance leaders in the City University of New York (CUNY).  We send this unprecedented communication to you as we are aware that the Board of Trustees (BOT) may be requested to support an action of the President of the College of Staten Island (COSI) to replace the Governance Plan of the College with one of his own devising that would be inconsistent with and that would in effect nullify the Policies of the CUNY BOT in 1969-1971  (Article II and Policy 2.08 <https://policy.cuny.edu/general-policy/article-ii/>  ) that essentially created CUNY in the form we have known for 50 years and the terms by which governance was to operate.   The possible action of the COSI President, Dr. William J. Fitz,  in unilaterally requesting BOT approval of changes in the COSI Governance Plan is not just inconsistent with shared governance but would be in defiance of shared governance history at COSI and in violation of the COSI Governance Plan. It would constitute an effort to nullify shared governance at COSI.

President Fritz has given repeated denials when asked if he will abide by the results of the binding referendum he has called to support his unilateral request and for which there is little evidence of any significant support from any quarter of the COSI. In an email to the campus community, he provided the following:

*"A campus governance plan is a way that a campus chooses to do business, where issues get discussed, and how recommendations are brought to the administration, in the most inclusive and collegial way as possible. A governance plan does not constitute the legal governing authority of the campus."*

Based on many past precedents established by the CUNY BOT and courts we hold that the CUNY BOT clearly set out that a governance plan approved by the CUNY BOT does constitute the legal governing authority of a CUNY unit consistent with the BOT policies and actions.

Included in President Fitz’s statement is the implication, made explicit in other conversations, that the CUNY BOT has made a mistake in approving processes for amending the COSI Governance Plan that in any way hinder the right of a college president to bring governance plans to the board.  In so acting President Fitz is acting in direct opposition to BOT Policy 2.08 of the Manual of General Policy (<https://policy.cuny.edu/general-policy/article-ii/>) wherein, for example, is  written that*"The focus of major decision-making within the University is properly at the college level. Such decisions should not be interfered with by the University administration except where a college decision may affect another college or the University as a whole."*

We hold that President Fitz’s decision to act unilaterally is such a decision.

The elected governance leaders of COSI have attempted in various ways to have President Fitz observe the current process for amending the COSI Governance Plan as adopted by the CUNY BOT.

President Fitz asserting his claim of authority to take unilateral action in amending the Governance Plan has brought condemnation at COSI from various groups and virtually no support from the constituents of shared governance ([https://csicollegegovernance.github.io/GovernanceCrisis/](https://urldefense.proofpoint.com/v2/url?u=https-3A__csicollegegovernance.github.io_GovernanceCrisis_&d=DwMGaQ&c=mRWFL96tuqj9V0Jjj4h40ddo0XsmttALwKjAEOCyUjY&r=j_QYwj9KQ8FhJMIUwbZfup7PkhPctlsrWx8CqkU35qw&m=25Du9-uKD3U47w7ZBak7Lz6sNfMIybNnQeS_iujLbcg&s=WaEXbSmVy41nmWXpxC7Qq2axjBXWlt8WxUYUQUYQ9pY&e=)).

President Fitz’s proposed replacement Governance Plan for COSI removes numerous elected representative positions and diminishes the voices and votes of Faculty, Staff, HEO’s, Adjuncts and Students in shared governance of the College which are fundamental elements in the BOT Policies.

If this plan at COSI is upheld by the CUNY BOT it would be tantamount to approving similar unilateral action at all CUNY schools and colleges, removing the BOT requirement for an inclusive process of governance and obviating the role of faculty in academic affairs.

The proposed replacement constitutes such an affront to shared governance, and in particular the role of faculty, that the University Faculty Senate (UFS) has taken an action (9-28-21, see below) to condemn the attempt to destroy the inclusive governance process that the BOT has mandated for our University.

We support the action of the UFS and we ourselves as elected governance leaders request that the CUNY BOT uphold its own policies and traditions.

We thank you for considering our request for your careful deliberation in dealing with the request that may be placed before you by President Fitz of COSI. We trust that you will reject his unilateral action and uphold the polices and traditions which have served CUNY for decades and which have allowed for and supported the accomplishments which we have made together.

**Elected Faculty Governance Leaders:**

Baruch College: Terrence Martell, Faculty Senate

Borough of Manhattan Community College: Kenneth Levinson, Academic Senate

Bronx Community College: Roni Ben-Nun, College Senate

Brooklyn College:  Yedidyah Langsam, Head of the Faculty Council

City College of New York: David Jeruzalmi, Faculty Senate

College of Staten Island: Jane Marcus-Delgado, Faculty Senate

College of Staten Island: John Verzani, Faculty Council

CUNY School of Law: Yasmin Sokkar-Harker, Faculty

Graduate School: Duncan Faherty, GC Graduate Council

Guttman Community College: Andrea Morrell Chair, Academic Senate

Hunter College: Laura Keating, College Senate

John Jay College of Criminal Justice: Ned Benton, Faculty Senate

Kingsborough Community College: Scott Cally, College Council

LaGuardia Community College: Christina Bruns, College Senate

Lehman College: Joseph Fera, College Senate

Lehman College: Anne Rice, Faculty Executive Committee

Medgar Evers College: Kathleen Barker, Faculty Senate

Medgar Evers College: Zulema Blair, Faculty Senate

New York City College of Technology: Philip Anzalone, College Council

Queens College: Kevin L. Ferguson, Academic Senate

Queens College: Simone Yearwood, Academic Senate

Queensborough Community College: Philip A. Pecorino, Chair, Faculty Executive Committee

Queensborough Community College: Steven Dahlke, Chair, Academic Senate

York College: Aegina Barnes, Chair, York College Faculty Caucus

**Resolution on the Nature of Shared Governance at the College of Staten Island**

**Adopted by the  University Faculty Senate (UFS) September 28, 2021 Plenary Session**

Prepared and Approved by the UFS Standing Committee on the Status of the Faculty

Prof. Cynthia Wiseman, Chair: [CWiseman@bmcc.cuny.edu](mailto:CWiseman@bmcc.cuny.edu)

WHEREAS, the College of Staten Island’s (CSI) governance plan states that Chairs of the Bylaws Committee and Faculty Senate, four full time at-large instructional staff may vote on changed to the governance plan (Section 1g, 2),

WHEREAS, the Bylaws Committee and appointed instructional staff were not consulted on this revision,

WHEREAS, even in the new draft of the governance plan the CSI College Senate is responsible for “Consider[ing] and recommend[ing] revisions to the Governance Plan as needed” (Article II. A.2. e.),

WHEREAS the CSI President has drafted a governance plan that endows himself with the unilateral control of the College's curriculum, a cornerstone of shared governance,

WHEREAS, the CSI President has begun revising the CSI faculty handbook based on un-approved changes to the aforementioned governance plan,

WHEREAS, the President of the College of Staten Island has repeatedly claimed he need not be bound by a failed referendum from taking his proposed replacement plan to the Board of Trustees, essentially stating that any CUNY College President can unilaterally propose governance plan changes to the board.

WHEREAS, the CUNY Board of Trustees argued for broad representation in the development of governance plans,

WHEREAS, the University Faculty Senate must protect the integrity of faculty governance,

BE IT RESOLVED that CUNY University Faculty Senate upholds CSI’s right to faculty representation in making and approving changes to the governance plan,

And BE IT FURTHER RESOLVED that the CSI President will recognize and respect the faculty vote on the CSI President’s governance plan referendum.

And BE IT FINALLY RESOLVED that CSI administration make no changes to the CSI Faculty Handbook prior to a CSI College Senate vote on the referendum.