

THE CITY UNIVERSITY OF NEW YORK

Office of the General Counsel and Vice Chancellor for Legal Affairs

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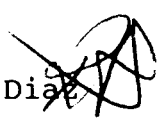
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**Briefing Memorandum
No. 4**

May 23, 1991

To: College Presidents
Chancellor's Cabinet

From: Vice Chancellor Robert E. Diaz 

Re: Morris Silver v. The City University of New York,
United States District Court, Southern District N.Y.

The United States District Court for the Southern District of New York granted City University's motion for summary judgment and dismissed plaintiff's complaint.

Plaintiff, a white male professor of economics at CCNY alleged that he was an unsuccessful candidate for a Distinguished Professorship because the City University engaged in reverse discrimination in granting them.

In 1987 Plaintiff indicated his interest in receiving a Distinguished Professorship. After reviewing plaintiff works and the opinions of scholars outside City University, the Economics Department's Executive Committee of City College unanimously recommended that plaintiff be nominated for a Distinguished Professorship. Candidates for such appointment were then considered by the Division of Social Sciences Personnel and Budget Committee. That committee recommended plaintiff's nomination.

The recommendations were then reviewed by the City College Review Committee, which consists of all college deans, the chairs of the faculty senate, and the provost. The Review Committee did not advance plaintiff's candidacy. Plaintiff appealed that decision to the Faculty Committee on Personnel Matters. This committee recommended to the president of the College that plaintiff be presented to the Chancellor as a candidate for a Distinguished Professorship. The president reviewed the recommendation and declined to forward the nomination to the Chancellor.

Judge Kevin Duffy reviewed the facts of this case and the University's affirmative action policy with regards to Distinguished Professorships. He concluded that once promising minority and female candidates are identified, they are judged by the same standards applied to white males. In the words of the Court:

"CUNY's policy does not require or permit quotas, or the use of different or lower standards in judging minority and female candidates for Distinguished Professorship. Rather, the policy urges that special efforts be taken to identify promising minority and female candidates. Once they are identified, they are judged by the same vigorous standards applied to white males... CUNY is merely seeking to equalize its generally homogeneous force of Distinguished Professors and I cannot fault them their efforts here"

A copy of the decision is available upon request.

c: Legal Affairs Designees

ET/je