

Governance Committee Report December 4th, 2024

1. Update On Committee Blurbs For Senate Website
 - a. Governance Committee Prepared Draft Descriptions
 - b. Committee Chairs Emailed
 - c. Committees Discuss and Approve By End of Fall Term

2. Discussion: Curriculum Changes Impacting Multiple Departments
 - a. Issue Has Come Up Many Times In The Senate
 - b. Generally, The System Works
 - c. Even When Things Are Done “Right,” Sometimes Still An Issue
 - d. Everyone Can Be More Informed By Reading Materials

3. Student Protest Letter
 - a. General Discussion Of Letter (See Materials Attached) and Freedom of Speech Issue
 - b. Number of Different Concerns Spanning Purview of Several Senate Committee:
Governance, EIAAR, Academic Freedom, Campus Life & Facilities, etc.
 - c. Formed Subcommittee For Further Discussion (See Attached)

4. Next Governance Committee Meeting, Monday December 16th at 1pm via Zoom.

Date: October 21, 2024

To: Fernando Delgado, Lehman College President
Jorge Silva-Puras, Provost and Senior Vice President for Academic Affairs and Student Success
Jermaine A. Wright, Vice President for Student Affairs
Conrad Walker, Assistant Vice President for Student Affairs and Dean of Students

Cc: Rene Rotolo, Vice President for Administration and Finance/Chief Financial Officer
Fausto Ramirez, Director, Public Safety
Gregory Nigri, Deputy Director, Public Safety
Maritza Rivera, Director for the Office of Compliance and Diversity
Joseph Fera, Chair, Lehman College Senate
David Manier, Chair, Senate Academic Freedom Committee
Takiyah Ali, Co-chair, Senate Committee On Equity, Inclusion, Accessibility & Anti-Racism
Kadiatou Diallo, President, Student Government Association (S.G.A.)
Tanya L. Brodie Howe, Communications Officer, Student Government Association (S.G.A.)
Reem Ockeh, Primary Contact, Students for Justice in Palestine
Shahidul Islam, Primary Contact, Muslim Students Association
Tina Nguyen, Student Government Association's Student Legislative Assembly
James Davis, President, Professional Staff Congress (PSC)
Anthony C. Alessandrini, Chair, PSC Academic Freedom Committee
Ari Paul, editor, *Clarion*

From: Executive Committee of the PSC Lehman chapter, Diane Auslander, chair

Subject: Stop Repressing Student Speech at Lehman College NOW

As Lehman faculty and staff, we are outraged that on Monday, Oct 7, Lehman College executives threatened, intimidated, and surveilled Lehman students who walked out from classes on a day of mourning to protest a mass slaughter in Gaza and Lebanon that is considered a plausible case of genocide by the International Court of Justice. The students' peaceful gathering was interrupted by Lehman College Student Affairs officials Dr. Jermaine Wright and Dr. Conrad Walker, one of whom filmed/photographed students without their consent and threatened them with disciplinary action. This is unacceptable. Students were exercising their First Amendment right to freedom of speech and assembly, acting in accordance with Lehman's own [freedom of speech policy](#), and they in no way violated the Henderson Rules. Lehman executives do not have the right to overrule the U.S Constitution.

Such disrespectful and discriminatory treatment of students is even more inappropriate at the hands of executives from the Division of Student Affairs, whose [mission](#) is to "work with

students . . . in an atmosphere characterized by respect, sensitivity and compassion” and “to promote a civil campus climate that fosters an understanding of, and respect for, diverse groups.” The actions on Oct. 7 of the VP for Student Affairs and the Dean of Students contravene both the ACPA and NASPA codes of ethics. The role of Student Affairs professionals is to support student development, not to threaten, discipline, and surveil students or curtail their rights to free speech and freedom of assembly. We expect immediate action from Lehman College management – up to suspension or resignation of the officials who violated students’ rights – to restore student, faculty, and staff confidence in the leadership of that Division.

Our position is clear. We firmly oppose any action by Lehman College management that violates the civil liberties of any and all members of our intellectual community. We also firmly oppose any action that endangers academic freedom. The point of academic scholarship is inquiry unbounded by ideological concerns. We should not be afraid to do our jobs. Students should not be attacked for gathering and speaking on matters that are important to them. The university should foster a safe work environment for all its members and not target any specific group based on religion, ethnicity/race, nationality, or political positions.

Regarding the intimidation and surveillance incident on October 7, 2024, we demand that all photographs and videos of students made on an executive’s phone/camera be immediately destroyed, including any copies uploaded to other databases. We further demand that College management promptly issue an apology to the students who were harmed and to the entire community. **Students have a constitutional right to exercise freedom of expression in ALL public universities. The First Amendment protects the right of students to engage in peaceful marches, protests, picketing, boycotts, and other forms of expression.** Students should be treated with respect and dignity and their views should be valued. They were not treated with respect.

To help the campus move forward after this incident of intimidation undermining students’ freedoms, we claim our right as union representatives to an urgent meeting with management (including executives from Student Affairs and Public Safety) about this issue. At that meeting, we expect to be provided with data on the number of applications for protests or events that have been submitted by students or faculty and the number that have been approved or denied, with particulars about any denials. Meanwhile, we question the need for any management meeting with students unless the students themselves request a meeting.

Finally, we strongly urge the Lehman College executive team to not participate in the new wave of McCarthyism—which started with demands for resignations of university presidents last spring—and to make every effort to shield our campus from a culture of intimidation, censorship, and fear.

In the hope of cooperation and dialogue on this issue, we are

Yours sincerely,

The Executive Committee of the Lehman campus chapter of PSCCUNY

Diane Auslander, Chapter Chair

CUNY Henderson Rules

Rules & Regulations for the Maintenance of Public Order Pursuant to Article 129-A of the Educational Law (Henderson Rules & Approved Sanctions)

The tradition of the University as a sanctuary of academic freedom and center of informed discussion is an honored one, to be guarded vigilantly. The basic significance of that sanctuary lies in the protection of intellectual freedom: the rights of professors to teach, of scholars to engage in the advancement of knowledge, of students to learn and to express their views, free from external pressures or interference. These freedoms can flourish only in an atmosphere of mutual respect, civility, and trust among teachers and students, only when members of the University community are willing to accept self-restraint and reciprocity as the condition upon which they share in its intellectual autonomy.

Academic freedom and the sanctuary of the University campus extend to all who share these aims and responsibilities. They cannot be invoked by those who would subordinate intellectual freedom to political ends, or who violate the norms of conduct established to protect that freedom. Against such offenders the University has the right, and indeed the obligation, to defend itself. We accordingly announce the following rules and regulations to be in effect at each of our colleges which are to be administered in accordance with the requirements of due process as provided in the Bylaws of the Board of Higher Education.

With respect to enforcement of these rules and regulations we note that the Bylaws of the Board of Higher Education provide that:

“THE PRESIDENT. The president, with respect to his education unit, shall:

1. Have the affirmative responsibility of conserving and enhancing the educational standards of the college and schools under his jurisdiction;
2. Be the advisor and executive agent of the Board and of his respective College Committee and as such shall have the immediate supervision with full discretionary power in carrying into effect the Bylaws, resolutions, and policies of the Board, the lawful resolutions of the several faculties;
3. Exercise general superintendence over the concerns, officers, employees, and students of his educational unit.”

Rules

1. A member of the academic community shall not intentionally obstruct and /or forcibly prevent others from the exercise of their rights. Nor shall he interfere with the institution’s educational processes or facilities, or the rights of those who wish to avail themselves of any of the institution’s instructional, personal, administrative, recreational, and community services.

2. Individuals are liable for failure to comply with lawful directions issued by their representatives of the University/college when they are acting in their official capacities. Members of the academic community are required to show their identification cards when requested to do so by an official of the college.
3. Unauthorized occupancy of University/college facilities or blocking access to or from such areas is prohibited. Permission from appropriate college authorities must be obtained for removal, relocation, and use of University/college equipment and/or supplies.
4. Theft from or damage to University/college premises of property, or theft of or damage to property of any person on University/college premises is prohibited.
5. Each member of the academic community or an invited guest has the right to advocate his position without having to fear abuse, physical, verbal, or otherwise, from others supporting conflicting points of view. Members of the academic community and other persons on the college grounds shall not use language or take actions reasonably likely to provoke or encourage physical violence by demonstrated against, or spectators.
6. Actions may be taken against any and all persons who have no legitimate reason for their presence on any campus within the University/college, or whose presence on any such campus obstructs and/or forcibly prevents others from the exercise of the rights or interferes with the institution's educational processes or facilities, or the rights of those who wish to avail themselves of any of the institution's instructional, personal, administrative, recreational, and community services.
7. Disorderly or indecent conduct on University/college-owned or controlled property is prohibited.
8. No individual shall have in his possession a rifle, shotgun, or firearm or knowingly have in his possession any other dangerous instruments or material that can be used to inflict bodily harm on an individual or damage upon a building or the grounds of the University/college without the written authorization of such educational institution. Nor shall any individual have in his possession any other instrument or material which can be used and is intended to inflict bodily harm on any individual or damage upon a building or the grounds of the University/college.
9. Any action or situation which recklessly or intentionally endangers mental or physical health or involves the forced consumption of liquor or drugs for the purpose of initiation or affiliation with any organization is prohibited.
10. The unlawful manufacture, distribution, dispensation, possession, or use of illegal drugs or other controlled substances by University students or employees on University/college activities is prohibited. Employees of the University must also notify the College Personnel Director of any criminal drug statute conviction for a violation occurring in the workplace not later than (5) days after such conviction.

11. The unlawful possession, use or distribution of alcohol by students or employees on University/college premises or as part of any University/college activities is prohibited.

Penalties

1. Any student engaging in any manner in conduct prohibited under substantive Rules 1-11 shall be subject to the following range of sanctions as hereafter defined in the attached Appendix: admonition, warning, censure, disciplinary probation, restitution, suspension, expulsions, ejection, and/or arrest by the civil authorities.

2. Any tenured or non-tenured faculty member, or other member of the instructional staff, or member of the classified staff engaging in any manner in conduct prohibited under substantive Rules 1-11 shall be subject to the following range of penalties: warning, censure, restitution, fine not exceeding those permitted by law or by the Bylaws of The City University of New York or suspension with/without pay pending a hearing before an appropriate college authority, dismissal after a hearing, ejection, and/or arrest by the civil authorities, and, for engaging in any manner in conduct prohibited under substantive rule 10, may, in the alternative, be required to participate satisfactorily in an appropriately licensed drug treatment or rehabilitation program. A tenured or non-tenured faculty member, or other member of the instructional staff, or member of the classified staff charged with engaging in any manner in conduct prohibited under substantive Rules 1-11 shall be entitled to be treated in accordance with applicable provisions of the Education Law, or the Civil Service Law, or the applicable collective bargaining agreement, or the Bylaws or written policies of The City University of New York.

3. Any visitor, licensee, or invitee, engaging in any manner in conduct prohibited under substantive Rules 1-11 shall be subject to ejection, and/or arrest by the civil authorities.

4. Any organization which authorized the conduct prohibited under substantive rules 1-11 shall have its permission to operate on campus rescinded. Penalties 1-4 shall be in addition to any other penalty provided by law or The City University Trustees.

Appendix

Sanctions Defined:

A. Admonition.

An oral statement to the offender that he has violated university rules.

B. Warning.

Notice to the offender, orally or in writing, that continuation or repetition of the wrongful conduct, within a period of the time stated the warning, may cause far more severe disciplinary action.

C. Censure.

Written reprimand for violation of specified regulation, including the possibility of more severe disciplinary sanction in the event of conviction for the violation of any University regulation within a period stated in the letter of reprimand.

D. Disciplinary Probation.

Exclusion from participation in privileges or extracurricular University activities as set forth in the notice of disciplinary probation for a specified period of time.

E. Restitution.

Reimbursement for damage to or misappropriation of property. Reimbursement may take the form of appropriate service to repair or otherwise compensate for damages.

F. Suspension.

Exclusion from classes and other privileges or activities as set forth in the notice of suspension for a definite period of time.

G. Expulsion.

Termination of student status for an indefinite period. The conditions of readmission, if any is permitted, shall in the order of expulsion.

H. Complaint to Civil Authorities.

I. Ejection.

A true copy of the resolution adopted by the Board of Trustees of The City University of New York on June 23, 1969, as amended on October 27, 1980, May 22, 1989, and June 25, 1990.

Resolution Against Changes to the Henderson Rules

Adopted by the DSC on February 21, 2020

WHEREAS, the Doctoral and Graduate Students' Council (DSC) represents and advocates for over 3,500 local and international doctoral and masters' students of the Graduate Center of the City University of New York in their roles as students, teachers, workers, family members, New Yorkers, activists, and academics; and

WHEREAS, the DSC shares CUNY's historic mission of providing access to higher education to low-income communities and communities of color in New York City, across the nation and (in the case of visiting international students) the world; and

WHEREAS, free speech and the right to assemble are inalienable human rights; and

WHEREAS, the DSC upholds the rights of students to make known their concerns through protest, demonstrations and other forms of public display; and

WHEREAS, on September 27th, 2013, the DSC adopted a Resolution in Support of CUNY Student Activism, which demanded that CUNY students be afforded the right to free speech and assembly without fear of retaliation; and

WHEREAS, on November 18th, 2016, the DSC adopted a Resolution Against the Proposed Policy on Freedom of Expression and Expressive Conduct, which declared that policy to be an assault on students' rights to free speech and assembly policy, and condemned any future iterations of such a policy; and

WHEREAS, the CUNY Office of Legal Affairs has proposed a revised Student Code of Conduct that includes changes to the Henderson Rules, whereby basic rights of CUNY students for free assembly and protest are infringed; and

WHEREAS, the DSC views the proposed changes as counter to New York Law and thus impossible to enforce according to the powers vested in CUNY; therefore, let it be

RESOLVED, that the Doctoral & Graduate Students' Council hereby expressly rejects the proposed revised CUNY Student Code of Conduct; and let it be

FINALLY RESOLVED, that the DSC urges the Board of Trustees and Chancellor Félix V. Matos Rodríguez to ensure that no policies that undermine the aforementioned inalienable rights of CUNY students are implemented.

November 21, 2024

Governance Subcommittee

Reports to and serves the Governance Committee.

Charge:

1. To examine the roles of Standing Senate Committees and Shared Governance bodies regarding the assessment and implementation of current policies impacting free speech and peaceful protest on the Lehman campus;
2. To consider and recommend changes and/or new policies to the Governance Committee regarding the Senate's and Shared Governance role in formulating, making, and implementing policies impacting free speech and peaceful protest on the Lehman campus.