

**BOARD OF TRUSTEES  
THE CITY UNIVERSITY OF NEW YORK  
205 EAST 42<sup>ND</sup> STREET  
NEW YORK, NEW YORK 10017**

**CALENDAR**

**JUNE 26, 2017**

**NO. 1. CHANCELLOR'S UNIVERSITY REPORT:** RESOLVED, That the Chancellor's University Report for June 26, 2017 (including Addendum and Errata Items) be approved:

EXPLANATION: The Chancellor's University Report consists of standard resolutions and actions of a non-policy nature which require approval by the Board of Trustees.

**NO. 2. APPROVAL OF MINUTES:** RESOLVED, That the minutes of the regular Board meetings and Executive Session of May 1, 2017 be approved.

**NO. 3. THE CITY UNIVERSITY OF NEW YORK - REFORM OF GOVERNANCE AND ADMINISTRATIVE POLICIES AND PRACTICES TO ENHANCE TRANSPARENCY AND ACCOUNTABILITY OF THE CITY UNIVERSITY OF NEW YORK:**

WHEREAS, The CUNY Board of Trustees and management of the University are committed to ensuring best practices in financial oversight, internal controls, transparency and accountability; and

WHEREAS, The Board of Trustees established a standing Audit Committee of the Board of Trustees at its January 30, 2017 Board Meeting; and

WHEREAS, The Board of Trustees adopted revised Procurement Guidelines on February 21, 2017; now therefore be it

RESOLVED, That the Board of Trustees approve the recommended policy changes outlined below, effective June 26, 2017; and be it further

RESOLVED, That the Board of Trustees authorizes the General Counsel and Secretary of the Board of Trustees to revise the Board of Trustees Bylaws and Manual of General Policy to reflect the necessary changes to implement these actions and bring these amended documents to the Board of Trustees for approval.

EXPLANATION: The reforms are divided into sections as follows:

A. ADOPTION OF REVISED COLLEGE FOUNDATION GUIDELINES AND MODEL MEMORANDUM OF AGREEMENT

B. AUTHORIZATION TO RENEGOTIATE THE AGREEMENT BETWEEN THE CITY UNIVERSITY OF NEW YORK AND THE CITY UNIVERSITY RESEARCH FOUNDATION

C. APPROVAL OF BOARD OF TRUSTEES POLICY ON THE USE AND OPERATION OF UNIVERSITY VEHICLES

D. AMENDMENT OF BOARD OF TRUSTEES POLICY 3.04 – GUIDELINES ON THE USE AND REPORTING OF NON-TAX LEVY FUNDS

E. ADOPTION OF EXECUTIVE COMPENSATION PLAN REFORMS

**A. ADOPTION OF REVISED COLLEGE FOUNDATION GUIDELINES AND MODEL MEMORANDUM OF AGREEMENT**

**RESOLVED**, That the Board of Trustees of the City University of New York adopt the attached College Foundation Guidelines and Model Memorandum of Agreement, effective June 26, 2017.

**EXPLANATION:** The CUNY Foundation Guidelines, which were last revised in 2007, set forth policies regarding the operation of the independent entities that benefit the University, typically through support of a particular college or school and its student body. The foundations support the campuses in many ways including funding and fundraising for scholarships, fellowships, endowed chairs, campus improvements and program support and by recognizing alumni, faculty and student achievement. As a condition of a foundation's use of the University's or a college or school's name, facilities, and/or other resources, the foundations must accept and follow the Guidelines. The Guidelines have been updated to reflect changes in the law and to strengthen requirements for governance, accountability, transparency and financial controls. A requirement of the Guidelines is that each foundation enter into a Memorandum of Understanding with its supported college or school in the form set forth in an appendix to the Guidelines.

**THE CITY UNIVERSITY OF NEW YORK  
FOUNDATION GUIDELINES**

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## **I. PREAMBLE**

The City University of New York (“CUNY” or the “University”) recognizes the vital role that the CUNY-related foundations (each a “Foundation”) play in enabling the University and the colleges to achieve their mission. Although independent, each Foundation is organized for the sole purpose of supporting CUNY and in most cases, a particular CUNY college or school (each a “college”). Through fundraising and other activities in cooperation with the college, a Foundation can assist its supported college in meeting its goals.

As a condition of a Foundation’s use of the University’s or a college’s name, facilities and/or other resources, a Foundation must accept and follow these Guidelines, which are intended to protect the University’s interests, as well as to help ensure that the Foundation operates in a prudent, lawful manner. As further described in this document, each Foundation shall be:

- organized solely for the benefit of a particular supported college and its students, a particular CUNY or college operation, or CUNY generally;
- operated in a fiscally prudent manner and consistent with its governance documents and applicable federal, state or local law and regulation; and
- guided by best practices in good governance and ethical judgment.

## **II. PURPOSE**

The Foundations are entities created and operated exclusively to benefit a particular CUNY college (including its students) or operation (e.g., CUNY TV, John D. Calandra Italian American Institute), or CUNY generally (e.g., a Foundation organized to benefit the University as a whole, not a particular college or operation), by conducting fundraising, investment and fund management including endowment fund management, and otherwise aiding and promoting the educational and charitable purposes and lawful activities of that college, operation, or CUNY<sup>1</sup>.

Foundations and their Affiliates (as defined below) shall not engage in activities on behalf of a college that are (1) prohibited by applicable federal, state or local law or regulation, or (2) would cause a college to be out of compliance with CUNY policies, procedures or contractual obligations, to the extent that such policies, procedures and obligations are made known to the Foundations and Affiliates. For example, a Foundation:

- shall not offer or manage an educational program unless the Foundation meets any and all governmental requirements for such activity, such as licensure by the State Education Department or organization as an education corporation through the Board of Regents, as the case may be; and
- shall not receive and/or manage funds for research that the CUNY Board of Trustees has determined shall be administered by The Research Foundation of The City University of New York.

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<sup>1</sup> Throughout these Guidelines references to the “college” and the “college president” or “president” shall mean CUNY and the Chancellor in the case of Foundations and their Affiliates organized to support a particular CUNY operation or CUNY generally, unless otherwise indicated.

### III. AUTHORITY

A Foundation may be created under a college's name only with the approval of the CUNY Board of Trustees after review of the purpose of the Foundation, its proposed organizational format and scope of its activities. Each college shall have only one Foundation unless otherwise authorized by the CUNY Board of Trustees.

Established Foundations must submit to the CUNY Board of Trustees for approval any proposed change in nature, purpose, or scope of the Foundation activities that is substantial in nature, and outside the normal function of the Foundation.

### IV. STRUCTURE AND GOVERNANCE

#### A. Structure

1. Foundations. Each Foundation shall be organized and operated as a New York not-for-profit corporation that is legally separate from the college and the University. It shall obtain and maintain status as a tax-exempt, charitable organization under § 501(c)(3) of the Internal Revenue Code and applicable state laws so contributions and bequests to it will be deductible charitable contributions as provided by Federal income tax laws. The charter or certificate of incorporation of the Foundation should make reference to the CUNY college or operation it will benefit in terms of purposes, objectives, and programs.
2. Affiliates. An "Affiliate" for purposes of these Guidelines is an entity formed by a Foundation to assist it in meeting the specific needs of, or providing a direct benefit to a college or an associated Foundation. An Affiliate may be created under a college's name only with the approval of the CUNY Board of Trustees.
3. Dissolution. Each Foundation and Affiliate certificate of incorporation and/or other organizing documents (e.g., bylaws or operating agreement) shall include a clause requiring that in the event of its dissolution, the Foundation's or Affiliate's net assets shall be distributed to another appropriate not-for-profit corporation, or to the University, for the benefit of the CUNY college or operation that the Foundation or Affiliate was created to support.
4. Documentation. Copies of all organizing documents, including all amendments thereto must be on file with the college and the CUNY Office of the General Counsel.

#### B. Governance

1. Composition of Board. The composition of a Foundation's or Affiliate's governing body (each a "board"), including its membership, committee structure, and adherence to term limits if any, shall be in full compliance with its governance documents and these Guidelines. The majority of its members and officers shall be external, non-CUNY employees. The college president or dean (each a "president") (including any acting or interim president approved by the Board of Trustees) or designee shall be an ex officio, voting member of the Foundation board and shall have the right to serve at the college president's option, on the governance body of any Affiliate, but may not serve as the chair of the board of the Foundation or any Affiliate, or as the chief executive officer or president of the Foundation or any Affiliate. To the extent that any Affiliate is formed as a single member limited liability company and the Foundation is the sole member thereof, the governance documents for such limited liability company need not provide for the college president or designee to serve on the governance body for such single member limited liability company.
2. Audit Committee. Even if not so required by New York Not-For-Profit Corporation Law (N-PCL) § 712-a, Foundations must have an audit committee whose voting members consist solely of independent directors. The audit committee shall oversee the accounting and financial reporting processes of the Foundation and its Affiliates and the audit of their financial statements, and shall review the Internal Revenue Service (IRS) Forms 990 for the Foundation and its Affiliates before they are signed and filed.

3. Conflict of Interest. Each Foundation and Affiliate must have a conflict of interest policy in compliance with the N-PCL to ensure that its directors, officers, and key persons act in the entity's best interest and comply with applicable legal requirements.

## **V. ACCOUNTABILITY AND COMPLIANCE**

### **A. Corporate and Fiduciary Responsibilities**

Each Foundation and Affiliate shall meet all requirements of the N-PCL and/or other applicable laws covering its organizational structure. It shall maintain its organizational status on a current basis through filings as required by the New York State Secretary of State.

Each Foundation and Affiliate shall be familiar with, and fulfill, its fiduciary responsibilities under the New York Prudent Management of Institutional Funds Act (NYPMIFA) N-PCL Article 5-A, and any other statutes that define its fiduciary responsibilities. Each Foundation and Affiliate shall comply with all other local, state and federal laws applicable to its organization and activities.

### **B. Solicitation in New York and Other States**

Each Foundation and Affiliate shall meet all registration and reporting requirements of New York charities pursuant to the New York Estates, Powers and Trust Law and the New York Executive Law, and all applicable New York State statutes and regulations affecting fundraising and management of gift assets, as well as the requirements of such other jurisdictions in which the Foundation or Affiliate concentrates its fundraising activities.

### **C. Tax Requirements**

Each Foundation and Affiliate shall make all required filings with the IRS and the New York State Department of Taxation and Finance, and follow all other applicable tax laws enforced and/or promulgated by the IRS or New York State.

Each Foundation and Affiliate shall make available for public inspection its Form 1023 request to the IRS for tax-exempt status, its IRS "determination" letters as a 501 (c)(3) organization, and its Form 990s for the past three years. It shall provide copies of these documents to those who request them, as required by law.

### **D. Contracts**

No Foundation or Affiliate shall enter into any contract that would obligate its supported college or the University without the prior written approval of the college president or designee, or the Chancellor or designee in the case of a Foundation or Affiliate that supports a University operation or the University generally. All such contracts shall be for the benefit of the college and/or the University.

Consistent with N-PCL § 716, a Foundation or its Affiliate shall not provide a loan to any of its directors or officers, including without limitation the college president, or to any entity in which a director or officer has a financial interest or is a director or officer. Any loan from a Foundation or an Affiliate to its supported college is subject to the approval of the CUNY Board of Trustees prior to its acceptance by the college.

### **E. Use of College Name and Marks**

A Foundation and its Affiliates may, solely in connection with their lawful activities to benefit the supported college or the University, use the name, logos, seals, and other symbols and marks of the college or University, pursuant to the terms and conditions of the Memorandum of Understanding between the Foundation and the college.

## **F. Legal Counsel**

Each Foundation may retain independent legal counsel, as appropriate.

## **G. Compliance with Investigations.**

Each Foundation shall cooperate, and shall ensure that its Affiliates cooperate, with the University and government authorities regarding any investigation of the Foundation and/or an Affiliate regarding the conduct of the Foundation's and/or Affiliate's activities in support of a college or CUNY generally, as the case may be.

## **VI. INSURANCE AND INDEMNIFICATION**

Each Foundation shall obtain directors and officers' liability insurance (for a minimum of \$1 million) and comprehensive general liability insurance in such amounts determined by the Foundation board to be reasonable and appropriate. Each Foundation board should routinely review total amounts for all forms of insurance to ensure sufficient and appropriate coverage, including coverage for new gift assets.

Each Foundation's by-laws shall include provisions indemnifying its directors and officers in a manner consistent with the provisions of Article 7 of the N-PCL.

## **VII. PERSONNEL**

Each Foundation and Affiliate should have adequate and qualified staff, or should retain fiscal agents, to fulfill its responsibilities to donors as trustee under any retained-income arrangements (gift annuities, pooled income funds, charitable trusts, etc.) and under any other fiduciary relationship between a Foundation or Affiliate and its donors, and to carry out its other responsibilities.

No college employee who is also a voting member of a Foundation's or Affiliate's governing body, including the college president, shall serve as an officer of the Foundation or an Affiliate. In particular, but without limitation, a Foundation's Treasurer shall not be a college employee.

Pursuant to University policy, a college president's salary shall be paid from tax-levy funds; no Foundation shall underwrite any compensation for the college president. No Foundation shall underwrite any compensation for other college faculty and staff without the prior approval of the college president, the Foundation's board, and the Chancellor of the University. Pursuant to University policy a college president shall annually report all college faculty and staff compensation, including any approved compensation paid by a Foundation, to the CUNY Board of Trustee's Committee on Faculty, Staff and Administration. No Foundation shall underwrite any compensation for the Chancellor of the University without the prior approval of the Foundation's board and the University's board of trustees.

No Foundation or Affiliate shall discriminate in employment or in its programs and activities on the basis of race, color, creed, national origin, ethnicity, ancestry, religion, age, sex (including pregnancy, childbirth and related conditions), sexual orientation, gender, gender identity, marital status, partnership status, disability, genetic information, alienage, citizenship, military or veteran status, status as a victim of domestic violence/stalking/sex offenses, unemployment status or any other legally prohibited basis in accordance with federal, state or local laws.

## **VIII. FUNDRAISING AND RELATED ACTIVITIES**

### **A. Cooperation with College and University**

Each Foundation and Affiliate supporting a particular college shall plan and conduct all fundraising and related advancement activities in close cooperation with the president of its supported college and the college office of development and institutional advancement, and in concert with college and University policies. Each Foundation and Affiliate supporting a CUNY operation or CUNY generally shall plan and

conduct all fundraising and related advancement activities in close cooperation with the Chancellor or designee and the CUNY Office of Budget and Finance, and in concert with University policies. No funded program shall be created by a Foundation or Affiliate without the approval of the college president, or the Chancellor or designee in the case of Foundation or Affiliate supporting a CUNY operation or CUNY generally.

#### **B. Gifts Payable to Other than Foundation**

Each Foundation and Affiliate shall adopt guidelines to ensure that funds or gifts payable to its supported college, the University, or any other University entity are deposited with or transferred to the appropriate entity, or are otherwise dealt with according to policy or agreement with the college or the University. (See also Cash and Treasury Management – Transfer of Funds, below.)

#### **C. Approval of Restricted Gifts**

Each Foundation and Affiliate shall advise donors that any restrictive terms and conditions attached to gifts for the benefit of its supported college, a CUNY operation or CUNY generally are subject to college approval in the case of gifts for the benefit of the college and CUNY central office approval in the case of gifts for the benefit of a CUNY operation or CUNY generally. Any restrictions on previous gifts that are illegal or discriminatory must be addressed.

#### **D. Stewardship**

Each Foundation and Affiliate shall insure that all donors are appropriately acknowledged, and that use of gifts is in compliance with the donors' intent. A system and written policy to ensure this practice must be implemented.

#### **E. Policies and Procedures**

Each Foundation and Affiliate shall adopt appropriate policies and procedures to ensure that the proceeds of its fundraising are appropriately recorded, credited, acknowledged, and administered based on legal requirements and donor stewardship parameters. Each Foundation and Affiliate shall adhere to standards of best practice such as those set out in the Council for the Advancement and Support of Education (CASE) "Donor Bill of Rights" and Association of Fundraising Professionals "Code of Ethical Standards." Policies adopted must include:

- Gift Acceptance Policy, which addresses, among other things:
  - a. accountability of cash at the point of receipt;
  - b. provision of gift documentation to donors in compliance with applicable law. Each donor who creates a restricted fund should enter into a written, signed agreement with the Foundation or Affiliate, which describes any fees to be charged, and which authorizes the Foundation's or Affiliate's board to redirect disbursements from the fund should the purposes for which it was created no longer be feasible;
  - c. acceptance, management and disposition of non-cash gifts, including securities and real estate gifts;
  - d. prior to acceptance, legal review and estimate of gift management costs of donor restrictive gifts, gifts of real property, and gifts of personal property that are not readily marketable;
  - e. creation of a system for tracking all restricted funds separately; and
  - f. maintenance of a separate record for each donor and for each gift.

Each gift shall be counted, valued or discounted in accordance with CASE standards and Generally Accepted Accounting Principles (GAAP).

- Policy for regularly reporting to donors on the use of funds and on their financial status.
- Policies regarding investment, spending rates, and endowment audits (see Cash and Treasury Management, below).

- A spending policy governing expenses of the Foundation on behalf of its supported college, which shall be established in accordance with policies of the CUNY Board of Trustees regarding the use of non-tax levy funds.

## **IX. MEMORANDUM OF UNDERSTANDING**

Each Foundation shall enter into a written memorandum of understanding ("Memorandum of Understanding" or "MOU") with its supported college in the form set forth in Appendix B (unless otherwise approved by the CUNY Board of Trustees), which clearly defines their respective roles, relationships, and expectations. In addition to those items mentioned below, the MOU shall address, among other things, the Foundation's right to use a college or CUNY name and/or trademarks, management and use of funds held by the Foundation, and coordination of fundraising activities.

### **A. Use of Facilities**

A Foundation may occupy, operate, and use college facilities and property separately or jointly with its supported college as identified by the MOU between the college and the Foundation. The Foundation shall use the facilities and property only for those services and functions that are consistent with the MOU and applicable current or future policies, rules, and regulations of the CUNY Board of Trustees and the college.

### **B. Provision of Space and Services**

The college may provide certain services, at no cost, to the Foundation, which may include office space, utilities, telephones, custodial and facilities maintenance services, equipment and information systems service and advice, personnel and related assistance and other similar services.

A Foundation may reimburse its supported college for expenditures incurred by the college as a result of activities of the Foundation. In these situations, the college shall invoice the Foundation for such expenditures, indicating items charged and the method of determining costs. Any such reimbursement by a Foundation should be consistent with the approved annual budget and terms and conditions of the MOU with the college.

### **C. Alumni Information/Database**

In principle and practice, the creation, maintenance, support, and ownership of alumni information and the alumni database itself should always be consistent with the best interests of the college. This is particularly true when these functions and responsibilities are shared among a college and either or both its Foundation and a separately incorporated alumni association. In general and wherever possible, the college should own and manage the alumni database and provide access to the college's Foundation and/or alumni association. Laws such as the Family Educational Rights and Privacy Act (FERPA) and national best practices and precedents should guide the Foundation and its supported college in addressing the issues of ownership and usage of alumni information. A Foundation, its supported college and any other parties which share use and/or responsibility for alumni information must enter into a written agreement (which may be the MOU) that sets forth: (i) who owns the alumni information and the database, (ii) permitted and prohibited uses of alumni data by third parties (i.e., credit card services, insurance, and alumni directories), and (iii) college policy regarding the privacy of alumni data. In all events, the college must have the right of full access and use of the alumni data without cost and as and when requested, even when held in a database owned and/or maintained by a Foundation or Affiliate.

## **X. FINANCIAL MANAGEMENT**

Each Foundation and Affiliate is responsible for developing, managing and monitoring its fiscal and operational plans. They are also responsible for complying with applicable federal, state and local laws, and University and college financial procedures regarding participation in the CUNY Investment Pool (for those Foundations and Affiliates that participate) and other procedures made known to the Foundations

and Affiliates by the University and necessitated by the inclusion of the Foundations and Affiliates as discretely presented component units in the University's financial statements.

#### **A. Budget**

Each Foundation and Affiliate shall develop an annual operating budget in consultation with the college president.

The college president should plan for current and future college operations and programs with the assumption that continued and growing financial support by the Foundation will be in place. Annual budgets and plans shall be reviewed by and approved by a Foundation's board in partnership with the college president. Financial commitments and expenditures by Foundations and Affiliates shall be in accordance with the approved budgets and plans.

#### **B. Cash and Treasury Management**

1. Investments. Any cash held by a Foundation that is scheduled to be used in the current year can be invested in short-term investments such as U.S. Treasury bills, money market accounts, certificates of deposits etc., or the University's Short-term Investment Pool (STIP). Funds that can be invested for a longer period should be invested in accordance with the Foundation's investment policy, or may be invested in the University's Investment Pool. All funds shall be managed and invested as required by NYPMIFA and, to the extent that a Foundation or Affiliate invests funds outside of the University's Investment Pool, it shall develop written investment and spending rate policies for those funds in accordance with NYPMIFA.

2. Endowments. Endowments shall be invested with respect to prevailing principles of sound financial management and legal obligations. Earnings are credited according to the amount of principal endowed and any previously unspent earnings on the individual endowment. A portion of the earnings of these accounts becomes available to support the respective endowments in accordance with the directions specified by the donor of the endowment. The Foundation's or Affiliate's spending rate policy shall set forth guidelines for determining how much of the earnings of the endowments may be spent.

3. Transfer of Funds. Any transfer of endowments or other assets by the supported college or the University to a Foundation or Affiliate, or by a Foundation or Affiliate to its supported college or the University, for management or investment (assuming such transfer is permissible under the donor documents), shall be formalized in a memorandum of agreement so the fiduciary requirements of the respective governing boards are complied with and to assure, among other things, that any restrictions governing the future dispositions of the funds are observed.

#### **C. Purchasing**

Each Foundation and Affiliate shall follow sound purchasing practices and procedures that provide for open and free competition to the maximum extent practicable while meeting the needs of management for flexibility and minimum administrative burden. Each Foundation and Affiliate shall take steps to ensure fairness in all contracts, including abiding by Section 715 of the N-PCL regarding related party transactions.

#### **D. Accounting**

Each Foundation and Affiliate shall maintain a financial system that provides for accrual based accounting and is used to process all financial transactions. Foundations and Affiliates shall follow the Financial Accounting Standards Board (FASB) Statements and Interpretations, Accounting Principles Board Opinions, and Accounting Review Boards of the Committee of Accounting Procedures and Generally Accepted Accounting Principles (GAAP). Each Foundation should implement all new FASB accounting rules and regulations.

## XI. FINANCIAL REPORTING AND AUDIT

### A. Reporting to the Board/Financial Statements

The chief executive officer and/or chief financial officer of each Foundation and Affiliate shall provide its board with periodic financial and managerial reports. Each Foundation and Affiliate shall prepare annual financial statements in conformity with GAAP and have them audited by a licensed, independent certified public accounting firm (CPA) in accordance with generally accepted auditing standards. To enable the University to include pertinent information in its annual financial statements, the audit committee and board, if applicable, must accept the audited financial statements within 90 days after the close of a Foundation's fiscal year.

### B. Independent Auditor

The independent CPA retained by a Foundation and/or Affiliate must have experience auditing tax exempt organizations and must be approved by a designee of the Chancellor. No independent CPA firm shall serve as the audit firm for the Foundation or Affiliate for more than five years and a three-year period must elapse before such CPA firm may serve again as auditor.

On an annual basis the Foundation's auditor must confirm its independence to the University's external auditors via a signed "independence letter."

### C. CUNY Audit Rights

1. CUNY Audit. The books and records, financial condition, operating results, and program activities of a Foundation and its Affiliates are subject to periodic audit by the college president and/or designee, the University or outside firms hired by the University, and to the extent allowed by law, outside regulatory bodies.
2. Reporting to CUNY. A Foundation shall promptly provide copies of each of its audit reports from whatever source, including the certified (consolidated) financial statements, any report indicating a significant deficiency or material weakness in the internal controls over financial reporting and any management letter or other report, together with the associated corrective action plan of the Foundation and each of its Affiliates, to the college president and the University's Office of Budget and Finance.

Additionally, each Foundation must:

- Semi-annually upload their financial statement information to the University's financial accounting system, CUNYfirst, using a template established by the Office of Budget and Finance.
- Annually provide the college and the University's Office of Budget and Finance with a complete list of all bank and investment accounts;
- Require each member of the Foundation's and any Affiliate's board to provide written acknowledgement to the Foundation of the following, upon implementation of these Guidelines for directors currently serving at such time or upon their election or appointment to the board for new directors, and thereafter upon any modification to the Guidelines or the MOU: (i) that they have received a copy of these Guidelines and the MOU and reviewed them and (ii) that they understand that these Guidelines and the MOU are binding on the Foundation or Affiliate, as the case may be; and require all officers of the Foundation and any Affiliates to provide the same written acknowledgement on an annual basis and upon any modification to the Guidelines or the MOU. Directors and officers may provide such acknowledgements as part of their annual conflict of interest disclosure statements. The Foundation shall provide on a timely basis copies of such acknowledgements to the college president or the University upon their request.

- Concurrent with its filing with the IRS, provide a copy of the Foundation's and any Affiliate's IRS Form 990 to the University's Office of Budget and Finance, and provide on a timely basis such other information on the Foundation's financial status and operations as requested by the college president.

## **XII. POLICY MANUAL**

Each Foundation and Affiliate shall develop a comprehensive manual documenting the policies, procedures, standards, and other administrative and operating criteria applicable to it. The manual shall be maintained on a current basis and the Foundation and/or Affiliate shall provide copies of the current version, as well as any updates or revisions as they are adopted, to the supported college's business office and the University's Office of Budget and Finance, and to internal and external auditors on request.

## **XIII. INTERNAL CONTROLS**

Each Foundation and Affiliate is responsible for establishing and maintaining adequate internal controls. Some of these controls include maintaining segregation of duties between the cash receipts and disbursements functions, preparing timely bank reconciliations, requiring dual signatories on payments over set amounts, maintaining segregation duties between the accounts payable and purchasing and payroll and human resource functions and restricting access to the vendor listing.

## **XIV. RECORDS RETENTION**

Each Foundation and Affiliate should establish a document retention policy that provides for the orderly management of Foundation and Affiliate records consistent with local, state and federal laws.

## **XV. EXCEPTIONS AND AMENDMENTS**

Any proposed exceptions to these Guidelines must be approved in writing by the Chancellor or designee. Any proposed amendments to these Guidelines must be approved by the Board of Trustees. The CUNY Offices of the General Counsel and Budget and Finance are responsible for the periodic review of these Guidelines, as well as ensuring that all appropriate parties are informed of them. All Guideline amendments shall become effective upon a duly adopted amendment to the MOU between the college and the Foundation.

## **XVI. RELATED INFORMATION**

The following links and/or references provide additional information related to this guidance:

New York Not-for-Profit Corporation Law: <http://public.leginfo.state.ny.us>

Internal Revenue Service: [www.irs.gov](http://www.irs.gov)

New York State Charities Bureau

- [www.oag.state.ny.us/charities/charities.html](http://www.oag.state.ny.us/charities/charities.html)
- [http://www.charitiesnys.com/pdfs/Charities\\_Conflict\\_of\\_Interest.pdf](http://www.charitiesnys.com/pdfs/Charities_Conflict_of_Interest.pdf)
- <http://www.charitiesnys.com/pdfs/NYPMIFA-Guidance-March-2011.pdf>
- [http://www.charitiesnys.com/pdfs/Audit\\_Committees.pdf](http://www.charitiesnys.com/pdfs/Audit_Committees.pdf)

New York State Office of the Inspector General: <https://ig.ny.gov/>

Payment Card Industry Data Security Standards: <https://www.pcisecuritystandards.org>

National Association of State Charity Officials: [www.nasconet.org](http://www.nasconet.org)

American Institute of Certified Public Accountants: [www.aicpa.org](http://www.aicpa.org)

Financial Accounting Standards Board: [www.fasb.org](http://www.fasb.org)

National Association of College and University Business Officers: [www.nacubo.org](http://www.nacubo.org)

Council for Advancement and Support of Education: [www.case.org](http://www.case.org)

Association of Fundraising Professionals: <http://www.afpnet.org/>

## MODEL MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is made by and between The City University of New York, by and on behalf of [name of College, School, or other appropriate CUNY unit or program] located at [address] ("College")<sup>2</sup>, and [name of Foundation], a New York not-for-profit corporation that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended ("Foundation").

### RECITALS

A. The College is a constituent unit of The City University of New York, a public institution of higher education established pursuant to Article 125 of the New York Education Law (the "University").

B. The Foundation is organized for the sole purpose of aiding and promoting the educational and charitable purposes and lawful activities of the College.

C. The College and the Foundation acknowledge the importance of establishing a mutually cooperative working relationship in order to enable the Foundation to carry out its mission consistent with the needs of the College.

D. The College and the Foundation desire to formalize their working relationship in the form of a Memorandum of Understanding ("MOU").

### TERMS

In consideration of the mutual covenants, promises and conditions herein contained, and for good and valuable consideration the adequacy of which is hereby acknowledged, College and Foundation agree as follows:

1. Foundation Activities. The Foundation's sole purpose is to provide support to the College and its students. The College and the Foundation agree that the Foundation shall conduct those services and activities listed in **Exhibit B** (the "Activities"), as it may be amended from time to time, exclusively for the benefit of the College.

2. College Support of Foundation. Subject to the availability of funding and the budget process, the College, in accordance with the terms and conditions of this MOU, shall make available to the Foundation the facilities, personnel, equipment and other support, goods and services (collectively "College Support") listed in **Exhibit C**. Any changes to the College Support shall be made by written amendment to this MOU and **Exhibit C**, a copy of which shall be filed with the University Office of the General Counsel. Any reimbursement to the College by the Foundation for the College Support shall be consistent with the Foundation's annual budget and the terms indicated on **Exhibit C**.

3. Care of Premises. The Foundation shall take good care of the Premises set forth in **Exhibit C**

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<sup>2</sup> In the case of a CUNY School or other unit or program, changes should be made throughout the document to refer to School and Dean, etc., as appropriate.

and shall maintain them in a clean and orderly condition. The College shall keep such Premises in good repair and make all necessary capital improvements in order to comply with all applicable federal, state and municipal health and safety codes. The Foundation shall not make alterations to the Premises without the prior written consent of the College. Any alteration or improvement to the premises, fixtures, or replacement equipment that may be paid for by the Foundation shall become the property of the University.

4. Affiliates<sup>3</sup>. The parties acknowledge that the Foundation is the primary foundation within the meaning of the University's Foundation Guidelines attached as **Exhibit A**. The Foundation has established the Affiliate(s) (as defined in the Guidelines) listed in **Exhibit D**.

5. Use of the College Name and Trademarks.

5.1. The Foundation may, solely in connection with the Activities, use and license its subcontractors to use, the name of the College as well as College logos, seals, and other symbols and marks of the College (collectively, the "College Marks"). Except to the extent included as part of a College Mark, the Foundation shall not use the names "The City University of New York" or "CUNY," or any logo, seal, symbol or mark of the University without the prior approval of University's Office of Communications and Marketing.

5.2. Notwithstanding the foregoing, the College President may, in his/her discretion, forbid any particular use of a College Mark or, if such use has already commenced, require that such use cease. The Foundation shall not delegate the authority to use a College Mark to any person or entity without the prior written approval of the College President.

5.3. The Foundation agrees to stop using the College Marks in the event (i) the Foundation dissolves, (ii) the University withdraws recognition of the Foundation, (iii) the Foundation ceases to be a not-for-profit corporation or is no longer recognized by the Internal Revenue Service as an entity described in section 501(c)(3) of the Internal Revenue Code, or (iv) the Foundation is directed to stop such use by the College President.

5.4. For purposes of this Section 5, "College President" means the President of the College or his or her designee.

6. College Representation on Foundation Board.

6.1. The President of the College shall be an ex-officio, voting member of the Foundation's Board of Directors [and Executive Committee].

6.2. The following University employees shall also be ex officio [voting][non-voting] members of Foundation's Board: *Describe any other ex-officio seats held by College or other CUNY employees. In order to maintain the Foundation's independence, CUNY employees should not hold a majority of Board seats.*

7. Data and Confidentiality.

7.1. The College may make available to the Foundation records and information concerning students and alumni in accordance with the requirements of the Family Educational Rights and Privacy Act of 1974 and regulations promulgated thereunder ("FERPA") for use by the Foundation in a manner consistent with the Foundation's rights and obligations under this MOU and with College and University policies. The Foundation shall treat such records and information as confidential in accordance with FERPA and shall not disclose any or all of them to any third party without the express prior written consent of the College and subject to a written agreement with such third party that shall: (i) be subject to the terms and conditions of this MOU, including without limitation those regarding confidentiality of information; (ii) be

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<sup>3</sup> This section to be excluded if a Foundation has no Affiliates.

non-transferable; and (iii) provide for its termination or assignment to the College, at the College's sole option, upon termination of this MOU. The Foundation shall provide the College with a copy of each such agreement.

7.2. At the College President's request, the Foundation shall make available to the College for fundraising purposes the Foundation's records and information concerning College alumni and other donors or prospective donors. To the extent that such information is non-public, the College agrees to keep it confidential.

7.3. If the Foundation's Activities as listed on **Exhibit B** include providing loans or other financial products (not including scholarships, awards and grants) or assisting the College with the administration of such services, the Foundation will comply with the Gramm-Leach-Bliley Act (P.L. 106-102), as amended, and the Federal Trade Commission's Safeguards Rule (16 CFR Part 314) (collectively, "GLB Regulations"), regarding any nonpublic personal information that the Foundation receives, maintains, processes or otherwise has access to from students or others in connection with providing such services.

7.4. The Foundation shall comply with the provisions of the New York State General Business Law Section 899-aa regarding security breaches of personal information. The Foundation shall be liable for the costs associated with any breach of these provisions if caused by the negligent or willful acts or omissions of the Foundation or its agents, officers, employees, or subcontractors.

7.5. Each party agrees to maintain network security that conforms to generally recognized "Industry Standards" and best practices that the party applies to its own network. Generally recognized industry standards include but are not limited to the current standards and benchmarks set forth and maintained by the Center for Internet Security (see <http://www.cisecurity.org>) or Payment Card Industry/Data Security Standards (PCI/DSS) (see <http://www.pcisecuritystandards.org>).

7.6. Foundation employees and agents shall abide by all confidentiality requirements imposed by law or by College or University policy to protect the privacy of past and present College employees and students, donors and potential donors. If the Foundation sub-contracts with a third party for any of the Activities, the Foundation shall ensure that such third parties comply with all of confidentiality provisions of this MOU.

8. Coordination with the College's Office of Finance. The Foundation shall provide the College's Office of Finance with any and all financial reports otherwise provided to the Foundation's Board of Directors [and the Board's Investment Committee]. A Foundation representative shall meet at least quarterly with the College's Chief Financial Officer to discuss matters relating to interactive financial arrangements.

9. Indemnification and Liability.

9.1. In the event any damage or injury is caused to the equipment or facilities provided by the College hereunder, by the negligence or improper conduct of the Foundation, its agents, subcontractors or employees, the Foundation shall cause the said damage or injury to be repaired as speedily as possible at its own cost and expense.

9.2. In no event shall anything contained in this MOU be deemed to impose liability of any nature upon the Foundation for loss or damage to persons or property, to the extent caused by the College, its officers or employees or by any third party over which the Foundation exercises no control.

10. Occupancy of Premises.

10.1. The Foundation's occupancy of the Premises is that of a licensee only. The Foundation will not maintain ownership or other similar interest in the Premises, nor is there a landlord-tenant relationship between the University or the College and the Foundation.

10.2. The College and the University and any of their agents may enter the Premises or any part of them at any time for the purpose of examination, supervision or audit.

10.3. The Foundation has the right, subject to the College's rules regarding building access and security, to 24-hour access to the Premises for the purposes of conducting the Activities.

11. Compliance. The Foundation shall comply, and shall ensure that its Affiliates comply, with all federal, state and local laws, whether now or hereinafter in force, applicable to the proper and lawful conduct of its Activities on the Premises, as well as the University's Foundation Guidelines, attached as **Exhibit A**, as they may be amended from time to time. The Foundation shall cooperate, and shall ensure that its Affiliates cooperate, with the University and governmental authorities regarding any investigation of the Foundation and/or an Affiliate regarding the conduct of the Foundation's and/or Affiliate's Activities.

12. Effect of MOU; Amendment. This MOU (and any attachments) contains all the terms between the parties and may be amended only in writing signed by an authorized representative of both parties. Any amendment to this MOU (or any attachment) will not become effective until it has been approved by the University's Office of the General Counsel.

13. Confidentiality. Neither the Foundation nor the College shall disclose or use any private, confidential, proprietary, or trade secret information provided from one to the other except as required in and by the terms of this MOU.

14. Term and Termination.

14.1. This MOU shall have an initial term of one year beginning [date] and ending [date], and shall be automatically renewed for additional one-year terms unless written notice is given no later than 90 calendar days of the end of the term or renewal term by either the Foundation or the College of its desire to terminate or modify the provisions of this MOU. Any notice requesting modification shall describe the modification(s) requested. If a notice requesting modification is given, the parties shall meet within 30 calendar days to try to reach an agreement on any changes.

14.2. This MOU may be terminated in whole or in part by the College upon the breach by the Foundation of one or more of its terms, including without limitation failure to comply with the Foundation Guidelines attached as **Exhibit A**. Prior to any such termination, the College shall provide a written notice of breach to the Foundation describing the nature of the breach(es). Upon receipt of the notice of breach, the Foundation shall have 30 calendar days to cure the breach(es). If the Foundation fails to do so to the satisfaction of the College, the College shall provide a written notice of termination to the Foundation, to be effective immediately. The Foundation may contest the notice of breach and/or the notice of termination by submitting a letter to the University Chancellor. The Chancellor shall review the contested notice and provide a recommendation to the CUNY Board of Trustees within 30 calendar days of submission of the Foundation's letter. The decision of the CUNY Board of Trustees shall be final.

14.3. This MOU may be terminated in whole or in part by the University Chancellor or the CUNY Board of Trustees upon 30 calendar days prior written notice in accordance with the notice provisions of this MOU.

15. Notice. Any notice to either party hereunder must be in writing, signed by the party giving it, and shall be delivered either personally, by overnight delivery service, or by electronic mail or fax machine, or deposited in the United States mail, postage prepaid, registered or certified mail, addressed as set forth below. Such notices will be deemed to have been given or made when so delivered or deposited.

TO UNIVERSITY AND COLLEGE:

President

[Name of College]

[Address]

With a copy to

Office of the General Counsel

The City University of New York

205 E. 42<sup>nd</sup> Street, 11<sup>th</sup> Floor

New York, NY 10017

TO THE FOUNDATION:

[Insert]

or to such persons as may be hereafter designated by notice.

16. This MOU includes the following documents:

16.1. Exhibit A – CUNY Foundation Guidelines

16.2. Exhibit B - Foundation Services and Activities

16.3. Exhibit C - Facilities, Personnel, Equipment and Other Support, Goods and Services Provided to Foundation by the College

16.4. Exhibit D - Description of Affiliates and College -provided Resources

17. In the event of any controversy of terms, the priority of the interpretation of documents comprising this MOU shall be in the following order:

17.1. Exhibit A - CUNY Foundation Guidelines

17.2. This MOU

17.3. Exhibit B - Foundation Services and Activities

17.4. Exhibit C - Facilities, Personnel, Equipment and Other Support, Goods and Services Provided to Foundation by the College

17.5. Exhibit D - Description of Affiliates and College -provided Resources

18. This MOU constitutes the entire agreement of the parties hereto and all previous communications between the parties, whether written or oral, with reference to the subject matter of this MOU are hereby superseded.

This Memorandum of Understanding has been executed by and on behalf of the University (on behalf of the College) and the Foundation on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

THE CITY UNIVERSITY OF NEW YORK

By and on behalf of

[COLLEGE] [FOUNDATION]

By:\_\_\_\_\_ By:\_\_\_\_\_  
President

Approved as to Form:

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The City University of New York  
Office of the General Counsel

Date: \_\_\_\_\_

**Exhibit A**  
CUNY Foundation Guidelines

**Exhibit B**  
Foundation Services and Activities

*(This language is to be modified as necessary to accurately reflect a particular Foundation's Activities and relationship with its supported college.)*

**List of services and activities to be provided by the Foundation:**

**Fundraising**

1. Acting as an independent contractor, not as an agent, of the College, the Foundation shall conduct private fundraising efforts on behalf of the College.
2. The Foundation shall cooperate with the College in the development of the Foundation's fundraising programs. Among other things, the Foundation shall:
  - a. coordinate its annual giving program with the College's offices of institutional advancement and/or alumni affairs;
  - b. coordinate all special fund-raising projects with the College; and
  - c. maintain a well-coordinated donor relations program in an effort to minimize overlap and over-solicitation of current and prospective donors.

**Fund Management - General**

3. The Foundation shall be responsible for the management of funds that originate with its fundraising activities in accordance with the following procedures:
  - a. While the Foundation is authorized to commingle for investment purposes undesignated assets with other funds for designated uses, the Foundation shall maintain a separate accounting of undesignated funds received and gains, profits, and losses resulting from said investments.
  - b. Distributions from the designated endowment funds, at the payout rate, established by the Foundation Board of Directors, will be transferred to the appropriate College accounts [describe schedule, e.g., on a periodic basis, at the beginning of each quarter, semi-annually, etc.]. The Foundation, at its discretion, may create a schedule of payments for a program or project.
  - c. Distributions of restricted current-use funds will be made subsequent to approval by the Foundation's Board of Directors or committee thereof, following written request by the respective College department or program for the available funds.

d. The Foundation shall be a repository for current and future endowment gifts to the benefit of the College (unless the donor specifies otherwise). Alternatively, the Foundation may deposit such gifts in the CUNY Investment Pool. The management of funds deposited with the Foundation, including investment strategies and payout rates, is the prerogative of the Foundation Board of Directors. If the Foundation is the intended recipient of funds made payable to the College, the funds shall be transferred to the Foundation.

e. The Foundation is authorized to accept restricted gifts on behalf of the College. However, the Foundation agrees, before accepting gifts with any restrictive terms and conditions or gifts of real estate, to obtain written College permission, and the College and the Foundation both agree to advise donors that a restricted gift for the benefit of the College may not be accepted without College and Foundation approval.

f. The College agrees through the Office of the President to provide the Foundation annually with a list of private gift funding priorities. The Foundation will then pursue funding for the priorities on the basis of funding realities. The Foundation agrees not to solicit or accept gifts for any use specified by a donor that is inconsistent with the College's mission, goals, or objectives. When a question exists as to the acceptability of an offered gift, the Foundation will confer with the College President or his or her designee before directing a response to the donor.

g. Notwithstanding anything to the contrary in this Section 3, in the event of financial exigency or other special need, the College may request an increase in the payout rate, which request shall not be unreasonably denied by the Foundation.

h. The College President shall submit a plan to the Foundation by [month] of each year for utilization of unrestricted gifts received by the Foundation in the following fiscal year, including discretionary support of the office of the College President. The Foundation will take into account the College's priorities when pursuing private gifts.

i. Any plan for utilization of unrestricted gifts that includes allocation of funds to the College President's discretionary fund shall include the categories of such discretionary expenditures (faculty recognition, travel, entertainment, etc.) as well as the relative percentage of the plan for each category. The Foundation's Board of Directors will review the submitted request and act on it accordingly. Upon approval, the Foundation will either transfer to the College the entire authorized sum for the year or reimburse approved expenses as they are submitted by the College President. If the Foundation provides the payment as a lump sum, on a periodic basis the College President will provide the Foundation with an accounting of expenditures made from the discretionary fund. All discretionary fund expenditures must comply with State law and institutional policies and guidelines of the University, as well as applicable provisions of the Internal Revenue Code pertaining to the Foundation's status as a §501(c)(3) supporting organization, and be consistent with the Foundation's mission. Such funds will be audited as part of Foundation audits.

*List and describe any other services, which might include: acquisition of real and personal property to supplement State of New York resources; real property management, including student or faculty housing; investment management, including endowment fund management with asset allocation, investment manager selection and spending formula; providing student loans; administering scholarship programs; borrowing or guaranteeing debt on behalf of the College; etc.*

**B. If any of the services and activities listed in A are to be provided by subcontractors of the Foundation, indicate below.**

**Exhibit C**  
**Facilities, Personnel, Equipment and Other Support, Goods and Services**  
**Provided to Foundation by the College**

**A. Description of space utilized for each service provided (collectively, the “Premises”):**

Service	Building Name	Square Ft	Space Description
<i>Example: Administrative Office</i>	<i>Old Main</i>	<i>500 sq ft</i>	<i>office</i>

**B. College personnel assigned:**

**C. Description of equipment and other support, goods and services provided:**

- office furniture, including: [/isf]
- office equipment, including: [/isf]
- ordinary and necessary utilities for the Premises
- support services of the type provided to College departments including, but not limited to: access to the College's telephone system and internet; janitorial services; maintenance of the Premises from the College's physical plant; duplicating, printing and mail services.
- payroll services for Foundation employees, including the allocation of related benefits, accounting services, and other administrative services
- technology support services, as well as online access to such College files as the Foundation deems, and the College agrees, to be relevant and necessary to the activities and purpose of the Foundation.
- access to College's fundraising software system and donor/prospect database

**D. Description of reimbursement for the items listed in A - C:**

**Exhibit D**  
**Description of Affiliates and College-provided Resources**

**A. Name and address of each Affiliate**

**B. Description of services and activities**

**C. Description of space utilized for each service provided:**

Service	Building Name	Square Footage	Space Description

**D. College personnel assigned:**

**E. Description of equipment and other support, goods and services provided:**

**F. Description of reimbursement for the items listed in C - E:**

**B. AUTHORIZATION TO RENEGOTIATE THE AGREEMENT BETWEEN THE CITY UNIVERSITY OF NEW YORK AND THE CITY UNIVERSITY RESEARCH FOUNDATION (RF)**

**RESOLVED**, That the Chancellor shall renegotiate and update the existing 1983 agreement between the University and the City University Research Foundation (RF CUNY) to: (1) re-define the role of the RF as fiscal and legal agent for external awards and contracts at CUNY; (2) clearly specify the nature and scope of RF responsibilities for oversight, compliance and reporting and distinguish them from those of the Central Office of Research; (3) ensure that RF policies and practices comply with all relevant federal, state and local regulations and that there is transparency in all RF communications and reports to university constituents; and, (4) within the RF's re-defined role, improve the quality of, accountability for, and satisfaction with its services to the University community; and be it further

**RESOLVED**, That such renegotiated agreement will be presented to the Board of Trustees for its consideration and approval in the Fall.

**EXPLANATION:** The RF CUNY was formed in 1963 to serve the university as its fiscal and legal agent for the administration of sponsored programs, grants and contracts. In 1983, the RF and CUNY entered into a formal agreement outlining the administration of sponsored programs and grant activities. Since 1983, the University's research mission, expertise, infrastructure and activities have changed substantially. At the same time, federal, state and local regulations and the roles of compliance, ethics, transparency and risk management in the conduct of sponsored research and program management have changed and expanded considerably. In light of these changes, in [January 2017], Chancellor Milliken created and charged a CUNY-wide Task Force, co-chaired by Executive Vice Chancellor and University Provost Vita Rabinowitz and Interim Chief Operating Officer Marc Shaw, to re-examine the 1983 agreement and relationship between CUNY and RF CUNY and make recommendations.

The RF Task Force observed that (1) many of CUNY's colleges and CUNY's Office of Research have assumed many of the support functions allocated to RF CUNY in the 1983 agreement, (2) the mission of RF CUNY has expanded over the decades in ways that duplicate efforts at the colleges and the Central Office of Research, and the level of campus satisfaction with the RF CUNY's core services requires University attention.

The RF Task Force concluded that the RF best serves the interests of the University by focusing more

narrowly and intensively on its unique functions as fiscal and legal agent of CUNY. This resolution accordingly calls for a renegotiated agreement between CUNY and RF CUNY with a new mandate. Within that new mandate, the RF will ensure oversight and compliance in fiscal and legal matters; increase transparency in operations and reporting; and improve the quality of communications regarding policies and procedures and the effectiveness of its services.

### **C. APPROVAL OF BOARD OF TRUSTEES POLICY ON THE USE AND OPERATION OF UNIVERSITY VEHICLES**

**RESOLVED**, That the Board of Trustees adopt a new University-wide policy governing the use and operation of all University motor vehicles. This Policy applies to all potential drivers of University vehicles and supersedes all inconsistent policies, memoranda, guidelines and protocols and similar documentation previously issued, including without limitation the 2010 CUNY Fleet Management Policy.

**EXPLANATION:** The City University of New York and its constituent colleges own and lease motor vehicles for a variety of purposes. The new policy governing the use and operation of motor vehicles is aligned with State of New York policies. This new policy will limit the use of fleet vehicles to an as-needed basis, and thus reduce the total number of University vehicles, resulting in savings and efficiencies that will be redirected to core mission activities. Any violation of this policy may result in disciplinary action.

### **THE CITY UNIVERSITY OF NEW YORK VEHICLE USE POLICY**

#### **A. Purpose and Applicability**

This Policy addresses the use and operation of University vehicles. This Policy applies to all potential drivers of University vehicles and supersedes all inconsistent policies, memoranda, guidelines and protocols and similar documentation previously issued, including without limitation the 2010 CUNY Fleet Management Policy. Any deviation from this Policy requires the approval of the Chancellor or his or her designee. Any violation of this Policy may result in disciplinary action.

#### **B. Definitions**

As used in this Policy:

1.     **“College”** means each college, school and other constituent unit of the University, including the central office.
2.     **“Fleet Manager”** means that individual at a College who is responsible for the fleet of University vehicles at that College, including vehicle maintenance and safety and driver management.
3.     **“LENS Program”** means the License Event Notification Service (LENS) operated by the State Department of Motor Vehicles, an automated reporting system that reviews driver's license records of a registered organization's drivers included in the LENS database and notifies the organization of license events, such as accidents, convictions, expirations, suspensions and revocations.
4.     **“Policy”** means this University vehicle use policy and any amendments that may be made in the future.
5.     **“Presidents”** means the college presidents and the deans of the Macaulay Honors College, CUNY School of Professional Studies, the CUNY School of Law, the CUNY Graduate School of Journalism, and the CUNY Graduate School of Public Health and Health Policy, each of whom is a **“President.”**
6.     **“University vehicle”** means a vehicle owned, leased or rented by the University,

including without limitation automobiles, buses, vans, trucks and other mobile equipment.

#### **C. Eligibility for Use of University Vehicles**

1. Any person driving a University vehicle must be a University employee or an employee of one of the following entities or types of entities related to the University, conducting University business: the Research Foundation of The City University of New York, auxiliary enterprise corporations, college associations, student services corporations, or child care centers.

2. Any person driving a University vehicle must have a valid U.S. driver's license of the class required for the vehicle being operated and must provide a copy of the license to the Fleet Manager at their College. Any person driving a University vehicle who does not possess a New York State driver's license must each semester provide the Fleet Manager with a copy of his or her driving record from the agency that issued the driver's license. The University prefers, but does not require, that drivers of University vehicles have been licensed for four or more years.

3. Every person who may use a University vehicle is required to immediately inform his or her supervisor of any license revocation, suspension, or restriction. The University participates in the LENS Program. No person shall be allowed to operate a University vehicle if there has been a change in licensure that restricts driving privileges unless the operation of the University vehicle complies with such restrictions. The University retains the right to deem any person ineligible to drive a University vehicle based on driving history.

4. The University retains the right to require any person using a University vehicle to participate in a safe driving program. The program will be provided by the University at no cost to the driver and can be taken during the driver's regular work schedule. Persons who are required to participate in a safe driving program will be allowed to continue to drive until successful completion of the program, unless the person has driving violations involving a conviction for intoxication and/or use or possession of any controlled substance, reckless driving, license suspension or failure to report an accident.

5. In the event of a suspension or revocation of the driver's license of a University employee who is required to drive as part of his or her official duties, a College may file disciplinary charges subject to the employee's due process rights to representation and a hearing in accordance with the disciplinary procedures of the University's collective bargaining agreements. This Policy does not diminish a University employee's collective bargaining rights or rights under Section 75 of the New York State Civil Service Law, as may be applicable.

#### **D. Assignment of Vehicles**

1. All University vehicles controlled by the University (i.e., not rented for a specific purpose) will be deemed part of the University's vehicle pool. Pool vehicles will be assigned to drivers on an as-needed basis to carry out University business.

2. University vehicles may be assigned to particular individuals for their exclusive use as described in this section. Note that assignment of a University vehicle does not by itself confer the right to commute in the vehicle.

- (a) University vehicles may be assigned to the Chancellor, each of the Presidents, the University Director of Public Safety, and the chief public safety official at each College, for their exclusive use. Assignments of vehicles under sections (a) and (b) do not automatically include authorization to use the vehicle for commuting purposes.
- (b) University vehicles may be assigned to other University personnel only when approved by the Chancellor or his or her designee in the case of central office

personnel, or the President, in the case of campus personnel. Such assignments shall be in the best interests of the University taking into consideration the efficient use and assignment of University resources, including fiscal and personnel, for the health, safety and business demands of the University.

- (c) Only University personnel who are first responders, who are on call 24 hours per day, or who are responsible for ensuring public safety are allowed to routinely take University vehicles home or use vehicles for commuting purposes. The Chancellor, each of the Presidents, the University Director of Public Safety, and the chief public safety official at each College are specifically permitted to use University vehicles for commuting purposes pursuant to this paragraph.
- (d) Within 30 days of the implementation of this Policy and thereafter no later than July 15 each year, each President shall provide to the central office Fleet Manager a report of the names and titles of individuals at their campus who have been assigned a University vehicle for their exclusive use for that fiscal year. The report shall indicate: (i) whether the vehicle (including any vehicle assigned to the President) may be taken home at night or used for commuting purposes or whether the vehicle will be parked at a University facility or parking space when not in use and (ii) for each job title, an explanation in support of the assignment. The Chancellor, or his or her designee, has the right to reject any assignment of a University vehicle and/or use of a University vehicle for commuting purposes that does not meet the requirements of this Section D.2.
- (e) Each College shall review individual assignments of University vehicles on no less than an annual basis. If at any time the job duties change and the individual vehicle assignment is no longer warranted, such assignment shall be terminated. Any new individual assignments must be approved by the Chancellor or his or her designee in the case of central office personnel, or the President, in the case of campus personnel.

3. In circumstances where a pool vehicle is not available and a location is not easily accessible by mass transit, a College may allow persons to use a taxi, rental car or their personal vehicle, whichever is less expensive. Drivers who may be entitled to reimbursement of travel expenses should review the NYS Office of the State Comptroller Travel Manual for senior Colleges and City of New York Comptroller's Directive #6 for community Colleges.

Notwithstanding anything to the contrary in the foregoing paragraph, participants in "CUNY Trips," as that term is defined in the CUNY Student Domestic Trip and Travel Guidelines may use their personal vehicles for such trips except that "Trip Sponsors" and "Trip Chaperones" shall not drive students in personal vehicles on CUNY Trips unless no commercial transportation can be arranged, no pool vehicle is available, or in case of emergency. CUNY personnel who use their personal vehicles for CUNY Trips must comply with this Policy, including paragraph 4 below.

4. Drivers with physical disabilities who own specially-equipped personal vehicles are authorized to use their personal vehicles when automobile transportation is required to perform official University functions.

5. Persons who are permitted to use their personal vehicles for University business must maintain the minimum statutory automobile liability limits as required by the state in which the vehicle is registered, and must provide evidence of such insurance to the University upon request.

#### **E. Use of University Vehicles**

1. Whatever the transportation need, authorized drivers must make every effort to use mass transit in lieu of University vehicles whenever it is practicable.

2. University vehicles shall be used only for official University business except under very limited circumstances where (a) personal use such as commuting is expressly authorized pursuant to this Policy or (b) the personal use is incidental to official business. Even in cases where personal use is authorized or is incidental to official business, each person operating a University vehicle is expected to exercise good judgment to avoid the appearance of impropriety.

3. All personal use of University vehicles must be reported on the vehicle use log (see Section G of this Policy) unless the personal use is incidental to official business. For any personal use that is not incidental, the user of the University vehicle must reimburse the University the value of such use (including fuel and E-ZPass or other bridge and toll charges) or the value must be treated as imputed personal income for tax purposes. The University disseminates reporting procedures to authorized drivers annually with respect to these benefits.

4. University vehicles should not be used to transport passengers unless they are: (i) University personnel engaged in official business or (ii) non-University personnel engaged in official business with University personnel. Picking up or dropping off friends or family members at their place of employment or school in a University vehicle—regardless of their status as University personnel—is strictly forbidden.

5. Due to the public nature of the work being performed when operating a University vehicle, persons using a University vehicle have a limited expectation of privacy in connection with such use. The University expressly reserves the right to monitor and record the use of any equipment it issues or assigns for a legitimate work-related purpose, and University vehicles are no exception. Accordingly, the use of a University vehicle may be monitored and recorded at any time by visual, documentary, or electronic means.

#### **F. Use of Drivers**

A University employee may have another University employee drive the employee in a University vehicle for official business, but driving another University employee cannot be the sole or primary duty of any University employee.

#### **G. Vehicle Use Logs**

1. The Fleet Manager at each College shall maintain a vehicle use log form attached as Appendix A for all University vehicles. Such logs shall require any person using a University vehicle to record at least the following information: driver name, vehicle license plate, dates and times of use, driver and occupants of the vehicle, starting location and destination, purpose of the trip, starting and ending odometer readings, and fuel and oil purchases. Except for personal use that is incidental to official University business (see examples in Section E of this Policy), all personal use must be clearly identified as such in the vehicle use log. Drivers must sign the vehicle use log prior to removing any vehicle from its space and after returning it. Upon returning the vehicle, drivers must also note in the vehicle use log any condition(s) affecting the safety of the vehicle.

2. Each leg of a trip should be separately recorded in the vehicle use log. For example, if an employee who has an all-day meeting outside of New York City takes a University vehicle home the evening prior to the meeting, drives to the meeting the next morning, drives home that evening, and returns the vehicle the following morning, she should separately record: (a) the trip from campus to home, (b) the trip from home to the meeting, (c) the trip from the meeting back to home, and (d) the trip from home to campus to return the vehicle.

3. Vehicle use logs shall be collected, reviewed, and approved as to completeness and accuracy on a regular basis by the College Fleet Manager or designated supervisor. The frequency of such review and approval (e.g., weekly, monthly) shall be reasonable in light of the overall vehicle use by the College. The vehicle use logs shall be subject to periodic audit by the University to ensure that all

vehicle use is consistent with this Policy. Vehicle use logs shall be maintained in accordance with the University's record retention policy.

#### **H. General Vehicle Use Requirements and Restrictions**

1. University vehicles must at all times be operated in full compliance with all applicable federal, New York State, and local laws and regulations, as well as University policies and procedures.
2. Use of seat belts in University vehicles by drivers and all passengers, regardless of seating location, is mandatory.
3. No person driving a University vehicle may send or view e-mails or text messages while driving.
4. No person driving a University vehicle may use a mobile telephone or other electronic device while driving unless the mobile telephone or other electronic device is used in hands-free mode. Even hands-free use should be conducted only if it does not interfere with the safe operation of the vehicle. Because of the inherent dangers of distracted driving, all drivers are strongly encouraged to use mobile telephones and other electronic devices only while the vehicle is safely off the road and not in motion.
5. No person driving a University vehicle may use alcohol or drugs that would impair driving.
6. Possession or use of alcohol, illegal drugs, or other intoxicating substances by any person in a University vehicle is strictly prohibited.
7. Smoking in University vehicles is strictly prohibited.
8. All persons are prohibited from carrying, possessing, or transporting firearms, other weapons, or explosive devices in a University vehicle unless expressly authorized to do so in connection with carrying out their official University duties.
9. The use of radar detectors in University vehicles is strictly prohibited.
10. Except as otherwise required by traffic, weather, or road conditions, travel should be by the most direct route possible taking into consideration cost-effectiveness, actual distance traveled, and the time to travel such distance.
11. Parking permits, or placards that grant special parking privileges for University vehicles may be used only for official University business.
12. The driver of a University vehicle shall be personally responsible for all parking, moving, and E-ZPass violations.
13. Unless expressly authorized by the College, no banners, advertising, placards, decals, or stickers may be placed on a University vehicle.
14. Colleges must keep keys to University vehicles in a secure location.

#### **I. Dissemination and Acknowledgement**

Each College shall ensure that this Policy is provided on at least an annual basis to all individuals at the College who use University vehicles or may use University vehicles and that such individuals acknowledge in writing that they have received and read this Policy. Written acknowledgement by e-mail or other electronic means is acceptable. Individual acknowledgements shall be maintained on file with the College.

**APPENDIX A: Assigned Car Log Template****APPENDIX B: Pool Car Log Template****D. AMENDMENT OF BOARD OF TRUSTEES POLICY 3.04 – GUIDELINES ON THE USE AND REPORTING OF NON-TAX LEVY FUNDS**

**RESOLVED**, That the Board of Trustees amend Board policy 3.04 which was adopted on March 23, 1981, titled “Presidential Discretionary Funds”, and rename the policy “Guidelines on the Use and Reporting of Non-Tax Levy Funds” and replace the existing policy with the Amended Board of Trustees Policy 3.04; and be it further

**RESOLVED**, That the Chancellor, through the Office of the Chief Financial Officer, mandates that each college president shall submit a standardized report describing the sources and uses of unrestricted non-tax levy funds no later than 60 days after the completion of each fiscal year.

**EXPLANATION:** The City University of New York receives funds from a variety of sources. Many of the funds received are for specific, limited purposes or are subject to restrictions; however, some of the funds received are of a discretionary nature and considered unrestricted non-tax levy funds. The University and its colleges shall use all funds, regardless of type, in a manner consistent with applicable laws and regulations, policies, and other restrictions or designations governing their use. The 1981 Board Policy entitled “Presidential Discretionary Funds,” has been updated to reflect current types of funds and required practices for use and reporting.

On November 16, 2016, the Chancellor issued a memorandum to all college presidents and deans, informing them that a standardized reporting template would be developed by the Office of the Chief Financial Officer, and that the presidents and deans would be required to use that template to report the sources and uses of unrestricted non-tax levy funds at the completion of each fiscal year.

**AMENDED BOARD OF TRUSTEES POLICY 3.04**  
**Guidelines on the Use and Reporting of Non-Tax Levy Funds**

**Introduction**

The City University of New York (CUNY) receives funds from a variety of sources. Many of the funds received are for specific, limited purposes or are subject to restrictions; however, some of the funds received are of a discretionary nature and considered unrestricted non-tax levy funds. The University and its colleges shall use all funds, regardless of type, in a manner consistent with applicable laws and regulations, policies, and other restrictions or designations governing their use.

**Purpose**

The purpose of this document is to provide guidance on the use of unrestricted non-tax levy funds and the annual reporting of such use.

**Non-Tax Levy Funds Defined**

The following are examples of non-tax levy funds:

- Gifts to the college, its affiliated foundation(s) or its related entities;
- Commissions and royalties from service contracts such as pouring rights, food service, vending, and bookstore operations (including virtual);
- Revenue from the licensing of CUNY facilities, such as classrooms, gyms, theatres, conference centers and other spaces;

- Royalties from the licensing or other commercialization of CUNY intellectual property, including trademarks, copyright, patents and technology;
- Admission fees and revenues from ticket sales, such as for athletic and entertainment events;
- Membership fees, such as for alumni and community memberships to athletic and wellness facilities;
- Revenues from parking lots and garages, including sale of parking permits;
- Revenues from sales of publications and subscriptions;
- Child care center tuition and fees;
- Indirect cost recoveries on grants and contracts administered through The Research Foundation of the City University of New York (RFCUNY) or elsewhere; and
- Other miscellaneous revenues such as interest income, forfeited bond deposits, and insurance proceeds, regardless of where the funds are held or who administers them.

The following are examples of what are considered tax-levy funds:

- Funds appropriated by the State and City of New York, including funds appropriated for tuition and fee revenue;
- Federal, State and City financial aid;
- Funds held by New York State Treasury in income fund reimbursable accounts or deposited with New York City as non-miscellaneous income (such as technology fees); and
- Reimbursements of tax-levy expenditures such as vendor refunds or summary salary reimbursements from RFCUNY.

For purposes of these Procedures, “Non-Tax Levy Funds” also include student activity fees; however, the use of student activities fees shall follow the CUNY Fiscal Handbook for the Control and Accountability of Student Activity Fees and the Financial Management Guidelines related to the College Associations, both of which are currently being updated and which have been and will continue to be closely aligned with New York State’s Procurement policies.

### **Unrestricted and Restricted Non-Tax Levy Funds**

Non-Tax Levy Funds can be either unrestricted or restricted. Restricted non-tax levy funds must be administered and spent in accordance with the associated grant document, contract or gift agreement

Unrestricted Non-Tax Levy Funds are funds that are not government appropriated and do not carry restrictions as to usage or purpose. These funds can generally be used for any legal purpose that will advance the mission of the University; however, there are several overarching principles governing the use of these funds.

Expenditures:

1. Must be for a valid and necessary business purpose;
2. Should not be for a personal benefit;
3. Should not be lavish or excessive;
4. Must advance the University’s mission; and
5. May not support a political party or the campaign of any particular candidate for public office
6. May not support any organization that restricts membership by race, creed, sex, religion or sexual orientation.

For purpose of these Procedures, Restricted Non-Tax Levy Funds refers to funds that are restricted because of the terms of a grant document, gift agreement or other contract, and must be administered and spent in accordance with terms of such document.

Other Non-Tax Levy Funds are “restricted” in the sense that the entity generating the revenue is organized with a specific, limited purpose (i.e., operating a childcare center, performing arts center, etc. rather than

more generally benefitting the University) and any revenues must be used in support of that specific purpose. Or, in the case of student activity fees, the funds are restricted in that they may be spent only for the purposes set forth in the eleven expenditure categories described in Section 16.2 of the CUNY Board of Trustees Bylaws (“CUNY Bylaws”). For purposes of these Procedures, these types of funds are deemed to be Unrestricted Non-Tax Levy Funds.

### **Types of Non-Tax Levy Funds**

There are two types of Non-Tax Levy Funds: College Non-Tax Levy Funds and Related Entity Non-Tax Levy Funds, each of which is described below.

#### College Non-Tax Levy Funds

College Non-Tax Levy Funds are held in local college bank accounts. The source of these funds are not tax levy in nature and include things such as interest income; commissions, royalties, fees and other payments that are not otherwise generated or held by a separately-incorporated related entity. They may also include revenues from unincorporated college associations.

#### Related Entity Non-Tax Levy Funds

Related Entity Non-Tax Levy Funds are controlled by separately incorporated entities that are related to CUNY or the colleges, and are held in the entities’ own bank accounts. Related Entity Non-Tax Levy Funds can become College Non-Tax Levy Funds when, for example, a college foundation transfers funds to the college for college expenditure.

Examples of sources of Related Entity Non-Tax Levy Funds include:

*Auxiliary Enterprise Corporations (“Auxiliaries”).* These are separately incorporated tax-exempt entities that support the colleges by providing non-instructional auxiliary services. Examples of auxiliary services include: food service, catering and vending operations; “pouring rights” contracts; bookstores; printing shops; student housing; sports, health and recreation facilities; parking operations; shuttle buses; and performing arts centers. Auxiliaries provide auxiliary services through: (i) direct operation (e.g., child care centers), (ii) subcontracts with other vendors (e.g., transportation services), and (iii) by acting as a college’s fiscal agent in connection with a college or University contract or facility (e.g., pouring rights, theater operations) or asset licensing program (e.g., short-term facility use, trademarks).

Auxiliary funds include royalties, commissions, and other payments received through their contracts with vendors, licensees, and others. The Auxiliaries use these funds pursuant to their board-approved budgets to support their operations, directly support college activities, and provide discretionary support for the college or the college president.

*College Associations (“Associations”).* These are separately incorporated<sup>4</sup> tax-exempt entities that support the colleges by administering student activity fee-supported budgets and otherwise supporting the student body. Association funds consist of student activity fees held by the Associations, revenues generated from student activity fee-supported activities (e.g., ticket revenues from concerts, advertising revenue from student publications, fundraising by student clubs, etc.), and such other revenues that an Association may from time-to-time generate or receive. The Associations adopt budgets and use these funds pursuant to the CUNY Fiscal Handbook for the Control and Accountability of Student Activity Fees and other University policies and procedures. Student activity fee funds (including revenues generated from student activity fee-supported activities) must be expended in accordance with the categories set forth in Section 16.2 of the CUNY Bylaws. Student activity fees may not be used to provide discretionary support for the college or the college president except as permitted by Section 16.9 of the CUNY Bylaws regarding a college purposes fund.

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<sup>4</sup> Some college associations are not separately incorporated but are instead operated as fund groups of a particular college. Monies held by these unincorporated college associations are College Non-Tax Levy Funds.

*Student Services Corporations (“SSCs”).* These are separately incorporated tax exempt entities that support the colleges by operating the student union/center on campus or otherwise providing student support services). SSC funds consist of a portion of the college student activity fee earmarked for use by the SSC, revenues from licensing their facilities, and such other revenues that an SSC may from time-to-time generate or receive. SSCs are restricted in the same manner as Associations regarding their use of student activity fees and their operations generally.

*College Foundations (“Foundations”).* These separately incorporated tax-exempt entities support the colleges by soliciting donors and gifts, and related activities. Foundation funds consist primarily of restricted and unrestricted donations to the Foundations. The Foundations use these funds pursuant to their board-approved budgets to, among other things, support their operations, directly support college activities, provide scholarships, and provide discretionary support for the college president. Discretionary support may take the form of the transfer of funds to the college president (in which case the funds become College Non-Tax Levy Funds) or direct payment of expenses at the college president’s request. Any discretionary support for the college president must be in accordance with the memorandum of understanding between the Foundation and its supported college, as well as any University policies and procedures regarding such support. A Foundation’s use of donor-restricted funds must be consistent with the purpose and other restrictions set forth in any written agreement with the donor.

*The Research Foundation of the City University of New York (“RFCUNY”).* The RFCUNY is a private, not-for-profit educational corporation that manages private and government sponsored programs and grants on behalf of CUNY. The RFCUNY supports CUNY faculty and staff in identifying and obtaining external support (pre-award) from government and private sponsors and is CUNY’s fiscal agent, responsible for the administration of all such funded programs (post-award). The Non-Tax Levy Funds held and administered by the RFCUNY include federal, state, city, and private grants, as well other non-grant funds such as Overhead Receipts and other Non-Grant or Institutional Funds. “Overhead Receipts” are generated by charging a predetermined percentage, often known as the Facilities and Administrative Rate, to externally sponsored projects. Each college is responsible for determining who has authority over the use of those funds. “Non-Grant/Institutional Funds” are other non-tax levy funds that are deposited at the RFCUNY and spent from the RFCUNY. Examples include Adult and Continuing Education funds per the University’s Standard Operating Procedures for use of such funds and other institutional funds.

*Child Care Centers, Performing Arts Centers and Other Separately Incorporated Related Entities:* These separately incorporated tax-exempt entities benefit the colleges typically by providing specific support services. Non-Tax Levy Funds generated or held by these entities include childcare fees, federal, state and local grant funds, ticket revenues, gifts from donors and other fundraising revenues. These entities use these funds pursuant to their board-approved budgets to support their operations.

## **Procurement and Approvals**

Purchasing using College Non-Tax Levy Funds is governed by CUNY’s Procurement Policy and Procedures, adopted by the CUNY Board of Trustees on February 21, 2017. Purchasing using Related Entity Non-Tax Levy Funds is governed by the New York Not-for-Profit Corporation Law; the related entity’s own policies and procedures; and any policies, guidelines, and procedures issued by the University with respect to any or all related entities, including Financial Management Guidelines and the CUNY Fiscal Handbook for the Control and Accountability of Student Activity Fees.

## **Reporting the Use of Unrestricted Non-Tax Levy Funds**

Beginning for FY 2017 (July 1, 2016 to June 30, 2017), each college is required to report the College Non-Tax Levy Funds it has expended, as well as the Related Entity Non-Tax Levy Funds expended by the related entities that support the college.

Reports shall be prepared by each college’s Business Office and certified by the college’s Chief Fiscal Officer prior to their submission to the University’s Office of Internal Audit (OIA). OIA may request additional information and support from the colleges.

Reports are due within 60 days of the year-end.

#### **E. ADOPTION OF EXECUTIVE COMPENSATION PLAN REFORMS**

**WHEREAS**, Executive Compensation Plan resolutions in 1987, 1994, and 2000 state “that periodically...but no less frequently than every five years, the Board of Trustees shall review national peer data to compare and reassess its Executive Compensation (Salary) Plan” (Board Minutes 10/26/87, 6/27/94, and 2/22/2000); and

**WHEREAS**, On June 26, 2006, the Board of Trustees approved a Revised Salary Plan which was based on a review of market data and best practices in higher education conducted by the firm of William. M. Mercer.; and

**WHEREAS**, The Salary Plan Report adopted by the Board of Trustees on June 26, 2006, similarly requires a periodic assessment of the Salary Plan, “no less frequently than every five years”; and

**WHEREAS**, In accordance with this mandate, the University engaged the services of William M. Mercer in 2003, 2006, 2010 and 2012 to update the market analysis previously performed; and

**WHEREAS**, The Board of Trustees adopted a Revised Salary Plan on June 25, 2012 based on this market analysis; and

**WHEREAS**, The June 2012 Salary Plan was filed with the chairs of the NYS Senate Finance committee and NYS Assembly Ways and Means Committee and the budget director of the State of New York, in accordance with Chapter 263 of the Executive Laws of 1987; and

**WHEREAS**, The Salary Plan was amended in 1994 to link salary adjustments to general salary increases for New York State Management Confidential employees, and under the 2012 Revised Salary Plan, increases to salary ranges continued to be tied to increases given to the New York State Management/Confidential employees; and

**WHEREAS**, On June 26, 2016, the Board of Trustees approved salary increases for all members of the Professional Staff Congress; and

**WHEREAS**, Chapter 263 of the Laws of 1987 authorizes the Board of Trustees to establish and implement a Salary Plan for executive staff following consultation with the NYS Governor’s Office of Employee Relations and the Division of the Budget, and further requires the Board of Trustees to file a proposed Salary Plan Report with the Chairs of the NYS Senate Finance Committee and the NYS Assembly Ways and Means Committee and the Director of the Budget at least 60 days prior to the effective date of the Plan; now therefore be it

**RESOLVED**, That the attached Proposed Salary Plan Report for the Executive Compensation Plan dated June 26, 2017 is approved effective September 1, 2017; and be it further

**RESOLVED**, That the Chancellor is authorized to take all necessary actions to implement the Salary Plan pursuant to Chapter 263 of the Laws of 1987 with the further understanding that the Chancellor is granted the authority to make adjustments to the plan which may result from consultation with the New York State Division of the Budget, and or the New York State Office of Employee Relations; and be it further

**RESOLVED**, That upon the effective date of this Plan – September 1, 2017, the Chancellor may grant salary increases to members of the Executive Compensation Plan in accordance with the schedule of increases awarded to the collectively bargained units of the City University of New York retroactive to the start of the 2018 Fiscal Year or July 1, 2017 as follows: (a) 10.41% increase for employees with salaries less than \$100,000.00; (b) 9.41% increase for employees with salaries between \$100,000.00 and \$200,000.00; and (c) 8.41% increase for employees with salaries greater than \$200,000.00; and be it further

**RESOLVED**, That the Chancellor may grant salary increases consistent with those received by members of the ECP to Classified Managerial Service employees who hold high-level managerial positions in titles excluded from representation by any collective bargaining unit, pursuant to the following schedule:

<b>ANNUAL</b>		<b>CURRENT</b>		<b>PROPOSED</b>	
LEVEL		MINIMUM	MAXIMUM	MINIMUM	MAXIMUM
1		\$ 54,974.00	\$ 108,992.00	\$ 60,696.79	\$ 120,338.07
2		\$ 59,970.00	\$ 117,055.00	\$ 66,212.88	\$ 129,240.43
3		\$ 74,960.00	\$ 129,650.00	\$ 82,763.34	\$ 143,146.57
4		\$ 86,620.00	\$ 140,902.00	\$ 95,637.14	\$ 155,569.90
5		\$ 102,719.00	\$ 150,976.00	\$ 113,412.05	\$ 166,692.60
6		\$ 108,045.00	\$ 156,518.00	\$ 119,292.48	\$ 172,811.52
7		\$ 117,229.00	\$ 162,900.00	\$ 129,432.54	\$ 179,857.89
8		\$ 127,193.00	\$ 172,975.00	\$ 140,433.79	\$ 190,981.70

<b>HOURLY</b>		<b>CURRENT</b>		<b>PROPOSED</b>	
LEVEL		MINIMUM	MAXIMUM	MINIMUM	MAXIMUM
1(H)		\$ 30.10	\$ 59.68	\$ 33.23	\$ 65.89
2(H)		\$ 32.83	\$ 64.07	\$ 36.25	\$ 70.74
3(H)		\$ 41.03	\$ 70.97	\$ 45.30	\$ 78.36
4(H)		\$ 47.42	\$ 77.13	\$ 52.36	\$ 85.16
5(H)		\$ 56.22	\$ 82.64	\$ 62.07	\$ 91.24
6(H)		\$ 59.14	\$ 85.67	\$ 65.30	\$ 94.59
7(H)		\$ 64.16	\$ 89.16	\$ 70.84	\$ 98.44
8(H)		\$ 69.62	\$ 94.68	\$ 76.87	\$ 104.54
Secretary to CS Commission		\$ 32.83	\$ 64.07	\$ 33.23	\$ 65.89

**RESOLVED**, That the Board of Trustee's Manual of General Policy 5.16 - President Emeritus - be amended to include the non-compensated title of Chancellor Emeritus; and be it further

**RESOLVED**, That the Board of Trustee's Manual of General Policy 5.23 – University Professor – be amended and that the last paragraph of the policy be replaced with “Notwithstanding the provisions of the Bylaws, the term of appointment shall be up to five years. Recommendation for the appointment to such title is at the discretion of the Chancellor and subject to Board approval.”; and be it further

**RESOLVED**, That the Chancellor is authorized to revise the “Terms and Conditions of employment for Staff Serving in the Executive Compensation Plan” to reflect the changes in the Proposed Salary Plan and to prepare this document for Board of Trustees approval; and be it further

**EXPLANATION:**

The Board of Trustees recognizes the importance of recruiting and retaining innovative, highly competent, accountable, ethical and visionary leadership. The Board further recognizes that competitive, market driven compensation for this leadership is necessary and critical to the long term future success of the City University of New York and central to the Board's mandate to improve standards and promote accountability.

The primary objective of the proposed Salary Plan is to provide a compensation program that addresses the need to be competitive with the national market, acknowledging the complexity of specific institutions while promoting transparency and accountability. As such, the changing landscape of higher education coupled with the Board's commitment to transparency demands that CUNY periodically evaluate the Executive Compensation Plan to ensure that it supports the recruitment and retention of superior talent, encourages excellence in performance by its most senior officials and adheres to the highest standards of transparency and accountability.

## **CITY UNIVERSITY OF NEW YORK EXECUTIVE SALARY AND COMPENSATION PLAN**

### **I. INTRODUCTION**

In accordance with Executive Law §169(3), the Board of Trustees of The City of New York has established CUNY's Executive Compensation Plan (ECP).

Staff covered by the ECP serve in positions charged with leading the University and its constituent Colleges, under the policy direction of the Board of Trustees. Acting in accordance with the Bylaws, they shape, guide, interpret, and embody the mission of the institution, performing a public trust that extends beyond the particulars of their assignments. Through their knowledge, experience, and leadership, they transform that trust and that mission into academic programs, student services, and administrative systems. They are held accountable that these programs, services, and systems: (i) respond to the educational needs of the diverse student population served by CUNY, (ii) support the responsibilities of the faculty, (iii) are effectively implemented, (iv) operate fairly and efficiently, (v) conform to the highest principles of public service, (vi) demonstrate a commitment to accountability and transparency, (vii), conduct themselves in an ethical manner.

The positions covered by the Plan involve very significant independent management and executive responsibilities, including representation of the University and the Colleges to internal constituents and to external public and private entities. By the nature of their duties, these executives are at the highest ranks of managerial and confidential employees, not subject to representation through collective negotiation. The Plan ensures competitiveness in attracting talent from outside the University, in retaining talent within the University's own ranks, and in compensating the increased responsibilities and risks of executive service. The Plan (i) enables the University to offer competitive salaries to its managerial staff, (ii) enables executives to align their individual goals with the CUNY system's and Colleges' goals, (iii) creates a framework for goal setting and performance evaluation, (iv) focuses on results and behaviors, and (v) creates connections between performance and rewards.

The following titles are included in the ECP: Chancellor, Executive Vice Chancellor, President, Dean and President of the CUNY School of Law, Dean and President of the Graduate School of Journalism, Dean and President of the Macaulay Honors College, Dean and President of the School of Public Health and Health Policy, Dean and President of the School of Professional Studies, Senior Vice Chancellor, Vice Chancellor, Associate Vice Chancellor, Assistant Vice Chancellor, Secretary of the Board, Senior Vice President, Senior University Dean, University Dean, University Administrator, Vice President, Dean, Administrator, Assistant Vice President, University Associate Dean, University Associate Administrator, Associate Dean, Associate Administrator, University Assistant Dean, University Assistant Administrator, Assistant Dean Assistant Administrator, CUNY-wide and Professional School Senior Associate Dean, CUNY-wide and Professional School Senior Associate Administrator, CUNY-wide and Professional School Associate Dean, CUNY-wide and Professional School Associate Administrator, CUNY-wide and Professional School Assistant Dean, and CUNY-wide and Professional School Assistant Administrator. The terms and conditions outlined herein provide information that guides the employment of persons serving in these titles.

CUNY recognizes the importance of recruiting and retaining innovative, highly competent, accountable, ethical and visionary leadership. As such, the changing landscape of higher education demands that CUNY periodically assess its competitiveness in the marketplace. To that end, the ECP is periodically

evaluated to ensure that it supports the recruitment of superior talent and encourages excellence in performance by its most senior officials. The plan must also reflect the University's on-going commitment to transparency and accountability and is being updated at this time to achieve this critical goal.

## **II. BACKGROUND**

The origins of the ECP can be traced to the early 1980's when the Board of Trustees adjusted the salaries of the Chancellor, Deputy Chancellor, Presidents, and Vice Chancellors

At its meeting on October 20, 1987, The City University Board of Trustees adopted a Salary Plan Report that was developed in accordance with Chapter 263 of the Laws of 1987, which authorized both The City University of New York and The State University of New York to establish and implement salary plans. These plans are to be developed in consultation with the New York State Division of the Budget, and the Governor's Office of Employee Relations with a 60-day notification to the Ways and Means Committee of the State Assembly, the Finance Committee of the New York State Senate, and the Director of the Budget.

CUNY's Board of Trustees Executive Compensation Plan resolutions (1987, 1994, 2000, 2006, 2012 and 2017) state that "periodically thereafter, but no less frequently than every five years, the Board of Trustees shall review national peer data to compare and reassess its Executive Compensation (Salary) Plan." Additionally, all salary ranges have been subject to periodic adjustment in accordance with the general increases provided for New York State Management Confidential M/C employees as well as any CUNY collective bargaining agreements.

In 2000, the Board of Trustees approved a Revised Salary Plan that was based on a review of market data and best practices in higher education, performed by the firm of William. M. Mercer, Inc. (Mercer). The plan set out, for the first time at CUNY, a tiering of Presidential salaries based on the complexity of the institution the President headed.

In February of 2010, in keeping with the requirement of reviewing salaries every five years, the University engaged the services of the Mercer Corporation ("Mercer") to examine current market comparability data and make recommendations on the salary ranges. At CUNY's direction, Mercer focused on the following "benchmarked" titles: Chancellor, Executive Vice Chancellor, Senior Vice Chancellor, Vice Chancellor, System Dean, President (Research Institution), President (Master's Institution), President (Baccalaureate Institution), and President (Two-Year Institution). After establishing salary ranges for these titles, Mercer derived a salary schedule for the entire Executive Compensation Plan. Mercer gathered data at the 25<sup>th</sup>, 50<sup>th</sup>, 75<sup>th</sup>, and 90<sup>th</sup> percentiles for the benchmarked positions from recently published surveys, when available, in terms of base salary, total compensation, and actual short-term incentives.

Although Mercer completed its work in 2010, the Board of Trustees deferred consideration of the report. Mercer was later asked to age the survey market data and salary structures to March 1, 2012. The updated Mercer Report, which is attached, was used to establish new maximums for salary ranges. In June 2012, the Board of Trustees adopted these new ranges but CUNY Management deferred implementation of the revised ranges until June 2016 when they asked the New York State Office of the Comptroller to adopt the schedule for new hires only.

Any modification of salaries within the ECP is at the discretion of Board of Trustees and must be presented to them for approval.

## **III. ETHICS**

It is the expectation of the University that all members of the ECP will hold themselves to the highest ethical standards at all times. Members of the ECP are subject to the Provisions of the New York State Public Officers Law Section Sections 73 and 74. Among the requirements of the Public Officers Law is the filing of an Annual Financial Disclosure form with the New York State Joint Commission on Public Ethics. Additionally, all members must abide by the rules governing outside activities as described in Public Officers Law 19 NYCRR Section 932.3.

## IV. SALARY STRUCTURE

### A. Establishment of Tiers

Under this Salary Plan, each CUNY college is placed in one of five tiers or groupings (in addition to the System Office) based upon the following criteria:

- Ratio of doctoral faculty to full-time faculty
- Percentage of enrollment in graduate programs
- Percentage of degrees awarded in graduate programs
- Five-year average headcount enrollment
- Complexity of regular as well as professional programs at undergraduate and graduate levels

Campuses placed in **Research**, the first CUNY grouping, are Baruch, Brooklyn, The City College, Hunter, Queens, and the Graduate School and University Center. The second grouping, **CUNY-wide and Professional Schools**, is comprised of the CUNY Law School, the Graduate School of Journalism, the School of Public Health, the School of Professional Studies, and the Macaulay Honors College.

Campuses in the third grouping, **Master's**, include John Jay, Lehman, and the College of Staten Island.

The fourth grouping, **Baccalaureate**, includes Medgar Evers, York, and New York City College of Technology. The fifth grouping, **Community Colleges**, is comprised of the Borough of Manhattan Community College, Bronx Community College, Kingsborough Community College, Queensborough Community College, LaGuardia Community College, Hostos Community College, and the Stella and Charles Guttman Community College.

### B. Salary Ranges

For each tier, the Salary Plan establishes salary ranges for ECP titles. As in earlier salary plans, there is overlap in the ranges between tiers that allows individual salaries to be based upon several factors, including differing levels of experience among executives, varying performance review results, and significant differences in market requirements. Within each tier, the salary of a newly-recruited executive will be determined by his/her background, skills and experience, degrees held, academic accomplishments, special qualities germane to the position, the position held at the time he/she was hired by CUNY, and market conditions. Another factor to be considered will be the size of the CUNY College compared to the institution from which the candidate moved. In exceptional circumstances, the Chancellor may make offers beyond the maximum of the salary range, subject to the approval of the Board of Trustees.

## **V. PROPOSED SALARY RANGES**

The following tiers and ranges are proposed:

### **RESEARCH INSTITUTIONS**

**Baruch College, Brooklyn College, The City College, Hunter College, Queens College, and the Graduate School and University Center**

<b>TITLE</b>	<b>SALARY RANGES</b> effective June 26, 2012			<b>SALARY RANGES</b> effective July 1, 2017		
	<b>MINIMUM</b>	<b>-</b>	<b>MAXIMUM</b>	<b>MINIMUM</b>	<b>-</b>	<b>MAXIMUM</b>
<b>President</b>	\$165,528	-	\$371,460	\$181,104	-	\$402,700
<b>Senior Vice President</b>	\$132,422	-	\$306,000	\$144,883	-	\$331,735
<b>Vice President</b>	\$115,149	-	\$266,400	\$125,985	-	\$288,804
<b>Dean/Administrator/ Assistant Vice President</b>	\$100,132	-	\$231,600	\$109,554	-	\$251,078
<b>Associate Dean/Associate Administrator</b>	\$87,069	-	\$200,380	\$96,133	-	\$217,232
<b>Assistant Dean/Assistant Administrator</b>	\$75,710	-	\$178,245	\$83,591	-	\$195,017

## CUNY-WIDE AND PROFESSIONAL SCHOOLS

**The CUNY Law School, The Graduate School of Journalism, the School of Public Health, the School of Professional Studies, and the Macaulay Honors College**

<b>TITLE</b>	<b>SALARY RANGES</b> effective June 26, 2012			<b>SALARY RANGES</b> effective July 1, 2017		
	<b>MINIMUM</b>	<b>-</b>	<b>MAXIMUM</b>	<b>MINIMUM</b>	<b>-</b>	<b>MAXIMUM</b>
<b>Dean and President of the Law School/ Dean and President of the Graduate School of Journalism/ Dean and President of the School of Public Health/ Dean and President of the School of Professional Studies/Dean and President of the Macaulay Honors College</b>	\$165,528	-	\$371,460	\$181,104	-	\$402,700
<b>Vice President CUNY-wide and Professional School Senior Associate Dean/CUNY-wide and Professional School Senior Associate Administrator</b>	\$115,149	-	\$266,400	\$125,985	-	\$288,804
<b>CUNY-wide and Professional School Associate Dean/CUNY-wide and Professional School Associate Administrator</b>	\$100,132	-	\$231,600	\$109,554	-	\$251,078
<b>CUNY-wide and Professional School Assistant Dean/CUNY-wide and Professional School Assistant Administrator</b>	\$87,069	-	\$200,380	\$96,133	-	\$217,232

## MASTER'S INSTITUTIONS

**John Jay College of Criminal Justice, Lehman College, and The College of Staten Island**

<b>TITLE</b>	<b>SALARY RANGES</b>			<b>SALARY RANGES</b>		
	effective June 26, 2012			effective July 1, 2017		
	<b>MINIMUM</b>	-	<b>MAXIMUM</b>	<b>MINIMUM</b>	-	<b>MAXIMUM</b>
<b>President</b>	\$152,675	-	\$339,480	\$167,042	-	\$368,030
<b>Senior Vice President</b>	\$127,281	-	\$280,800	\$139,258	-	\$304,415
<b>Vice President</b>	\$110,666	-	\$244,800	\$121,080	-	\$265,388
<b>Dean/Administrator/ Assistant Vice President</b>	\$96,140	-	\$212,400	\$106,148	-	\$230,263
<b>Associate Dean/Associate Administrator</b>	\$83,705	-	\$184,070	\$92,419	-	\$201,391
<b>Assistant Dean/Assistant Administrator</b>	\$72,419	-	\$165,430	\$79,958	-	\$180,997

**BACCALAUREATE INSTITUTIONS****Medgar Evers College, New York City College of Technology, and York College**

<b>TITLE</b>	<b>SALARY RANGES</b> effective June 26, 2012			<b>SALARY RANGES</b> effective July 1, 2017		
	<b>MINIMUM</b>	<b>-</b>	<b>MAXIMUM</b>	<b>MINIMUM</b>	<b>-</b>	<b>MAXIMUM</b>
<b>President</b>	\$152,675	-	\$327,180	\$167,042	-	\$354,696
<b>Senior Vice President</b>	\$122,892	-	\$271,200	\$134,456	-	\$294,088
<b>Vice President</b>	\$106,904	-	\$236,400	\$116,964	-	\$256,281
<b>Dean/Administrator/Assistant Vice President</b>	\$92,901	-	\$206,400	\$102,572	-	\$223,758
<b>Associate Dean/Associate Administrator</b>	\$80,779	-	\$178,245	\$89,188	-	\$195,018
<b>Assistant Dean/Assistant Administrator</b>	\$70,224	-	\$158,440	\$77,534	-	\$173,349

## COMMUNITY COLLEGES

**Borough of Manhattan Community College, Bronx Community College, Hostos Community College, Kingsborough Community College, LaGuardia Community College, Queensborough Community College and the Stella and Charles Guttman Community College.**

<b>TITLE</b>	<b>SALARY RANGES</b> effective June 26, 2012		<b>SALARY RANGES</b> effective July 1, 2017			
	<b>MINIMUM</b>	<b>MAXIMUM</b>	<b>MINIMUM</b>	<b>MAXIMUM</b>		
<b>President</b>	\$134,910	-	\$313,650	\$147,605	-	\$340,028
<b>Senior Vice President</b>	\$117,354	-	\$260,400	\$128,397	-	\$282,300
<b>Vice President</b>	\$102,297	-	\$226,800	\$111,923	-	\$245,874
<b>Dean/Administrator/Assistant Vice President</b>	\$88,721	-	\$198,000	\$97,957	-	\$216,632
<b>Associate Dean/Associate Administrator</b>	\$77,121	-	\$171,255	\$85,149	-	\$187,370
<b>Assistant Dean/Assistant Administrator</b>	\$67,089	-	\$152,615	\$74,073	-	\$166,976

**SYSTEM OFFICERS**

<b>TITLE</b>	<b>SALARY RANGES</b> effective June 26, 2012			<b>PROPOSED SALARY RANGES</b> effective July 1, 2017		
	<b>MINIMUM</b>	<b>-</b>	<b>MAXIMUM</b>	<b>MINIMUM</b>	<b>-</b>	<b>MAXIMUM</b>
<b>Chancellor</b>	\$453,530	-	\$724,470	\$453,530	-	\$724,470
<b>Executive Vice Chancellor</b>	\$193,210	-	\$452,640	\$211,391	-	\$490,707
<b>Senior Vice Chancellor</b>	\$154,566	-	\$361,620	\$169,111	-	\$392,032
<b>Vice Chancellor</b>	\$128,807	-	\$301,350	\$140,928	-	\$326,694
<b>Associate Vice Chancellor</b>	\$127,281	-	\$280,440	\$139,258	-	\$304,025
<b>Assistant Vice Chancellor</b>		-		\$118,426	-	\$278,397
<b>Senior University Dean</b>	\$127,281	-	\$280,440	\$139,258		\$304,025
<b>Secretary of the Board</b>	\$112,503	-	\$263,220	\$123,090	-	\$285,357
<b>University Dean/ University Administrator</b>	\$108,241	-	\$256,800	\$118,426	-	\$278,397
<b>University Associate Dean/University Associate Administrator</b>	\$92,514	-	\$223,200	\$102,415	-	\$241,971
<b>University Assistant Dean/University Assist Administrator</b>	\$80,444	-	\$195,600	\$88,818	-	\$214,006

## **VI. SOURCE OF FUNDS**

All salaries for the Chancellor, the Chancellery, and the Presidents/City-wide Deans shall be paid from tax levy funds.

Annually, the Senior Vice Chancellor/Chief Fiscal Officer must report earnings for the Chancellor, the Chancellery and the President/ City-wide Deans to the Board of Trustees. Also on an annual basis, the Presidents must report to the Chancellor earnings, including any salary supplements, for all members of the ECP.

## **VII. Performance Based Salary Increases**

The Chancellor establishes University goals that drive a set of targets and performance indicators at each campus. The campus goals and indicators are used to set individual executive goals and targets. At the end of each academic year, the Chancellor meets with each President to evaluate the President's achievement of these goals. In the same way that the Chancellor meets with each President to assess goal achievement, each President meets with members of his/her executive team and evaluates their achievement of individual goals. The individual's overall performance while in the position is reviewed, relying in part on indicators that measure not only the progress made by the institution he/she serves, but also the particular executive's contribution and role in that success. The executive's performance as it pertains to fiscal and academic management, and his/her relationship with students, faculty, and staff is also reviewed.

Each year, the Chancellor, upon approval by the Board of Trustees, will determine whether performance-based increases will be awarded and the amounts available to fund such increases. Increases are not automatic and are subject to the availability of tax-levy funds.

In rare and exceptional circumstances, the Chancellor may approve the awarding of a salary increase outside of the performance cycle subject to Board of Trustees' approval. Requests for such special increases require justification detailing how the increase meets a critical college or University need.

## **VIII. ADDITIONAL COMPENSATION**

### **A. Housing**

The College Presidents and Deans (e.g. Deans of the Law School, School of Journalism, School of Professional Studies, Macaulay Honors College, and Graduate School of Public Health and Health Policy) may be provided with housing benefits. Where CUNY-provided housing (owned or leased) is not available, the benefit may be in the form of a Housing Allowance. Senior College Presidents are provided with a campus owned or leased residence or with a housing allowance of \$5,000 per month. Community College Presidents are provided a housing allowance of \$5,000 per month. Any President serving in an Interim/Acting capacity receives a housing allowance of \$3,000 per month. The Chancellor, in the absence of University-provided housing, receives a housing allowance of \$7,500 per month.

The University may periodically modify the housing allowance after a review of cost of living and housing indices, in consultation with the New York State Division of Budget and upon approval of the Board of Trustees.

Presidents are required to report any non-tax levy spending related to their housing whether owned or leased. The permissible costs included in this category include the cost of the housing allowance, security deposits, maintenance and renovation costs, rent, utilities, essential furniture and equipment, standard appliances and fixtures (such as lighting), paid for using unrestricted non-tax levy funds. All items purchased with and all deposits made from University funds are the property of the University.

### **B. Usage of CUNY Vehicles**

The Chancellor and Presidents will have access to a University provided vehicle which may be assigned for their exclusive use in accordance with the CUNY Vehicle Policy adopted on June 26, 2017. Assignment of vehicles does not automatically include authorization to use the vehicle for commuting purposes. A University employee may have another University employee drive the employee in a University vehicle for official business, but driving another University employee cannot be the sole or primary duty of any University employee.

### **C. Business Expenses**

The Chancellor and Presidents may use Non-tax-levy funds for business expenses in accordance with the Board of Trustees Policy 3.04 as amended and approved on June 26, 2017.

### **D. Memberships in Professional Associations**

The Chancellor may authorize University-paid memberships in professional associations for Presidents/Deans in their official capacities. The Chair of the Board of Trustees may approve membership in such organizations for the Chancellor.

## **VIII. Pension and Health Insurance**

Members of the ECP enjoy pension, health and welfare benefit options as detailed in the *Terms and Conditions of Employment for Staff in the Executive Compensation Plan*.

## **IX. Involuntary Separation and Severance Pay**

Upon involuntary separation from positions in the ECP, for reasons other than cause, employees who are not appointed to another position within the University, or employees who resign from all positions within the University may be compensated in a non-pensionable lump sum paid pursuant to the schedule promulgated in the *Terms and Conditions of Employment for Staff in the Executive Compensation Plan*. Any such compensation must be approved by the Board of Trustees. This payment is in addition to any accrued annual leave due the employee.

## **X. Voluntary Separation**

Upon voluntary resignation from the ECP, employees receive the balance (if any) of accrued annual leave in a lump sum as set forth in the *Terms and Conditions of Employment for Staff in the Executive Compensation Plan*.

**NO. 4. COMMITTEE ON FISCAL AFFAIRS:** RESOLVED, That the following items be approved:

### **A. THE CITY UNIVERSITY OF NEW YORK - ADOPTION OF FISCAL YEAR 2017-2018 OPERATING BUDGET:**

RESOLVED, That the Board of Trustees adopt the appropriated operating budget allocations by campus and program set forth in the attached documents for the 2017-2018 University fiscal year beginning July 1, 2017, in a total amount of \$3.47 billion.

Appropriation levels included herein for the senior colleges and for the community colleges and allocation to the various units of the university thereof reflect the priorities of the University, and per the authority vested in the Chancellery by the Board of Trustees, all budget adjustments reflected in the FY2017-2018 state enacted and city proposed appropriations for the university; and be it further

RESOLVED, That the Chancellor, or designee, is hereby authorized to modify up to five percent of the allocations provided for herein, within the parameters of the state and city budget legislation. Any modifications above five percent will require Board approval. The University will provide quarterly reports to the Board of Trustees' Committee on Fiscal Affairs as to all budget modifications. These quarterly reports will also include expenditure and revenue actuals and projections.

**EXPLANATION:** In accordance with New York State Education Law §6206(14)(a), the Board of Trustees has authority to allocate and transfer annual appropriations among the State-Operated and statutory colleges and programs of the City University of New York. The allocations to the senior colleges, community colleges, and various units within the University, are appropriated by the State of New York and City of New York, and include amounts appropriated for Tuition Revenue. Since the City of New York's Fiscal Year 2017-2018 budget is not yet adopted, the allocations provided herein are subject to change.

**B. THE CITY UNIVERSITY OF NEW YORK - REVISED TUITION SCHEDULE EFFECTIVE FALL 2017:**

RESOLVED, That effective for the Fall 2017 semester, the Board of Trustees of The City University of New York adopts a revised schedule of student tuition that includes a \$200 annual increase over current rates for all full-time undergraduate resident students, and a proportional increase in graduate, doctoral, nonresident and per credit rates at senior colleges as reflected in the attached schedule. The Board of Trustees authorizes the Chancellor or his designee to make revisions to the City University Tuition and Fee Manual to implement this resolution; and be it further

RESOLVED, That the Board of Trustees authorizes that all community college tuition rates will be maintained at current levels for the academic year 2017-2018.

EXPLANATION: In April 2017, the State of New York enacted legislation authorizing CUNY to extend the predictable tuition policy by increasing its tuition up to \$200 annually for each of the next four years. The tuition rate for senior college resident undergraduate students will increase to \$6,530 per year, effective with the Fall 2017 semester. The revenue generated from this increase will be used to cover costs from the University's recent collective bargaining agreement with its faculty union, the Professional Staff Congress (PSC). This new labor agreement will directly benefit students by enabling the University to continue to recruit and retain outstanding faculty. For the community colleges, the University is recommending a tuition freeze for the 2017-2018 academic year, which will represent the second consecutive year of no tuition increases at the community colleges.

**The City University of New York Tuition Rates (per semester)**

Level		Current Tuition Rate Fall 2016	Proposed Tuition Rate Fall 2017
Undergraduate	Resident F/T per semester	\$3,165	\$3,265
Undergraduate	Resident P/T per credit	\$275	\$285
Undergraduate	Non-resident F/T per credit	\$560	\$580
Undergraduate	Non-resident P/T per credit	\$560	\$580
Undergraduate	Resident Non-Degree per credit	\$400	\$415
Undergraduate	Non-resident Non-Degree per credit	\$840	\$865
Masters	Resident F/T per semester	\$5,065	\$5,225
Masters	Resident P/T per credit	\$425	\$440
Masters	Non-resident F/T per credit	\$780	\$805
Masters	Non-resident P/T per credit	\$780	\$805
Masters	Resident Maintenance of Matriculation	\$210	\$215
Masters	Non-resident Maintenance of Matriculation	\$340	\$350
Law School	Resident F/T per semester	\$7,050	\$7,275
Law School	Resident P/T per credit	\$595	\$615
Law School	Non-resident F/T per semester	\$11,710	\$12,080
Law School	Non-resident P/T per credit	\$975	\$1,005
Masters in Business Administration	Resident F/T per semester	\$7,450	\$7,685

Masters in Business Administration	Resident P/T per credit	\$665	\$685
Masters in Business Administration	Non-resident F/T per credit	\$1,020	\$1,050
Masters in Business Administration	Non-resident P/T per credit	\$1,020	\$1,050
Masters in Architecture	Resident F/T per semester	\$5,930	\$6,115
Masters in Architecture	Resident P/T per credit	\$505	\$520
Masters in Architecture	Non-resident F/T per credit	\$870	\$895
Masters in Architecture	Non-resident P/T per credit	\$870	\$895
Masters in Engineering	Resident F/T per semester	\$5,930	\$6,115
Masters in Engineering	Resident P/T per credit	\$505	\$520
Masters in Engineering	Non-resident F/T per credit	\$870	\$895
Masters in Engineering	Non-resident P/T per credit	\$870	\$895
Masters in Physical Therapy	Resident F/T per semester	\$5,550	\$5,725
Masters in Physical Therapy	Resident P/T per credit	\$445	\$460
Masters in Physical Therapy	Non-resident F/T per credit	\$830	\$855
Masters in Physical Therapy	Non-resident P/T per credit	\$830	\$855
Masters in Social Work	Resident F/T per semester	\$6,685	\$6,895
Masters in Social Work	Resident P/T per credit	\$560	\$580
Masters in Social Work	Non-resident F/T per credit	\$910	\$940
Masters in Social Work	Non-resident P/T per credit	\$910	\$940
Masters in Public Administration	Resident F/T per semester	\$5,820	\$6,005
Masters in Public Administration	Resident P/T per credit	\$500	\$515
Masters in Public Administration	Non-resident F/T per credit	\$920	\$950
Masters in Public Administration	Non-resident P/T per credit	\$920	\$950
Masters of International Affairs	Resident F/T per semester	\$5,820	\$6,005
Masters of International Affairs	Resident P/T per credit	\$500	\$515
Masters of International Affairs	Non-resident F/T per credit	\$920	\$950
Masters of International Affairs	Non-resident P/T per credit	\$920	\$950
Doctoral	Level 1 Resident F/T per semester	\$4,530	\$4,675
Doctoral	Level 1 Resident P/T per credit	\$515	\$530
Doctoral	Level 2 Resident per semester	\$2,840	\$2,930
Doctoral	Level 3 Resident semester	\$1,130	\$1,165
Doctoral	Level 1 Non-resident F/T per credit	\$875	\$905
Doctoral	Level 1 Non-resident P/T per credit	\$875	\$905
Doctoral	Level 2 Non-resident per semester	\$6,310	\$6,510
Doctoral	Level 3 Non-resident per semester	\$2,240	\$2,310
Doctor of Nursing Practice	Level 1 Resident F/T per semester	\$6,685	\$6,895

Doctor of Nursing Practice	Level 1 Resident P/T per credit	\$560	\$580
Doctor of Nursing Practice	Level 2 Resident per semester	\$6,685	\$6,895
Doctor of Nursing Practice	Level 3 Resident semester	\$6,685	\$6,895
Doctor of Nursing Practice	Level 1 Non-resident F/T per credit	\$910	\$940
Doctor of Nursing Practice	Level 1 Non-resident P/T per credit	\$910	\$940
Doctor of Nursing Practice	Level 2 Non-resident per credit	\$910	\$940
Doctor of Nursing Practice	Level 3 Non-resident per credit	\$910	\$940
Doctor of Nursing Science	Level 1 Resident F/T per semester	\$5,510	\$5,685
Doctor of Nursing Science	Level 2 Resident per semester	\$3,820	\$3,940
Doctor of Nursing Science	Level 3 Resident semester	\$2,110	\$2,175
Doctor of Nursing Science	Level 1 Non-resident F/T per credit	\$1,015	\$1,045
Doctor of Nursing Science	Level 2 Non-resident per semester	\$6,310	\$6,510
Doctor of Nursing Science	Level 3 Non-resident per semester	\$2,240	\$2,310
Doctor of Physical Therapy (**)	Level 1 Resident F/T per semester	\$5,460	\$5,635
Doctor of Physical Therapy	Level 1 Resident P/T per credit	\$625	\$645
Doctor of Physical Therapy	Level 2 Resident per semester	\$3,770	\$3,890
Doctor of Physical Therapy	Level 1 Non-resident F/T per credit	\$985	\$1,015
Doctor of Physical Therapy	Level 1 Non-resident P/T per credit	\$985	\$1,015
Doctor of Physical Therapy	Level 2 Non-resident per semester	\$7,240	\$7,470
Doctor of Audiology	Level 1 Resident F/T per semester	\$5,610	\$5,785
Doctor of Audiology	Level 1 Resident P/T per credit	\$635	\$655
Doctor of Audiology	Level 2 Resident per semester	\$3,510	\$3,620
Doctor of Audiology	Level 1 Non-resident F/T per credit	\$1,085	\$1,120
Doctor of Audiology	Level 1 Non-resident P/T per credit	\$1,085	\$1,120
Doctor of Audiology	Level 2 Non-resident per semester	\$7,815	\$8,060

Note: proposed tuition increase for Fall 2017 is \$100 per semester for all full-time undergraduate resident students at the senior colleges, and

a proportional increase in graduate, doctoral, nonresident and per credit rates at the senior colleges.

(\*\*) Rate for Full-time resident students in cohort entering Fall 2017 is \$6,215 per semester. Level 2 is eliminated for cohorts entering Fall 2017 and thereafter

#### C. THE CITY COLLEGE OF NEW YORK - GROVE SCHOOL OF ENGINEERING AND CUNY SCHOOL OF MEDICINE - ACADEMIC EXCELLENCE FEE FOR THE MASTER OF SCIENCE IN TRANSLATIONAL MEDICINE:

RESOLVED, That the City University of New York adopt an academic excellence fee of \$3,000 for the fall semester, \$3,000 for the spring semester, and \$1,000 for the summer semester for its graduate students in the Master of Science program in Translational Medicine (MTM) that is jointly run by the Grove School of Engineering and CUNY School of Medicine, effective with the Fall 2017 semester.

EXPLANATION: There is a national demand for individuals with the skills to take discoveries made in the laboratory and effectively translate those findings into a practical use for patient benefit, whether it be through technological or pharmacological approaches. The MTM is the only translational medicine program in the greater New York City area at this time. To help lead the way in providing graduates with the skills to capitalize on fundamental research and translate the research into meaningful and timely advances for patients, CCNY

is making translational medicine a priority for the engineering, science, and biomedical disciplines. The coursework, structure and scope of the MTM program is uniquely designed to focus on product translation rather than procedural or behavioral translation, thus carving out an enviable niche within which MTM may compete and thrive.

Translational medicine training requires a highly collaborative and integrated team of instructors and partners in the fields of engineering, medicine, entrepreneurship, business, law, finance, and pharmaceuticals. The MTM program has a strong team of faculty at The Grove School of Engineering and Sophie Davis School for Biomedical Education, comprised of experts from the life science, medical technology, and biotech industries. These faculty, who come from some of the top schools in the country, provide students with unparalleled training in product design and development, clinical need identification, cost analysis, intellectual property, and regulatory affairs.

The addition of the proposed Academic Excellence Fee would bring the total resident cost (tuition and fees) of the MTM program to approximately \$19,000. This total is considerably less than that charged by institutions in other areas of the United States that offer programs similar in nature.

Total Resident Cost of the MTM Program and Comparable Programs at Other Institutions.

Institution	Program Name	Total Resident Cost (Tuition + Fees)
City College of New York	Master of Science in Translational Medicine	\$19,000
Georgia Institute of Technology	Master of Biomedical Innovation and Development	\$45,000
Johns Hopkins University	Center for Bioengineering Innovation & Design	\$50,000
UC Berkeley / UC San Francisco	Master of Translational Medicine	\$51,000
University of Rochester	Center for Medical Technology & Innovation	\$47,000

The academic excellence fee will enable the Grove School of Engineering and CUNY School of Medicine to prepare its MTM graduates for the jobs in the rapidly moving biotech and medical technology industries and cover the high cost of delivering this unique interdisciplinary graduate training. The academic excellence fee will be used to continue to develop quality program content, support a cohort of specialized external faculty (guest lecturers, adjuncts from industry) to complement the full-time faculty who provide the core teaching for this program, support the basic operating cost of the training facilities, and create networking and job placement opportunities for our students. The unique combination of specialized interdisciplinary coursework and advanced BioDesign project-based instruction focused on clinical translational outcomes at a relatively low cost will enable CCNY to attract a diverse and exceptional student body, and will equip graduates for highly desirable jobs in the rapidly moving biotech and medical technology industries. CCNY will continue to administer financial aid to assist students in the program. The MTM program is open only to full-time students.

City College has done consultations with the students enrolled in this program regarding the proposed academic excellence fee.

#### D. THE CITY UNIVERSITY OF NEW YORK - SERVICE STUDENT LOAN PROGRAMS:

RESOLVED, That the Board of Trustees authorizes a contract with Heartland ECSI, on behalf of the University Office of Budget and Finance, to service student loan programs and provide a support system for the Federal Perkins Loan Program and any similar future programs. The contract is being awarded on the basis of best value to responsive and responsible offerors after public advertisement and timely submission of sealed proposals pursuant to law and University Regulations. The Request for Proposal solicitation and evaluation process was conducted by the University. The initial term shall be five years and the contract shall include up to two (2) five-year options for the University to renew in its best interest. The University will seek approval from the Board of Trustees prior to enacting any future contractual options. Such purchase shall not exceed

\$3,950,000 for the fifteen-year term of the contract. The contract shall be subject to approval as to form by the University Office of General Counsel.

EXPLANATION: CUNY is seeking a contractor to provide comprehensive loan services to the Colleges currently participating in the Federal Perkins Loan program and to provide such services to future Colleges who may join. Services include, but are not limited to, banking, accounting, reporting, billing and due diligence, communication with past due borrowers, issuing past due notices, and issuing acceleration notices as required by the U.S. Department of Education for the Federal Perkins Loans reporting to credit bureaus, reporting to the U.S. Department of Education National Student Loan Data System (NSLDS) system, participating in the U.S. Department of Education Default Assistance Project (DRAP) and interfacing with the National Student Clearinghouse (NSC) and various related services. The Federal Perkins Loan Program is expected to be sunsetting soon, and CUNY will need the contractor's services to be extended beyond the initial term of this contract as the needs of the participating Colleges wind down.

**E. COLLEGE OF STATEN ISLAND - BUS TRANSPORTATION SERVICES:**

RESOLVED, That the Board of Trustees authorize a contract on behalf of the College of Staten Island to purchase bus services to transport its students, staff, and faculty between the ferry terminal and the campus, along the 2.5 mile loop road on campus, and to and from sporting events. The contract shall have a five-year term with the right for the University to terminate the contract at any time without cause with thirty days' written notice to contractor. After public advertisement, a public invitation for bids solicitation and evaluation of bid submissions by the College, the contract shall be awarded to First Transit, Inc. as the responsive and responsible bidder offering the lowest bid price. The contract price is approximately \$1.93 million per year, for a total of \$9,652,170 for the five-year term. The contract shall be subject to approval as to form by the University Office of General Counsel.

EXPLANATION: The College of Staten Island, located on a 204-acre campus, will use this contract to provide transportation services to its students, faculty, and staff year-round on a regularly scheduled basis. Transportation is provided primarily for three distinct types of service: the express Ferry Shuttle Bus service operates between the Staten Island Ferry Terminal and the Center for the Arts; the Loop Shuttle operates from the College's main entrance on Victory Boulevard onto the campus and around the 2.5 mile Loop Road stopping at six strategically placed bus stops; and the Disability Service Bus provides on-call transportation. The contract also provides transportation services to and from athletic events for CSI's sports teams. The cost of the contract is partially offset through a student transportation fee of \$40 per semester and \$10 per summer session. The student transportation fee was approved by the Board of Trustees on June 29, 2015. Faculty and Staff who wish to use this transportation option pay the same rates.

**F. MACAULAY HONORS COLLEGE - INTERNATIONAL PROGRAM AFFILIATION AGREEMENT:**

RESOLVED, That the Board of Trustees authorize the Dean of Macaulay Honors College to execute an international program affiliation agreement for study abroad on behalf of Macaulay Honors College with Tel Aviv University (TAU), located in Tel Aviv, Israel. Other than transmission of student tuition and fees by the College to Tel Aviv University, neither party to this agreement is obliged to pay any monetary consideration to the other. The agreement is for a three-year period and shall include up to two two-year options for the College to renew in its best interest. The agreement shall be subject to approval as to form by the University Office of General Counsel.

EXPLANATION: The agreement will enable students enrolled in the College's Macaulay Honors College/TAU program to study at Tel Aviv University in Israel each year during the summer term. Up to ten (10) students are expected to participate each academic year. The sponsoring college will charge an administrative fee of \$3,860 per participating student.

**G. THE CITY UNIVERSITY OF NEW YORK - OUTSOURCED CHIEF INVESTMENT OFFICER:**

RESOLVED, That the Board of Trustees authorize a five-year contract to provide, through an Outsourced Chief Investment Officer ("OCIO"), investment management services for the University's Long-Term

Investment Pool. The contract is being awarded on the basis of best value to a responsible and responsive offeror after public advertisement and timely submission of sealed proposals pursuant to law and University policy. The annual fees payable to the OCIO shall be based on a percentage of the value of the University's assets under management. The cost for these services will be chargeable to the University's Long-Term Investment Pool. The contract shall be subject to approval as to form by the University Office of General Counsel.

EXPLANATION: The OCIO will advise the University on investment policy, asset allocation strategy, manager selection with discretion from an open architecture, monitor the performance of the managers, prepare regular reports on the performance of the portfolio and perform other ad hoc services. Responses to the Request for Proposals (RFP) were reviewed and scored by an evaluation committee comprised of central office and college personnel. The firms that were recommended as finalists by the evaluation committee then provided oral presentations to the Board of Trustees' Subcommittee on Investment at its meeting on May 16, 2017.

**NO. 5. COMMITTEE ON AUDIT:** RESOLVED, That the following item be approved:

**A. THE CITY UNIVERSITY OF NEW YORK - FISCAL YEAR 2017 EXTERNAL AUDIT PLAN:**

RESOLVED, That the Board of Trustees of The City University of New York adopt the FY 2017 audit plan, as was presented by KPMG and approved by the Audit Committee for the University. The Senior Vice Chancellor and Chief Financial Officer is authorized to sign the engagement letter presented by KPMG.

EXPLANATION: The University is required to have its financial statements audited on an annual basis and is required to have its federal financial aid programs externally audited. The Audit Committee, as part of its responsibilities, is required to approve the annual audit plan, as presented by the University's external auditors, and authorize the Senior Vice Chancellor and Chief Financial Officer to sign the engagement letter. The financial terms are in accordance with the multi-year contract with KPMG.

**NO. 6. COMMITTEE ON ACADEMIC POLICY, PROGRAMS, AND RESEARCH:** RESOLVED, That the following items be approved:

**A. THE GRADUATE SCHOOL AND UNIVERSITY CENTER - MA IN DIGITAL HUMANITIES AND MS IN DATA ANALYSIS AND VISUALIZATION:**

RESOLVED, That the program in Digital Humanities and the program in Data Analysis and Visualization offered at the Graduate School and University Center and leading to the Master of Arts and the Master of Science respectively, be approved effective, June 26, 2017, subject to financial ability.

EXPLANATION: These two separate but related programs are part of a new initiative by the Graduate School and University Center to offer professional oriented and intellectually stimulating master's degrees that leverage the impressive scholarly expertise of the GC faculty by creating new programs generally not offered on the senior campuses. Digital Humanities is a developing field of study that lies at the intersection of emerging technologies, traditional humanities disciplines and the research methods used by scholars and other research professionals. The program in Data Analysis and Visualization is more technically oriented and teaches formal methods of data analysis and the skills needed to communicate findings in new and interesting ways. Graduates of both of these programs will be sought after by corporations in the information industries, university libraries, cultural organizations and other non-profit sector employers.

**B. THE GRADUATE SCHOOL AND UNIVERSITY CENTER – MA IN INTERNATIONAL MIGRATION:**

RESOLVED, That the program in International Migration Studies offered at the Graduate School and University Center and leading to the Master of Arts be approved effective June 26, 2017, subject to financial ability.

EXPLANATION: Capitalizing on the Graduate School's research strength in immigration research, this program will provide graduates with an in depth knowledge of the political, economic, social and cultural

impacts of immigration. Organizations working in the areas of advocacy, human rights, and public agencies dealing with increasingly diverse immigrant populations will be interested in offering employment opportunities to graduates of the program.

#### **C. THE GRADUATE SCHOOL AND UNIVERSITY CENTER –MS IN DATA SCIENCE:**

RESOLVED, That the program in Data Science offered at the Graduate School and University Center and leading to the Master of Science, be approved effective June 26, 2017, subject to financial ability.

EXPLANATION: Designed predominantly for graduates of undergraduate Computer Science programs, this degree in Data Science will provide graduates with a mastery of technical topics such as data management, complex algorithms, and parallel programming. Because the program focuses on the computational and technical aspects of data science, it deliberately does not focus on specific applications and graduates will be of interest to employers in the widest variety of industries.

#### **D. JOHN JAY COLLEGE – BS IN HUMAN SERVICES AND COMMUNITY JUSTICE:**

RESOLVED, That the program in Human Services and Community Justice offered at the Graduate School and University Center and leading to the Master of Science, be approved effective June 26, 2017, subject to financial ability.

EXPLANATION: This interdisciplinary proposal is grounded in the social sciences and enhanced by professionally oriented courses in counseling, program development and assessment and research methods. Graduates of the program will be sought after by government, non-profit and for profit social service organizations.

#### **E. CITY COLLEGE – MS IN DATA SCIENCE AND ENGINEERING:**

RESOLVED, That the program in Data Science and Engineering offered at City College and leading to the Master of Science, be approved, effective June 26, 2017, subject to financial ability.

EXPLANATION: City College seeks to build upon its long standing reputation by adding to its professional graduate programs in the STEM disciplines. There is rapidly growing demand for professionals to fill positions titled “Data Scientist” and “Data Engineer.” Government agencies are increasingly listing the STEM data science and data engineering skills as national priorities. *Data Science* can be roughly summarized as a statistical data-driven approach to problem solving. *Data Engineering* is concerned with the building, configuring and maintaining digital infrastructure for data science particularly in light of the unprecedented growth of data, commonly called “Big Data.” The need to address this challenge is nationwide but is particularly acute in the New York metropolitan area, with so much of the local economy information-based.

#### **F. CITY COLLEGE - TRANSFER OF DEGREE GRANTING AUTHORITY FOR THE PH.D. IN CLINICAL PSYCHOLOGY:**

RESOLVED, That transferring the degree granting authority for the existing Ph.D. in Clinical Psychology currently held by the Graduate School and University Center to City College, be approved, effective June 26, 2017, subject to financial ability.

EXPLANATION: Established in 1980, the Ph.D. in Clinical Psychology has always been offered at, and primarily been operated by, City College. The program’s focus is to prepare its students to become practicing clinical psychologists. At the time of the program’s inception, degree granting authority for all doctoral programs in CUNY lied in the Graduate School and University Center. Over the past decade, the University has made the strategic decision to transfer the professional doctoral programs to the senior campuses that provide most of the teaching and administrative resources for the program. This is one more application of that decision.

**G. BROOKLYN COLLEGE – ESTABLISHMENT OF THE BARRY R. FEIRSTEIN GRADUATE SCHOOL OF CINEMA AS AN ACADEMIC DEPARTMENT:**

RESOLVED, That the Barry R. Feirstein Graduate School of Cinema be established as an academic department effective August 25, 2017, subject to financial ability.

EXPLANATION: Brooklyn College has a well established Department of Film that for many years offered only undergraduate degrees. In response to the ever increasing local employment opportunities, then Mayor Bloomberg encouraged CUNY to establish graduate programs in cinema to provide an affordable alternative to the private graduate programs in the region. With the assistance of monies from the city as well as the successful private fundraising done by then President Karen Gould, including a very generous \$5.5 million gift from Barry R. Feirstein, Brooklyn College established several graduate programs in cinema, which as per the CUNY Board Resolution of June 24, 2013, came to be collectively known as The Barry R. Feirstein Graduate School of Cinema, within the Department of Film.

Pursuant to academic and institutional planning, and following consultation of the President and the Provost with the dean and the faculty involved as well as with the College's governance bodies, Brooklyn College proposes to divide the Department of Film into two departments, a reconstituted Department of Film and the new department, the Feirstein Graduate School of Cinema, to be effective August 25, 2017.

The new department will better reflect the diverse academic disciplines in which the current film faculty are credentialed. It is anticipated that the proposed reorganization will enhance scholarship, research, and faculty development and collaboration, as well as improving curricular development and increasing educational opportunities for students and that the Feirstein Graduate School of Cinema will house one of the highest enrolled major programs in Brooklyn College which can be managed more effectively as a separate department with a particularly defined mission.

**H. YORK COLLEGE – MS IN CLINICAL TRIAL MANAGEMENT:**

RESOLVED, That the program in Clinical Trial Management offered at York College and leading to the Master of Science, be approved effective June 26, 2017, subject to financial ability.

EXPLANATION: Most individuals who oversee scientific and medical clinical trials learn the protocols, methods, regulations and best practices while working in support positions. Hence, it is very difficult to find a sufficient number of qualified professionals to fill the growing number of leadership positions in this field. York College will leverage its expertise in allied health, pharmaceuticals, and its long established relationship with the Food and Drug Administration to launch this innovative program successfully.

**I. SCHOOL OF PROFESSIONAL STUDIES – BS IN HEALTH SERVICES ADMINISTRATION:**

RESOLVED, That the program in Health Services Administration offered at the School of Professional Studies of the Graduate School and University Center and leading to the Bachelor of Science, be approved effective June 26, 2017, subject to financial ability.

EXPLANATION: This fully on-line undergraduate program will provide students with the appropriate coursework in both health care management and general practices in business. Students will be sought after by organizations such as hospitals, nursing homes, urgent care clinics and managed care organizations. The fully on-line delivery will be particularly attractive to individuals already working in the professional and looking to advance their career.

**J. SCHOOL OF PROFESSIONAL STUDIES – MS IN RESEARCH ADMINISTRATION AND COMPLIANCE:**

RESOLVED, That the program in Research Administration and Compliance leading to the Master of Science, the Advanced Certificate in Research Administration and the Advanced Certificate in Research Compliance

all offered at the School of Professional Studies of the Graduate School and University Center, be approved effective June 26, 2017, subject to financial ability.

EXPLANATION: There is a severe shortage of qualified individuals to manage large grants and oversee such issues as ethical concerns, compliance, intellectual property transfer, and policy development of large research projects. These programs will prepare graduates for successful careers in pre- and post- award research grant and project management employed by universities and other organizations conducting large scale research.

#### **K. LAGUARDIA COMMUNITY COLLEGE – AS IN PUBLIC AND COMMUNITY HEALTH:**

RESOLVED, That the program in Public and Community Health offered at La Guardia Community College and leading to the Associate's in Science, be approved effective June 26, 2017, subject to financial ability.

EXPLANATION: The proposed program aims to equip students with the necessary skills and competencies required to transfer into 4 year programs in Public Health or Community Health Education.

LaGuardia Community College is uniquely poised to offer this degree as it presently offers. The Health Sciences department at LaGuardia Community College presently offers nine majors in allied health with over two thousand incoming students annually as well as EMT and several programs such as EMT, Community Health Worker that often function the first steps on the public health educational ladder. The proposed program will create additional educational pathways for health science students in majors with enrollment limits. An articulation agreement with York College has been signed, and other agreements are being developed.

#### **L. MEDGAR EVERS COLLEGE – ESTABLISHMENT OF THE SCHOOL OF EDUCATION, THE ESTABLISHMENT AND CLOSING OF ACADEMIC DEPARTMENTS:**

RESOLVED, That the School of Education be established at Medgar Evers College encompassing the newly established Department of Developmental and Special Education as well as the newly established Department of Multicultural Early Childhood and Elementary Education and that the Department of Education within the School of Liberal Arts and Education be abolished and the name of the School of Liberal Arts and Education be renamed the School of Liberal Arts effective August 1, 2017 subject to financial viability.

EXPLANATION: Pursuant to academic and institutional planning, and following consultation by the President and Provost with faculty and students affected by the reorganization, and the administrative leadership, Medgar Evers College proposes to create a new School of Education that will: (1) reassign its existing Education Department into two academic departments: the Department of Multicultural Early Childhood and Elementary Education which is beginning a search for a fifth faculty member, and the Department of Developmental and Special Education. The Education Department currently operates under the School of Liberal Arts and Education and offers one pre-professional and three professional degree programs. The Department is accredited by the National Council for Teacher Education (2003, 2013). Creation of a School will enhance the ability of faculty members to more effectively practice within the developmental levels of their disciplines, to conduct innovative research, and to refine and expand professional development of practicing educators. It will allow for a more focused approach to programmatic and curricular development, thereby enabling the departments to keep pace with the dynamic changes in educator preparation as mandated by New York State Certification requirements.

#### **M. THE CITY UNIVERSITY OF NEW YORK – REVISED ADVANCED PLACEMENT POLICY:**

RESOLVED, That the Board of Trustees hereby adopts a policy that all undergraduate colleges at the University may grant course credit for advanced placement courses offered in secondary schools provided the student scores 3 or above on the advanced placement test effective June 26, 2017.

This resolution supersedes the February 25, 2013 resolution on AP placement, is applicable to all students entering CUNY in Fall 2017, and may be applied on a case-by-case basis to any currently enrolled student.

EXPLANATION: The proposed policy allows colleges a greater discretion in evaluating AP credit for transfer. Colleges may choose to grant AP credit to students with scores of 3 or higher, in line with the commonly accepted nationwide practice as well as the existing SUNY policy. Previously CUNY colleges were prevented from granting credit for courses passed with a score of 3, which created a perceivable disadvantage for students.

**N. THE CITY UNIVERSITY OF NEW YORK – INTERNATIONAL BACCALAUREATE TRANSFER CREDIT AWARD POLICY:**

RESOLVED, That the Board of Trustees hereby adopts a policy that all undergraduate colleges at the University will award 30 credits to students who have completed an International Baccalaureate (IB) diploma with a score of 30 or higher. Each college may develop specific guidelines articulating IB courses with courses in the major and general education requirements.

Students who have completed an IB diploma with a score of 29 or less and students who did not complete a diploma will be guaranteed credit for higher-level IB exams with scores of "5" or better. The credit awarded will apply toward the overall number of credits required for graduation and in some cases toward major and general education requirements, as determined by each college. This resolution will become effective June 26, 2017.

EXPLANATION: The IB diploma, in existence since 1968, is a rigorous two-year academic program for students aged 16 to 19 offered at schools around the world. It aims to support schools by providing outstanding research-based education, developing both disciplinary and interdisciplinary knowledge and understanding in a global context. The courses are generally considered to have a higher level of rigor than Advance Placement courses and are linked to a high rate of college success and degree completion.

More than 1.5 million students around the world have participated in the IB since its inception. As of 2015, the United States was the country with the most IB diploma students.

Universities in over 90 countries recognize the IB, including many selective institutions across the US, as well as all SUNY schools. The proposed policy brings CUNY policy in line with a widespread national and international practice, ensuring that high-achieving students with an IB diploma have no disincentive to attend CUNY.

**O. GRADUATE SCHOOL AND UNIVERSITY CENTER – ESTABLISHMENT OF THE CUNY SCHOOL OF LABOR AND URBAN STUDIES:**

WHEREAS, New York City has a long and proud history of organized labor in both the public sectors and private sector industries such as construction, entertainment, healthcare and fashion; and

WHEREAS, New York City continues to be a city whose success heavily relies on the work done by members of labor unions; and

WHEREAS, organized labor needs leadership educated and trained in the knowledge and skills to negotiate effectively on behalf of its members; and

WHEREAS, The Joseph S. Murphy Institute for Worker Education and Labor Studies has supported that education at both the graduate and undergraduate levels, as well as in non-credit bearing programs; and

WHEREAS, The Joseph S. Murphy Institute for Worker Education and Labor Studies has provided a home to scholars interested in research in the areas of labor and urban studies; therefore be it

RESOLVED, That the Chancellor develop and implement a plan to transition The Joseph S. Murphy Institute for Worker Education and Labor Studies to The CUNY School of Labor and Urban Studies as a division of The Graduate School and University Center, subject to financial ability, and that the University General

Counsel work with relevant parties to revise the governance plan of the Graduate School and University Center. This planning process will commence June 26, 2017.

EXPLANATION: The Joseph S. Murphy Institute for Worker Education and Labor Studies is currently housed within the School of Professional Studies (SPS) of the Graduate School and University Center. The Institute works with SPS to offer graduate and undergraduate degree and certificate programs to adult students and has special relationships with local unions to provide advisement and other student services to their members. The Institute also manages both the Community Semester and the New York Union semester, programs offering internships in labor organizing to college students. The Institute also provides non-credit training programs for unions. Faculty affiliated with the Institute produce impressive scholarship in labor and urban studies. The establishment of the School will provide the fields of labor studies and urban studies with greater visibility in both the academic and labor communities.

#### **P. THE CITY UNIVERSITY OF NEW YORK – REVISED RESEARCH MISCONDUCT POLICY:**

RESOLVED, That the CUNY Research Misconduct Policy be revised to accommodate both a change in title of the university-wide research administrator as well as to include this individual as a consultant in the inquiry stage of the matter effective June 26, 2017.

EXPLANATION: The Office of Academic Affairs has reorganized its Research Administration division. The title of Vice Chancellor for Research is no longer used. The individual responsible for research compliance in the central administration is the Vice Provost for Research. In addition, since research misconduct has university-wide implications, it has been deemed necessary that the Vice Provost for Research should actively participate in discussions with the college President and the campus Research Integrity Officer during the inquiry stage of the process. This resolution updates the current Research Misconduct Policy approved on March 2, 2015.

#### **Modifications to the CUNY Policy Regarding the Disposition of Allegations of Research Misconduct Item 6.6**

The RIO will provide the Respondent an opportunity to review and comment on the preliminary Inquiry report. Upon receipt of the comments from the Respondent, the RIO will attach the Respondent's comments to the preliminary Inquiry report and submit this final Inquiry report to the President. Upon receipt of the final Inquiry report, the President, in consultation with **the University Vice Provost for Research** and the RIO, will make the decision as to whether to refer the case to **the Vice Chancellor for Research** for an Investigation.

#### **NO. 7. COMMITTEE ON FACULTY, STAFF AND ADMINISTRATION:** RESOLVED, That the following items be approved:

##### **A. THE CITY UNIVERSITY OF NEW YORK - AMENDMENTS TO THE GUIDELINES FOR PRESIDENTIAL SEARCHES:**

RESOLVED, That the Board of Trustees of The City University of New York approve the amended Guidelines for Presidential Searches.

EXPLANATION: The proposed amendments to the Guidelines for Presidential Searches are designed to make the search process more flexible by allowing the participation of representatives of external constituencies. The amended guidelines permit the appointment to the Search Committee of up to two senior administrators and/or members of external constituent groups so long as there are not more than a total of five appointed Trustees and senior level administrators and/or members of external constituent groups. The amendments ensure a minimum of three appointed Trustees. They also make clear that external constituent representatives must have a record of significant commitment to the campus, and may include alumni or donors, but may not be elected officials or their staff members.

THE CITY UNIVERSITY OF NEW YORK ~~GUIDELINES FOR PRESIDENTIAL SEARCHES~~  
Amended 11-23-2015

~~NO. 9 [ADDED ITEM] THE CITY UNIVERSITY OF NEW YORK — AMENDMENTS TO GUIDELINES FOR PRESIDENTIAL SEARCHES:~~

~~RESOLVED~~, that the Board of Trustees of the City University of New York approved the amended Guidelines for Presidential Searches as set forth below. (A red-lined version of the changes may be obtained from the Office of the Secretary of the Board of Trustees upon request.)

THE CITY UNIVERSITY OF NEW YORK ~~GUIDELINES FOR PRESIDENTIAL SEARCHES~~

## INTRODUCTION

Section 11.4 of the Bylaws of the Board of Trustees of CUNY set forth the duties and qualifications of Presidents of the colleges. These guidelines address the process and procedures to be followed in searching for a President (including the Dean of CUNY School of Professional Studies, the CUNY School of Law, the CUNY Graduate School of Journalism and the CUNY Graduate School of Public Health and Health Policy).

## THE PROCESS

When a vacancy occurs, or is certain to occur, the Chairperson of the Board of Trustees shall, after consultation with the Chancellor, establish a Search Committee to seek a new President.

In the case of an anticipated vacancy in the position of President, should circumstances warrant, the Chancellor shall recommend an individual to the Board for appointment as Interim President until such time as a President is appointed. The appointment of an interim President will typically be for a period of no more than one academic year. If an appointment exceeds this period, the Chancellor shall notify the Board Committee on Faculty, Staff and Administration of the reasons requiring an extension.

The primary responsibilities of the Search Committee are to recruit and screen highly qualified candidates. The Search Committee will accept nominations from individuals within and outside of the University community.

~~The Diversity and inclusion are core values of The City University of New York and as such we encourage applications from individuals with disabilities, veterans, women and those from traditionally underrepresented groups, including Italian Americans. We prohibit discrimination on the basis of any legally protected category, including sexual orientation and gender identity. City University of New York is an Affirmative Action Equal Opportunity Employer and shall seek to identify qualified women and minorities for consideration by the Search Committee.~~

### Composition of the Committee:

In order to provide for broad participation of the college and the University community, the Chairperson of the Board, after consultation with the Chancellor, shall establish a Presidential Search Committee and designate the Chairperson of the Search Committee. The Search Committee shall be composed of the following members:

**Trustees:** up to five Trustees, appointed by the Chairperson of the Board. The Chairperson, or the Vice Chairperson of the Board in the absence of the Chairperson, shall be an ex officio member of the Search Committee and accordingly shall be entitled to vote. Whenever possible, one Trustee appointed to a Search Committee should reside in the same borough as the College.

**Faculty:** three tenured faculty from the College (but not including the President, Vice Presidents, Provosts or Deans), elected as determined by the appropriate faculty governance body, or if there is no official faculty governance body established by the College's approved governance plan, by the faculty members of the College governance body.

**Senior level administrators and/or representatives of external constituencies:** up to two senior level administrators, one who is affiliated with the college and one who is from a different college, and/or

representatives of external constituencies recommended by the Chancellor and appointed by the Chairperson of the Board. There will be a minimum of three and a maximum of five Trustees. The total number of appointed Trustees and senior level administrators shall not exceed five and/or external constituent representatives shall not exceed five. External constituent representatives shall have a record of significant commitment to the campus, and may include alumni or donors, but may not be elected officials or staff members of elected officials.

**Students:** two students from the College, recommended by the President and appointed by the Chairperson of the Board, generally, but not necessarily, the presidents of the student governments, or if there is only one student government, another elected student leader, provided, however, that the President shall consult the appropriate student government bodies on the selection.

**Alumni:** one alumnus/alumna from the College, generally, but not necessarily, the President of the alumni organization of the College, recommended by the Chancellor and appointed by the Chairperson of the Board.

**President:** the President of one of the Colleges of the University, recommended by the Chancellor and appointed by the Chairperson of the Board.

In addition, the Search Committee for the Dean of the Law School, and the Graduate School of Journalism, and the Graduate School of Public Health and Health Policy shall include a member of the school's Board of Visitors or Advisory Council and up to two other outstanding figures in the relevant professional community in New York City appointed by the Chairperson of the Board.

Notwithstanding any contrary provision of this section, the Dean of the CUNY School of Public Health shall be selected in accordance with the procedures set forth in the governance plan for that school.

#### **Staffing and Outside Consultants:**

Staff support, including outside consultants, shall be provided to the Search Committee by the Office of the Chancellor.

#### **PROCEDURES**

##### **Analysis of College Needs and Priorities:**

The Chancellor shall designate an individual(s) and/or consultant(s) to visit the College, confer with appropriate constituencies, including the elected faculty and other elected governance leaders, as well as department chairpersons, and prepare a report for the Search Committee and the Chancellor, indicating needs and priorities that will help to prepare a position description and an effective advertising and recruitment plan for the position.

##### **Announcing the Vacancy and Processing the Applications:**

Announcements of a presidential vacancy shall be placed in the appropriate media, and shall be communicated to educational and related institutions through correspondence and through targeted recruitment.

All applications, with supporting materials as requested in the job description, are to be sent to:

Presidential Search Committee  
The City University of New York  
205 East 42<sup>nd</sup> Street, 11<sup>th</sup> Floor  
New York, NY 10017

##### **Screening of Applicants:**

The Search Committee shall review the applicant pool and reduce it to a manageable number of candidates to be interviewed by the Search Committee. The Chancellor may place before the Search Committee, for additional review, the curricula vitae of a small number of individuals eliminated by the Committee or additional individuals.

At the conclusion of the preliminary interviews, the Search Committee shall select three or four finalists to visit the College.

The work and communications of the Search Committee shall be conducted confidentially, with the understanding that members of the Search Committee are not to reveal any information concerning the identity of candidates, the contents of its deliberations or any other aspect of its work to persons outside of the Search Committee.

**College Consultation:**

Subject to the exception set forth below, each finalist shall visit the College campus and meet with a group of representatives of College constituencies, including but not limited to elected faculty and student governance leaders and alumni, selected by the Chancellor. Following such meetings, those representatives shall meet and provide the Chancellor with a report on their views of each candidate.

After consultation with the Search Committee, if the Chancellor determines that campus visits would inhibit the generation of a suitable pool of excellent candidates, the Chancellor may, with the approval of the Chairperson of the Board, modify the college consultation process as follows: each finalist shall meet with a group of representatives of College constituencies, including but not limited to elected faculty and student governance leaders and alumni, selected by the Chancellor. Following such meetings, those representatives shall meet and provide the Chancellor with a report on their views of each candidate.

The work and communications of those groups shall be conducted confidentially, with the understanding that the members of each group are not to reveal any information concerning the identity of candidates, the contents of its deliberations or any other aspect of its work to persons outside of the group.

**Chancellor's Recommendations:**

The Chancellor, after considering the assessments of the Search Committee, the views of the representatives of the College constituencies, and such other information as may be necessary, shall prepare a recommendation for the Board.

**Appointment:**

As soon as possible after the Board has acted upon the recommendation of the Chancellor, the Chancellor shall notify the candidate of the Board's decision. A formal letter of appointment, together with the Board resolution, which delineates the terms and conditions of employment, will be sent to the candidate as soon as he/she accepts the position.

**Exceptions to these Guidelines:**

In special situations, the Board Chairperson and the Chancellor, after full consultation with the Chair of the Board Committee on Faculty, Staff and Administration and leadership of College constituencies, including but not limited to elected faculty and student governance leaders, may decide to suspend these guidelines for a specific presidential search and substitute a shortened process. Such special situations may include, but are not limited to, the existence of a candidate of proven distinction from within the University, a former University executive, a candidate of national prominence from outside the University, or an exceptional candidate from a recent CUNY presidential search.

**EXPLANATION:** The proposed amendments to the Guidelines for Presidential Searches are designed to make the search process more effective. The principal substantive changes relate to the composition of the Search Committee and to process of campus consultation. Under the current guidelines, the Search Committee was required to have at least five Trustees; the amended guidelines permit up to five Trustees. That change is intended to reduce the burden on Trustees; especially when there are several simultaneous searches. In addition, the amended guidelines permit the appointment to the Search Committee of up to two senior administrators so long as there are not more than a total of five appointed Trustees and senior level administrators. They also make clear the President must consult with the student government bodies before recommending the student members of the Search Committee.

The amended guidelines also add flexibility to the college consultation process. Under the current guidelines campus visits by finalists were required, and the details of the meetings on the campus were set

~~forth in some detail. The amended guidelines provide the Chancellor with more discretion in structuring meetings during campus visits by candidates with representatives of various constituencies, including but not limited to elected faculty and student governance leaders and alumni. Furthermore, the amended guidelines permit the Chancellor, after consultation with the Search Committee, to dispense with public campus visits and instead to obtain feedback from college representatives by means of confidential off-campus meetings between the finalists and college representatives. The latter option would be used only when the Chancellor, after consultation with the Search Committee, determines that campus visits would inhibit the generation of a suitable pool of excellent candidates.~~

## B. HUNTER COLLEGE - AMENDMENTS TO THE CHARTER FOR GOVERNANCE:

RESOLVED, That the proposed amendments to the Charter for the Governance of Hunter College be adopted, effective June 27, 2017.

**EXPLANATION:** The proposed amendments to the Charter for the Governance of Hunter College ("Governance Plan") were adopted by the Hunter College Senate on May 18, 2016 and are recommended by the College President.

The amendments would update Senate membership for both faculty and students. For faculty, Lecturers with full-time appointments would receive greater representation, and Clinical Professors and Distinguished Lecturers would achieve representation. Student representation would be modified in order to involve student government organizations, rather than only academic departments, in the student nomination process.

In addition, the amendments would memorialize the current practices and membership of various Senate committees. Notably, representatives from the School of Social Work are added to the membership of committees, along with alternates for each committee. Several new committees are described in the Governance Plan, including the Committee on Academic Freedom, Standing Committee on Academic Assessment and Evaluation, Committee on General Education, and Committee on Food Services and Facilities.

Finally, the proposed amendments correct grammatical errors and delete outdated language.

**NOTE: A red-lined version of the changes may be obtained from the Office of the Secretary of the Board of Trustees upon request.**

### CHARTER FOR THE GOVERNANCE OF HUNTER COLLEGE September 1970 (Amended in 1979, 1980, 1981, 1985, 1987, 1992, 1998, 2006, 2015, and 2016)

#### ARTICLE I

##### **Section 1**

The Hunter College Senate was established as the legislative body of the College with authority to determine College policy on all matters not reserved now or hereafter by Education Law or Board of Trustees Bylaws to the President of Hunter College, to other officers or duly constituted bodies of the College or The City University, or the Board of Trustees.

##### **Section 2 (Initial Meeting)**

Effective as of the first meeting of the Senate, the present Hunter College Faculty Council was considered dissolved and its powers assumed by the College Senate under terms of this Charter.

#### ARTICLE II

##### **Section 1**

As the College legislative agency, the Senate shall have policy-making powers in the following areas:

- A. Curriculum and related education matters.

- B. Academic requirements and standards of academic standing.
- C. College development, review and forward planning of facilities, staff, and fiscal requirements.
- D. Instruction and the evaluation of teaching.
- E. Safeguarding the academic freedom of ALL members of the Hunter community.
- F. Other matters which may be subsequently assigned to the legislative prerogatives of Hunter College.

## **Section 2**

In addition to its legislative powers, the Senate shall have the right to express itself formally as an advisory body in any area it considers important, and to transmit its recommendations to the appropriate authorities.

# **ARTICLE III**

## **Section 1**

The Hunter College Senate shall have 100 Senators and Alternates sufficient in number to provide two faculty alternates for each department, being composed of 57% faculty members, 38% students and 5% representatives of the administration, with seats reserved in the following proportions:

- 44% Professors, Associate Professors, Assistant Professors, Instructors on full-time appointments, and Lecturers on full-time appointments.
- 13% Lecturers (part-time), Adjunct faculty, and all other part-time members of the teaching faculty who are not also serving in full-time appointments, Clinical Professors, Distinguished Lecturers, and non-faculty department members in the title series College Laboratory Technician and Higher Education Officer.
- 14% Full-time Undergraduate students, other than students in the SEEK Program.
- 11% Part-time Undergraduate students.
- 2% Undergraduate students – SEEK Program.
- 11% Graduate students.
- 5% Administration.

## **Section 2**

Senators shall have full voting rights in the Senate. Alternates may vote and be counted as part of the quorum only when properly seated according to Senate procedures.

## **Section 3**

Ex officio nonvoting membership shall be extended to:

- a. the Presidents of the Hunter College Undergraduate Student Government and the Graduate Student Association;
- b. the President of the Hunter College Alumni Association;
- c. the Presidents of the Hunter College HEO Forum and the College Laboratory Technician Council;

or designee of any of the preceding.

These members shall have full floor rights but no voting rights; they shall not be eligible to become officers of the Senate (Article V).

## **Section 4**

The College Senate shall schedule regular nominations and elections once a year during the last four weeks of classes in the spring semester; and it shall convene following such elections no later than June 1. The faculty and the student bodies shall be responsible, through duly constituted organizations, for conducting the elections of their respective representatives in accordance with the terms of this Charter.

## ARTICLE IV

### **Section 1**

- A. Hunter College is an institution organized into schools, divisions, and departments, the structure and titles of which may change as the needs of its students change. It also has an administrative structure and administrative officers which change in title and function as the college develops. Therefore, wherever the Charter refers to a specific administrative officer (e.g. Dean, Registrar, etc.), or academic unit (e.g. department, school, divisions, etc.), or academic position (e.g. instructor, lecturer, etc.), such language should be construed to include any equivalent officer, academic unit, or academic position regardless of the particular language that is currently in use. In all such instances not fixed by the Charter, the equivalencies shall be determined by the Administrative Committee of the Senate and approved by the Senate.
  
- B. For the purposes of the Charter, the following equivalencies shall apply:
  - (i) The word "department" shall mean any unit of the college that elects members to its Personnel & Budget Committee, and shall include as well the School of Nursing, School of Urban Public Health, School of Social Work and the Library. In addition, for the purposes of Article IV, Student Services shall be included as a department.
  
  - (ii) The word "division" shall mean any unit of the college that has a P & B Committee consisting of representatives of more than one department but fewer than all the departments. They include Humanities and the Arts, Sciences and Mathematics, and Social Sciences (which form the School of Arts and Sciences), School of Education. Together, the Schools of Nursing, Health Professions, and Urban Public Health comprise a division.

### **Section 2**

- A. The 44 Senate seats reserved for representatives in the ranks of Professor, Associate Professor, Assistant Professor, Instructors on full-time appointments, and Lecturers on full-time appointments shall be filled as follows:
  - (i) All departments shall be rank-ordered by the number of such faculty in the department. Each department shall be allocated 1 seat, and the remaining seats shall be allocated by assigning one additional seat to each department from the top of the list down, until the available number is exhausted.
  
  - (ii) Each department will fill its allocated seats by nominations from and elections by its faculty members in the ranks of Professor, Associate Professor, Assistant Professor, Instructor on full-time appointment, and Lecturer on full-time appointment.
  
- B. The 13 Senate seats reserved for representatives in the ranks of Lecturer (part-time), Adjunct faculty, any other part-time members of the teaching faculty who are not also serving in full-time appointments, Clinical Professor, Distinguished Lecturer, and department members in the title series College Laboratory Technician and Higher Education Officer shall be filled as follows:
  - (i) One seat shall be reserved for Student Services, and shall be filled by nomination and election among the department members in these ranks.
  
  - (ii) Each of the departments that include members in these ranks may elect from among their number one nominee for one of the 12 remaining Senate seats.
  
  - (iii) The remaining 12 seats shall then be filled by an at-large election from among the nominees selected according to paragraph B (ii) above. In this election, votes shall be cast only by the members of the departments to which B (ii) applies who are in the ranks of Lecturer (part-time), Adjunct faculty, any other part-time members of the teaching faculty who are not also serving in full-time appointments, or department members in the title series College Laboratory Technician and Higher Education Officer.
  
- C. The 14 Senate seats reserved for Full-time undergraduate students, other than students in the SEEK Program, shall be filled as follows:

- (i) Of these seats, 9 shall be reserved for Full-time department majors. Toward their election, each department will elect, from nominations made within its own ranks, 1 nominee for these seats. All Full-time Seniors, Juniors, and Sophomores who have declared their major will elect the required number of representatives by an at-large vote among these nominees.
- (ii) The remaining 5 Senate seats shall be reserved for Full-time Freshmen and Sophomores who have not as yet declared their major. Candidacy at-large shall be declared by filing a petition meeting the requirements established by the Senate. From the pool of such candidates, the Full-time Freshmen and non-major Sophomores will elect the required number of representatives by an at-large election.

D. The 11 Senate seats reserved for Part-time undergraduate students shall be filled as follows:

Candidacy at-large shall be declared by filing a petition meeting the requirements established by the Senate. From the pool of such candidates, the Part-time undergraduate students will elect the required number of representatives by an at-large election.

E. All graduate student positions shall be filled by the Graduate Student Association of Hunter College (GSA) according to the representational requirements outlined below and in Article III.1 and Article IV.4.B.

In the event that the GSA decides not to put forth a sufficient number of students to fulfill the representational requirements outlined in Article III.1 and Article IV, Section 2.E of the College Charter, or fails to do so by the first regularly scheduled meeting of a new Senate (at the end of the spring semester), nominations can be made by the Senate Administrative Committee or any seated Senator during a regular Senate meeting. In addition, candidacy at-large can be declared by filing a petition meeting the requirements established by the Senate. From the pool of such candidates, graduate student representatives shall be elected by a vote of the full Senate during a regular meeting.

The 11 Senate seats reserved for graduate students shall be filled as follows:

- (i) 6 seats shall be filled by graduate students matriculated in programs offered in the various divisions (as defined in Article IV.1.B.ii) and the School of Social Work; one seat to each division and the School of Social Work.
- (ii) There shall be 4 representatives who are matriculated graduate students and are elected by the matriculated graduate students in an at-large election.
- (iii) There shall also be 1 non-matriculated graduate student representative.

F. Two Senate seats shall be filled by nominations and elections from among and by the students in the SEEK Program.

G. 5 representatives of the administration, one of whom shall be in the title series HEO or CLT, shall be appointed by the President of Hunter College.

H. (i) A Senate seat reserved for faculty members with specific rank, or other qualifications (as outlined in Article IV, Sections 2A and B), that remains vacant after the elections scheduled for such seats, shall be filled for the remainder of the regular term by a faculty election conducted by a process approved by the Senate.

- (ii) A Senate seat reserved for students with specific major-non-major, graduate-undergraduate or other qualifications (as outlined in Article IV, Sections C, D, E, and F) that remains vacant after the elections scheduled for such seats, shall be filled for the remainder of the regular term by a student election conducted by a process approved by the Senate.

### **Section 3**

Each department shall be allocated one seat for a faculty alternate. The faculty alternates shall be elected in accordance with the specified nomination and election procedures of Article IV. The student alternates

shall be elected by a process approved by the Senate. The administration alternates shall be appointed by the President.

#### **Section 4**

For each of the constituencies, defined by the election procedures of Article IV, Section 2, the eligibility to serve and the right to vote shall be based on the same qualifications:

- A. For every such category, eligibility to be nominated or elected to the Senate, or to vote in Senate elections, shall require one full semester of service in the specified rank, position, and/or status preceding the semester in which such nominations are made or the elections take place.
- B. Students shall be in good standing. Graduate students shall have completed at least 3 hours of credit. Part-time Undergraduate students shall have completed at least 6 hours of credit.
- C. Those holding appointment to the instructional staff while enrolled in a graduate program at Hunter College under conditions that make them eligible to stand for election to the Senate and to vote in Senate elections as graduate students shall not be eligible for nominations or election to the senate or to vote in Senate elections as faculty members. If ineligible as graduate students, enrollment in graduate courses shall not affect eligibility as faculty members.

#### **Section 5**

In College-wide referenda and other votes conducted among all members of the instructional staff combined, a ballot cast by a faculty member in the rank of Professor, Associate Professor, Assistant Professor, Instructor, or Lecturer (full-time) on full-time annual appointment, or cast by department members in the title series College Laboratory Technician and Higher Education Officer, shall be tallied as a full vote. A ballot cast by a faculty member in the ranks of Lecturer (part-time), Adjunct Lecturer, or any other part-time member of the teaching faculty not also serving on a full-time appointment shall be tallied as a half vote.

#### **Section 6**

Certification as to class, status, and standing of students shall be made by the Registrar. Certification as to rank, position, and status of faculty shall be made by the Chief Academic Officer. Appointed representatives of the administration shall be certified to the Senate by name and administrative title.

### **ARTICLE V**

#### **Section 1**

At each of its first annual meetings following the new elections, the Senate shall elect from among its voting members a Chair, a Vice-Chair, a Secretary, and such other officers as it deems necessary. Their term of office shall be one year, and the Chair and Vice-Chair shall not serve in their respective offices for more than four consecutive terms.

#### **Section 2**

The Chair may, if he or she so desires, appoint a recording secretary with the responsibility for preparing the minutes and keeping the papers of the Senate in order.

#### **Section 3**

The Chair, Vice Chair, and Secretary of the Senate, together with the Chair of the Evening Council (Article VIII. Section 16) shall constitute the Administrative Committee of the Senate. The Chair of the Senate shall be the Chair of this Committee which will:

- A. Prepare the agenda for regular and special meetings, causing it to be published in the College no less than 10 days before the meeting.
- B. Be responsible for having prepared an Administrative Report, presenting the recommendations of the various Senate Committees that are considered routine, this report to be distributed to the representatives 10 days in advance of the meeting. Unless exceptions are taken, this Report will be handled as a single item on the Agenda.

- C. Assure continuity of the Senate's business between meetings.

## ARTICLE VI

### **Section 1**

The regular term of office for representatives shall be 2 years, extending from May of the first year to just prior to the first meeting of the new Senate the following year, in keeping with the calendar approved by the Senate. From the members, elected in the initial election, however, one-half shall be selected by lot in each category to serve a single year only. Hence, in the future, one-half of the Senate seats will be filled by the annual elections. Unexpired terms shall be filled at the next scheduled elections.

### **Section 2**

A vote for recall of a representative may be petitioned either by one-half or by 20 members of the representative's constituency, whichever is smaller. For this purpose, the constituency shall be defined as consisting of no less than the number of votes cast in the election of the representative. Seats vacated by recall shall be filled at the time of the next election for whatever portion may remain of the unexpired term.

## ARTICLE VII

### **Section 1**

The Senate shall be empowered to regulate the conduct of its business, including the establishment of a schedule for regular meetings and procedures for calling special meetings. The calendar of regular meetings shall be established sufficiently far in advance to permit its publication in the Registrar's annual College Calendar. The Senate shall develop practical election provisions with a view towards keeping itself as nearly as possible at full strength. It shall have the right to extend the mandated committee structure (Article VIII) by establishing additional standing, special or ad-hoc Committees; and it shall set its own rules of procedure and operation, being governed until it does so by Robert's Rules of Order, latest edition.

### **Section 2**

The regular meetings of the Senate shall be open to all members of the Hunter College community, and all of such members shall have the right to be recognized under procedures to be established by the Senate.

### **Section 3**

A quorum of the Senate and its Committees shall consist of no less than one-half of their voting membership plus one, unless otherwise prescribed in this Charter or specified under procedures established by the Senate.

## ARTICLE VIII

### **Section 1**

- A. All committees of the Senate shall preserve the spirit of equity regarding sessional, divisional, and other representation of students and faculty, and in the scheduling of meetings. Committee membership shall be open to all members of the faculty and to all students who are eligible for membership on the Senate. They shall be elected by the Senate from among nominations made by a Nominating Committee (Article IX) and/or nominations from the floor.
- B. When a committee vacancy cannot be filled with a faculty member or student with specified qualifications that vacancy shall be first reported to the Senate and then may be filled by a faculty member or student, respectively, without regard to the qualification specified.
- C. Senate committees report to the Senate
- D. Alternate members on committees may only vote and be counted in the quorum when regular members are absent.
- E. Each committee has two faculty alternates.

## **Section 2**

In reorganizations of the Hunter College administration, Academic Administrators designated to serve ex-officio on standing committees of the Senate shall have responsibility, as nearly as possible, for the same functions as those who are currently designated to serve in such capacity.

## **Section 3**

In the exercise of its responsibility for the design and modification of Hunter College curricula the Senate shall establish two Committees on Course of Study, one graduate and one undergraduate. These committees shall be constituted as follows:

### **A. The Graduate Course of Study and Academic Requirements Committee**

Six faculty members who teach in the graduate program, at least one faculty member from each of the divisions (as defined in Article IV.1.B.ii); a faculty member from the School of Social Work; 2 graduate students and 2 graduate student alternates; and serving without vote the Registrar, the Deans of the divisions and/or schools or designees, the Chief Academic Officer or designee, and the Chief Librarian or designee.

### **B. The Undergraduate Course of Study Committee**

One faculty representative from each of the divisions (as defined in Article IV.1.B.ii), a faculty member from the School of Social Work, and two from the divisions serving at-large; 3 students and 3 student alternates; and, serving without vote, the Chief Academic Officer or designee, the Deans of the divisions and/or schools or designees, the Director of Student Services, and the Chief Librarian or designee.

- C. Both of these Committees shall be chaired by faculty members elected by the voting members of the Committee.
- D. Both of these Committees shall have Deputy Chairs elected by the voting members of the Committee.
- E. There shall also be Committees on Curriculum in the School of Arts and Sciences, the Division of the School of Health Professions, the School of Education, and the School of Social Work. These committees shall be composed of the dean (with vote) and one faculty member from each department in the school or division, elected by the department as it may decree in its By-laws (see Article XI), and 3 students and 3 student alternates. The School of Arts and Sciences Curriculum Committee shall also include one faculty and one student representative from two of the inter-disciplinary programs. These Committees shall review proposals initiated by departments or programs or may initiate their own proposals for programs or curriculum changes, submitting such proposals for consideration to the appropriate Senate Committee on Course of Study.

The Curriculum Committees shall have the right to act on curriculum proposals, in accordance with the *Procedures for Preparing and Submitting Curriculum Proposals for College Approval* approved by the Hunter College Senate. Decisions by these Committees may be appealed by the departments or programs to the relevant Senate Committee on Course of Study. Matters on which appeals are pending shall not be forwarded to the Senate, and a two-thirds majority of the Senate Committee members present and voting shall be required to override such divisional decisions.

## **Section 4**

- A. The Undergraduate Course of Study Committee shall have oversight authority on all undergraduate curricular matters. It shall also concern itself through study and research with policies relating to the undergraduate curricular organizations. All proposals pertaining to:
  - (i) General Education Requirements.
  - (ii) New Majors.
  - (iii) New Minors.
  - (iv) Credit and Major or Minor concentrations.
  - (v) Degree Requirements.

- (vi) Interdisciplinary Program.
- (vii) Experimental courses

shall be submitted to the Undergraduate Course of Study Committee for action.

Final decision on all curricular matters is to be made by the College Senate, except in cases where final authority is vested in the Undergraduate Course of Study Committee by the Senate.

- B. The Graduate Course of Study and Academic Requirements Committee shall review all Master's and Doctoral Programs and graduate courses to be listed in the Hunter College Bulletin on graduate studies, whether on the Master's or the Doctoral level. Its functions shall also include the review and coordination of graduate academic requirements, the formulation of policy, for adoption by the Senate, regarding the methods of grading, admissions, attendance, withdrawal, maintenance of academic standards, accreditation of work done at other institutions. The Director of Admissions, Vice President for Student Affairs (or designee), and other resource persons as deemed necessary, are requested to attend all meetings of the committee concerning graduate academic requirements as non-voting members.

## **Section 5**

There shall be a **Committee on Undergraduate Academic Requirements** consisting of one faculty member from each of the divisions (as defined in IV.1.B.ii), a faculty member from the School of Social Work, and two faculty members from the divisions serving at-large; 3 students and 3 student alternates. The Dean of Students, the Chief Academic Officer or designee, a Director of Advising, a representative of Student Services, and the Registrar shall serve without vote. The Chair shall be a faculty member elected by the voting membership of the Committee. Its functions shall include the formulation of policy regarding methods of grading, requirements of student attendance, regulations relating to withdrawal from courses, and admissions not specified by Board of Trustees By-laws.

## **Section 6**

There shall be a **Committee on Student Standing**, consisting of 5 faculty members including a representative from the SEEK Program. The Dean of Students or designee, the Director of Advising and a representative of Student Services shall serve without vote. The Chair of the Committee shall be elected by its voting membership. The Committee shall be responsible for the evaluation of student records, for recommending to the Senate the award of degrees to qualified students, and for formulating policy, for adoption by the Senate, on the retention of students and the maintenance of academic standards.

## **Section 7**

In order to insure effectiveness, compatible procedures and comparable standards in the evaluation of teaching and teachers by the students throughout the departments (Article XI), and to assure the formal consideration of the results of such appraisals in the professional evaluation of members of the teaching faculty, the Senate shall establish a **Committee on Evaluation of Teaching**. This Committee will, among other things, be responsible for: the preparation of standard guides for an evaluation questionnaire to provide opportunities, under its supervision, for some departmental variation in the details of the evaluation procedure; continuing review of the scope, validity, content, and efficacy of the questionnaires actually utilized; and the compilation, analysis, and publication of the data produced by such questionnaires in order to facilitate widespread understanding of the purposes and results of the evaluation procedure.

The Senate Committee on Evaluation of Teaching will consist of 12 members, all with vote: 7 students and 5 faculty members. If a student has been elected to the Administrative Committee of the Senate, that student will serve as a committee member, and chair the committee.

## **Section 8**

There shall be established a **Master Plan Committee** of the Senate, consisting of one faculty member from each division (as defined in IV.1.B.ii), and the School of Social Work; 3 students and 3 student alternates, and a Chair, elected by the Senate without constraint as to category. In addition, the Chief Academic Officer and the Vice President for Administration or their designees shall serve as non-voting members. This Committee will be the general College development planning group, concerning itself with the priorities

that affect long term projections as regards programs and facilities. It will make policy recommendations on these matters for adoption by the Senate, and it will be responsible for drafting the annual revision of the Hunter College portion in the CUNY Master Plan, submitting such draft for approval to the Senate.

### **Section 9**

There shall be a **Committee on the Budget**, consisting of one faculty member from each division (as defined in IV.1.B.ii) and the School of Social Work; the Director of SEEK; 2 students and 2 student alternates; and a Chair elected by the Senate without constraint as to category. The Chief Academic Officer, the Vice President for Administration and designee will serve ex-officio without vote.

The Committee on the Budget shall annually develop the guidelines which, on review by the Senate and approved by the President of Hunter College, will be followed by the departments in the preparation of their projected budgets. It will review the resulting consolidated annual budget of the College and report on it to the Senate.

In addition, it will advise the President, at the latter's discretion, on the apportionment of instructional resources, budget, and space allocated to the College.

### **Section 10**

The Senate shall establish a **Committee on Grade Appeals**, consisting of 4 faculty members, and 3 students and 3 student alternates. The Committee on Grade Appeals will consider grade appeals in which the student or faculty member involved takes exception to the decision of the Departmental Grade Appeals Committee. The Committee on Grade Appeals shall establish guidelines for procedures to be followed in its review of grade appeals and will report its decisions in each case to the parties concerned, the Department Chair, and to the Registrar. The decision of the Grade Appeals Committee is final.

The Committee shall also make an annual statistical report to the Senate.

### **Section 11**

There shall be a **Committee on the Calendar**, consisting of one faculty member from each of the divisions (as defined in IV.1.B.ii), a faculty member from School of Social Work, and 2 students and 2 student alternates. The Dean of Students or designee, the Director of Advising, the Registrar, and the Director of Financial Aid shall serve without vote. The Committee on the Calendar will make recommendations on the College Calendar, and, in consultation with the Faculty Personnel & Budget Committee, on the Bell Schedule. The Committee will also evaluate existing registration procedures and make recommendations regarding changes in registration procedures.

### **Section 12**

There shall be a **Committee on Departmental Governance**, consisting of one faculty member from each division (as defined in IV.1.B.ii), a faculty member from the School of Social Work, 2 students and 2 student alternates, and one member of the administration (all with vote). The Committee on Departmental Governance shall: (a) make recommendations to the Senate on standards for Departmental By-laws; (b) review Departmental By-laws and Amendments approved by departments and make recommendations for Senate action; (c) make recommendations to the Senate on alleged infractions of Departmental By-laws.

### **Section 13**

**Administrative Search Committees** shall be constituted for all administrators (full deans and above) who, because of the nature of their policy making, have a significant impact on academic affairs and on the rights and welfare of the students and the faculty. The proceedings of search committees shall be confidential.

Different search committee staffing procedures may be appropriate for administrators who have college-wide impact and those who affect primarily only their divisions (as defined in IV.1.B.ii). In any procedure adopted, the Senate shall be responsible for nominating the panel of search committee candidates and search committee Chairs from whom the College President or the CUNY Board of Trustees, as appropriate, will select the search committee and the search committee Chair. This section shall be read consistent with applicable CUNY Board of Trustees policy on presidential search committees.

The search committee shall have the responsibility of nominating candidates for administrative positions to the College President who shall have the final authority to make recommendations to the CUNY Board of Trustees.

#### **Section 14**

There shall be a **Committee on Charter Review**, consisting of one faculty member from each division (as defined in IV.1.B.ii); a faculty member from the School of Social Work; 3 students and 3 student alternates; one member of the Administration to be designated by the President who shall serve ex-officio; and a Chair elected by the Senate.

The Committee shall be empowered to review the composition, structure and functions of the Hunter College Senate and to propose to the Senate amendments to the Governance Plan in accordance with the provisions of Article XIII, Section 2.

#### **Section 15**

The Senate shall establish a **Committee on Computing and Technology**, consisting of one faculty member from each of the divisions (as defined in IV.1.B.ii), the School of Social Work, the Library, and one faculty member at-large who conducts research that depends on computers and who complements and diversifies the knowledge base of the committee; and 2 students and 2 student alternates. Two members of the staff, the Director of ICIT, and the Provost (or designee) shall serve without vote.

The committee shall both propose and review computing technology plans and strategies as they impact on the instructional, research, and administrative functions at the College. The committee will consult with all affected communities before issuing proposals or review documents. Goals of this committee would include using technology to improve all aspects of the College functioning in a manner which enhances productivity for all members of the College community and spreads both the benefits and costs of these technologies equitably among the members of the community.

Specifically, this committee shall be asked to address strategies to assure appropriate hardware and software access for students, faculty, and staff including part-time faculty and staff both on campus and remote locations; the use of computing to enhance the instructional mission of the College; the means to provide computer-based student services and administrative functions; allocations and expenditures of college resources intended for computing and technology; college efforts to obtain external resources for enhancing the college's capabilities in the area.

#### **Section 16**

The Senate shall establish an **Evening Council**, consisting of one faculty member from each of the divisions (as defined in Article IV. 1. B. ii) and two faculty members from the divisions serving at-large who teach a course(s) in the evening; one faculty member from the Library; 2 students and 2 student alternates who take course(s) in the evening; and a Chair elected by the Senate. In addition the Director of Evening Student Services, the Registrar, the Director of Admissions, the Director of Financial Aid, and the Evening Affairs Commissioner of the Undergraduate Student Government, shall serve ex-officio without vote.

The Evening Council shall have the following responsibilities:

- A. To develop and recommend to the President of Hunter College required improvements in the supporting services (library, business office, registrar, etc.) during the evening hours.
- B. To provide the Administrative Committee of the College Senate with agenda items of concern to the Evening Council that are not the responsibility of other Senate committees.
- C. To identify, review, and give focus to matters of interest to the evening students and faculty, with the right to express itself as an advisory body on these matters and to transmit its recommendations to the cognizant authorities.

## Section 17

The Senate shall establish a **Committee on the Library**, consisting of one faculty member from each of the divisions (as defined in Article IV. 1. B. ii), the School of Social Work, Main Library, Branch Library, 2 students and two student alternates, and the Chief Librarian who shall serve ex-officio without vote.

The Committee shall function in an advisory capacity to the Chief Librarian and as a liaison between the Library and the College community. It shall encourage periodic review of immediate and long-term needs of the Library and library needs of individual departments and disciplines. The committee shall review an annual summary of the status of library resources and services to be provided by the Chief Librarian, and report on it to the Senate in the Fall semester.

## Section 18

There shall be a **Committee on Academic Freedom** consisting of one faculty member from each of the divisions (as defined in the Charter IV.1.B.ii), the School of Social Work, the Library, and one faculty member at-large, one member of the HEO staff, two students, and two faculty alternates, one HEO alternate, and two student alternates. The Provost (or designee) shall serve ex-officio without vote. The chair shall be a faculty member elected by the voting membership of the committee.

The charge of the committee shall include: to monitor, examine and report annually to the Senate on the status of academic freedom at the college; to make appropriate recommendations regarding academic freedom policies and practices to the college's governance bodies and, as appropriate, through those bodies to the University Faculty Senate; to investigate possible violations of academic freedom.

In order to ensure a secure and protected environment for individuals who wish to bring cases of abridgement of academic freedom before the committee, such charges will be examined by a subcommittee of two members chosen by the committee chair in consultation with the rest of the committee. In addition, the committee chair shall be recused from serving on the subcommittee.

## Section 19

There shall be a **Standing Committee on Academic Assessment and Evaluation**, consisting of one full-time faculty from each division of the School of Arts and Sciences, three full-time faculty members at-large from the School of Arts and Sciences, one faculty from each of the Schools of Education, Social Work, Nursing and Health Professions, two students-at-large from the School of Arts and Sciences, the Director of Assessment, a HEO representative and a HEO Alternate, and, serving ex-officio without vote the Deans of the schools of Arts and Sciences, Social Work, Nursing and Health Professions, Education (or their respective designees); the Chief Academic Officer and the Vice President of Student Affairs (or their respective designees); and the Director of Institutional Research. The Chair shall be a faculty member elected by the voting membership of the Committee, the Deputy Chair shall be a voting member elected by the voting membership of the Committee.

The specific charges to the committee shall include to develop, implement, review, and approve all college policies and procedures related to academic assessment; to seek necessary support (logistical and otherwise) for the proper implementation of approved college assessment processes and policies; to coordinate with other Senate committees to ensure that all policies and procedures related to academic assessment are faculty-driven; to serve as an assessment advisory committee for academic departments and programs, and work with all relevant constituencies as needed; to inform the academic community about accreditation standards as presented by the Middle States Commission on Higher Education; and to deliver regular reports to the Hunter Senate.

## Section 20

There shall be a **Committee on General Education**, consisting of one full-time faculty member from each division of the School of Arts and Sciences, three full-time faculty members at-large from the School of Arts and Sciences, one full-time faculty member from each of the professional schools with undergraduate degree programs, two students-at-large, the Chair, who shall be a full-time faculty member elected by the voting membership of the Senate, and, serving ex-officio without vote: Dean of the School of Arts and Sciences (or designee), the Provost (or designee), the Director of Assessment, the Chair of the Undergraduate Course of Study Committee (or designee), the Chair of the Committee on Academic

Assessment and Evaluation (or designee), the Registrar (or designee), and the Director of Advising Services (or designee).

The specific charges to the committee shall include: Develop, review, and approve all college policies and procedures pertaining to the general education program (including related graduation requirements) and curriculum; determine course approval guidelines for courses to be included in general education; review and make recommendations about such proposals; lead and coordinate periodic review of courses in general education; devise programmatic assessment for general education; receive and review programmatic assessment data and make recommendations on the basis thereof; encourage and facilitate faculty participation in general education curriculum development and teaching; advise the administration on matters of implementation of general education requirements as passed by the Senate; collaborate with other Senate committees, especially Undergraduate Course of Study and the Committee on Academic Assessment and Evaluation, to ensure that all policies and procedures related to general education are faculty-driven; and deliver regular reports to the Hunter Senate.

### **Section 21**

There shall be a **Committee on Food Services and Facilities**, consisting of three faculty members, three students, and the College Business Manager to serve as a Chairperson ex-officio, all Committee members to have a vote. The Committee shall be responsible for advising the administration concerning all food services at the College, including the quality, variety, prices, and presentation of the food, as well as dining facilities. An annual review of all contracted food services shall be part of the Committee's responsibility.

## **ARTICLE IX** **The Founding of the Hunter College Senate in 1970**

### **Section 1**

It shall be the responsibility of the President of Hunter College to set the place and time of the first election within thirty days of the ratification (Article XIV) of this Charter, to convene the newly elected Senate for its first meeting, and to function as its Chair until the first slate of officers has been elected.

### **Section 2**

The next order of business shall be the review and adoption of the Evening Session Council By-laws and the seating of the student representatives at-large, elected by the electoral college of Evening Session Council student members, provided such elections are found to have taken place in consonance with the approved By-laws.

### **Section 3**

The Senate shall then proceed with the election of a **Nominating Committee**, so that nominations for membership on the standing committees can be made. This committee shall be composed of 4 faculty representatives, 4 student representatives, and one Chair without vote. Ties shall be reported to the Senate.

## **ARTICLE X**

Nothing in the terms of this Charter shall be construed to prevent the continuation, or the establishment in the future, of student government and faculty organizations under instruments of governance which do not arrogate onto such bodies the exercise of functions properly mandated by this Charter to the College Senate, or any body or committee thereof.

## **ARTICLE XI**

### **Section 1**

It shall be the responsibility of individual departments to devise, to change as required, and – after approval by the Senate – to publish their own Bylaws, providing for a departmental policy committee or committees, a Committee on the Evaluation of Teaching, and such other committees as College and Board of Trustee By-laws may require or departmental preference may indicate.

## **Section 2**

It is the intent that departments, given the differences in their size and variations in their programs, shall have and exercise substantial latitude in devising their policy making structures, provided that they assure by representation and schedule opportunity for participation of day, evening, and graduate students and faculty. Large departments may find it expedient to have separate departmental policy committees for undergraduate and graduate sessions, capped by an appropriate arrangement for coordination between them. Departmental policy bodies shall include equal numbers of voting faculty and student members, and there shall be one among them whose duties include that of reviewing the adequacy of departmental governance and to initiate proposals for change if deemed necessary.

Departmental By-laws shall also provide for the review of curriculum proposals. In small departments, this may be assigned as one of its duties to the Departmental Policy Committee. In larger departments, a distinct curriculum committee, or even separate committees on the graduate and the undergraduate curriculum, may be specified.

## **Section 3**

An important departmental function is the evaluation of faculty course work, to be governed by the following basic considerations:

- A. Student evaluation of faculty teaching and course handling is to be a significant factor in the professional appraisal of faculty performance for purposes of reappointment, promotion, and tenure.
- B. Student evaluations of faculty should be made routinely each semester in all college courses.
- C. A standing Departmental Committee on the Evaluation of Teaching, composed almost entirely of student majors in the Department but including a single faculty member with an alternate to insure faculty/student liaison within the Department, shall be responsible for the distribution of the questionnaire and the management of the evaluation in each department. Its purview is to extend to all matters of administration and interpretation of the adopted teacher evaluation procedures.
- D. Each semester's questionnaire results are to be submitted to the Department Chair by the Chair of the Committee on Evaluation of Teachers for use in the duly constituted procedures of professional appraisal.
- E. There is also to be a faculty evaluation of course handling, based on observation and interview of all faculty members in the Department.
- F. As to non-tenured faculty:

- (i) A strongly negative student questionnaire response for a faculty member for a semester is to be the basis for discussion of the results by the Chair of the department or a designee with the faculty member before reappointment for a second year.
- (ii) Strongly negative student questionnaire responses for a faculty member for 5 successive semesters are to be a strongly presumptive basis for a departmental recommendation of non-reappointment of this faculty member. Such a questionnaire response record shall be the basis for a detailed review of a faculty member's prospect for further appointment by the department after consultation with the department Teaching Evaluation Committee and the faculty member.

If after such consultation the Department Personnel & Budget Committee concludes that the questionnaire responses are a valid reflection of the level of classroom competence of the faculty member, it will not recommend reappointment. If a department decides to recommend the reappointment of a faculty member with such a negative response record, the department Student Evaluation Committee shall have the right immediately to appeal this recommendation to the appropriate Dean and if necessary to the President. Pending the outcome of such appeals, any action to reappoint will be held in abeyance.

- (iii) The same procedures are to be applied to untenured faculty who are being considered for reappointment with tenure.

- (iv) Strongly positive questionnaire responses for a faculty member during the time periods indicated in F. (i) and (ii) above, shall be a strongly presumptive basis for reappointment of the faculty member; such reappointment may be denied by the department if it concludes that the faculty member is not demonstrating prospects of achieving professional growth within the discipline.
- (v) Reappointment with tenure shall also be based on other required and significant criteria of professional accomplishments and standing.

G. As to tenured faculty:

Strongly negative student questionnaire responses for a faculty member for 5 successive semesters can be assumed to have given ample opportunity for the kind of reviews, spelled out in the preceding paragraphs of this Article.

They shall therefore be taken as a strongly presumptive basis for a departmental recommendation that the faculty member: (1) either be assigned to non-teaching duties he or she is demonstrably competent to perform; or (2) be brought up on charges of incompetence, with due recognition of all rights under law under applicable collectively negotiated contracts.

#### **Section 4**

1. **The Procedure for Promotion to Full Professor** will begin with nominations and requests for consideration for promotion to full professor being directed to the President of Hunter College by the date announced by the President's Office. This date will be included in the Schedule of Promotions for Full Professors disseminated each year by the Provost's office to deans and department chairs. Nominations may be made by the Department Chair, the Department P&B, or any Full Professor. Copies of the nomination or request for consideration will be directed also to the Provost, the Dean of the candidate's respective school or division, and the Chairperson of his or her respective department.
2. When the chair of a department is a candidate for promotion to full professor, all of the chair's duties in the promotion process for all candidates for promotion to full professor shall be assumed by a chair *pro tem*. This includes having voice and vote on the departmental P&B, the appropriate divisional or school P&B, and the college-wide Committee on Faculty Personnel and Budget (FP&B) when such bodies consider the issue of promotion to full professor. For the purposes of this section, the Ancillary Units (including the Library), shall be regarded as a division, the FP&B Subcommittee on Personnel in Ancillary Units as the divisional P&B, and the chair of the Subcommittee on Personnel in Ancillary Units as the divisional dean. The chair will have neither voice nor vote on any P&B when it considers any aspect of the process for promotion to full professor. The chair *pro tem* shall be elected at the first departmental meeting after the deadline date announced by the President for receiving nominations and requests for consideration for promotion to full professor. The chair *pro tem* will be elected by the full time faculty of the department who would ordinarily be eligible to vote for department chair, and will need a majority vote of all such members of the department for election. Hereafter references to the chair will be understood to apply either to the department chair, if that person is not a candidate for promotion to full professor, or to the chair *pro tem*.
3. The departmental P&B committee will be responsible for reviewing the files, scholarship materials, and letters of outside evaluation for all the candidates for promotion to full professor within the department and to make a recommendation as to whether the candidate should be endorsed for promotion.
4. The departmental P&B committee shall compile the list of external evaluators. Although the candidate shall be invited to submit names for this list, the final determination of who shall be contacted is the responsibility of the departmental P&B committee and the department Chair.
5. The Chair of the candidate's department shall on behalf of the departmental P&B committee perform such administrative tasks as contacting outside evaluators, sending them the candidates' appropriate materials, receiving the evaluations, and transmitting them to the departmental P&B committee. The Chair shall write the Chair's report summarizing the candidate's record.
6. The departmental P&B committee shall make its recommendation to the respective school or divisional Personnel and Budget Committee via the office of the respective Dean. The candidate will be informed of the recommendation and, if negative, may elect to withdraw or to continue in the process.

7. The responsibilities of the Dean shall include, but not be limited to, scheduling meetings of the respective personnel and budget committee; scheduling interviews with candidates and the respective personnel and budget committee; duplicating the candidates' *curriculum vitae*, external evaluations, and any other pertinent materials; maintaining the files on the candidate; and placing candidates' publications in the Archives.
8. The appropriate divisional or school personnel and budget committee shall review all supporting documents for the candidate's promotion. An interview before this committee may be requested by the candidate or the committee. Refusal to meet with the committee shall not be prejudicial to the candidate. However, the committee shall not refuse to meet with the candidate once such a meeting is requested in writing by the candidate. The committee may ask any member of the full-time faculty to serve as a resource in gathering pertinent information on the candidate's relevant discipline, including members from the candidate's department and/or school or division.
9. The appropriate divisional or school personnel and budget committee will judge whether to recommend or not recommend each candidate falling within its purview. The committee will vote by secret ballot and minutes of the meeting shall be kept pursuant to Robert's Rules, newly revised. All affirmative recommendations must be by a majority of the committee. The Dean shall transmit a report of the committee's recommendations to the President and Provost's Offices indicating those candidates recommended and those candidates not recommended. Each candidate will be informed of the recommendation and, if negative, may elect to withdraw or to continue in the process.
10. The Deans of each School or Division shall transmit to the President, Provost, and the Office of Personnel for duplication and distribution the *curriculum vitae*, chair's report, teaching evaluations, and external evaluations for each candidate. All members of the FP&B shall receive copies of the *curriculum vitae*, chair's report, and teaching evaluations. The Deans shall receive copies of the external evaluations for all candidates and shall make them available to members of the FP&B for review. The Deans shall place all other documents, including publications, in the Archives.
11. The President shall send a report of the recommendations to all members of the FP&B prior to the meeting designated to consider promotions to full professor. At that meeting, members of the FP&B shall deliberate and vote on the FP&B recommendation to the President concerning which candidates should be recommended to the Board of Trustees for promotion.
12. The President shall review the recommendations of the FP&B and notify the candidates, in writing, who the President will recommend to the CUNY Board of Trustees for promotion to full professor. The President also has the authority to make an independent recommendation for promotion after consultation with the appropriate departmental P&B Committee and with the FP&B.
13. The President shall notify in writing those candidates who will not be recommended to the Board of Trustees for promotion. After receipt of this notification, candidates not recommended for promotion to full professor may appeal, writing directly to the President.

## ARTICLE XII

### **Section 1**

The College shall establish the office of **Hunter College Ombuds Officer**, providing a full-time secretary and such assistants as the incumbent may choose to staff the operation.

### **Section 2**

Any member of the College community eligible to serve on the Senate may be nominated or may nominate herself or himself for the position of Hunter College Ombuds Officer. Such nominations shall be addressed to the Nominations Committee of the Senate which may make its own nominations as well as soliciting them from the floor of the Senate. Each candidate shall be voted on individually by a for-or-against vote, the appointment going to the candidate with the highest plurality of "for" votes, provided their number exceeds two-thirds of the number of representatives present and voting.

### **Section 3**

The appointment shall be for a term of three years, removal from office to occur only as the result of demonstrated inability to perform the duties of the office.

### **Section 4**

The Hunter College Ombuds Officer shall consider complaints and grievances that are brought by any member of the Hunter College community, concerning a condition or problem in the College, may investigate the conditions giving rise to such complaints and may refer cases to others when the usual appeals procedures seem adequate. The Ombuds Officer will undertake independent investigations, in general, only if the usual procedures have proved inadequate or have been exhausted, and shall be empowered to recommend action to any officer or to any committee or organization of the College. The Ombuds Officer shall from time to time report on his or her work to the Hunter College Senate; and may otherwise publicize the results of investigations.

### **Section 5**

The Ombuds Officer shall be responsible for causing an impartial review to be conducted of the structure and the functioning of the College Senate at the end of two years of operation, with a view to recommending such changes in structure, functions, operations, by-laws and the like as this review of Senate experience may indicate.

## **ARTICLE XIII**

### **Section 1**

**Amendments to the Charter** may be proposed for referendum by a three-fourth majority of the Senate members present and voting at any meeting, regular or special, provided that the text of the proposed amendment has been submitted in writing to the Senate membership no less than ten days prior to such meeting. To be approved, amendments shall require a majority vote in each constituency, faculty and students, with no less than 30% of each voting.

Petition for amendment may be filed either by 20% of the Senate membership or by 10% of either the student or the faculty voting constituency.

### **Section 2**

This section is an amendment to Section 1 of Article XIII and, preserving the spirit of equity regarding sessional representation of students and faculty, governs the possible amendment of all articles of the Charter except the total percentages of the faculty, student, and administration representation as set forth in Article III, Section 1.

- A. An amendment may be proposed by the Charter Review Committee or by written petition to the Administrative Committee bearing the signatures of not less than 20% of the Senate members or 200 members of the Hunter College community.
- B. Upon receipt, the Administrative Committee will schedule as the first order of business, a First Reading of the proposed amendment, not later than the second regular meeting following its submission date, for discussion without vote.
- C. A Second Reading will take place at the next Senate meeting, at least 27 days later, the complete text having been mailed to all Senate members and to the chief officer of the faculty organizations and the student governments. At such meeting, the proposed Amendment shall be subject to amendment from the floor by a 3/4 vote of those present and voting. After debate on the proposed Amendment as submitted and amended, the Amendment will be formally proposed if it receives a 3/4 vote of all those present.
- D. A Third Reading will be the first order of business after the election of Senate Officers at the first meeting of the new Senate (Article VI. Section 1). Approval by written ballot by 3/4 of all those present shall constitute adoption, which shall be certified by the Chairperson to the President.

## ARTICLE XIV

Ratification of this Charter will be completed when it has been:

- A. Accepted by a majority of all students and a majority of the instructional staff of Hunter College; provided that at least 30% of each constituency votes.
- B. Recommended by the President of Hunter College to the CUNY Board of Trustees.
- C. Approved by the CUNY Board of Trustees

### **C. LEHMAN COLLEGE - AMENDMENT TO THE GOVERNANCE PLAN:**

**RESOLVED**, That the proposed amendment to the Governance Plan of Lehman College be adopted, effective June 27, 2017.

**EXPLANATION:** The proposed amendment to the Governance Plan of Lehman College of The City University of New York was approved by the Lehman College Senate on February 8, 2017 and is recommended by the College President.

The amendment concerns administration representatives to the College Senate. The Plan calls for twelve administration representatives. The amendment provides that if the College's President, Vice Presidents and Deans total more than twelve, the President will designate prior to the first Senate meeting of the academic year which twelve administrators will serve in the Senate for that year.

#### **GOVERNANCE STRUCTURE OF LEHMAN COLLEGE**

Approved by the Board of Higher Education, February 22, 1971

And amended by the Board of Trustees on June 24, 2002, September 29, 2003, and  
April 26, 2010

#### I. The Lehman College Senate

##### A. General Statement

The Lehman College Senate shall replace the existing Faculty Council. The Senate shall be a unicameral body, representing the faculty, students, administration, and non-teaching instructional staff (delineated in article 1.C.3) of the College, presided over by the President of the College.

##### B. Functions of the Senate

Subject to the authority and the Bylaws of the Board of Trustees, the College Senate shall be responsible for the formulation of academic policy and for legislative and advisory functions related to the programs, standards, and goals of the College.

###### 1. Policy Functions

It shall have the power to formulate policy, to make policy recommendations, and to review the implementation of policy concerning

- a) Academic affairs, including the development of curricula; degree requirements; interdisciplinary programs; admission and grading practices and standards; and the awarding of credits, degrees and honors;
- b) Long-range planning to achieve the overall goals of the College, within The City University and the College community, including responsibility for the continued development of the College;
- c) Campus life and activities which promote the total educational program, including ancillary services within the College; student organizations; alumni and community relations;

d) Practices and procedures for protection of academic freedom, the rights and liberties of each member of the Lehman College community, and the equitable settlement of internal campus problems.

## 2. Advisory Functions

It shall have the following advisory functions:

- a) To advise on the appointment of the President of the College and all Full Deans;
- b) To propose amendments to, and revisions of, the Bylaws of the Board of Trustees, and to recommend action to other bodies with jurisdiction over The City University;
- c) To assist the College Personnel and Budget Committee in the determination of budgetary priorities within the College;
- d) To advise the President, Deans, and Department Chairs concerning the procedures for faculty appointments, reappointments, promotions, tenure awards, and dismissal.

## 3. Legislative Functions

It shall have the following legislative responsibilities:

- a) To carry out by legislation the aforesated policy functions;
- b) To take such other recommending actions as the Senate may wish.

## C. Composition of the Senate

The Senate shall consist of representatives of the faculty, the students, the non-teaching instructional staff (delineated in article 1.C.3) and the administration of the College, with a total membership of 102 senators.

### 1. Representation of Faculty

#### a) Department Representation.

One representative with at least two years of full-time service shall be elected from each department by and from those members eligible to vote in that department.

#### b) At-Large Representation.

The number of faculty senators elected at-large shall be adjusted to maintain the total number of department representatives and at-large faculty senators at 51.

#### c) Apportionment of Faculty Elected At-Large.

Faculty Senators elected at-large shall be elected by and from the full-time members of the instructional staff acting as a single electorate. At-large Senators shall be apportioned in the following manner: Group A, consisting of all full professors, all associate professors, and all assistant professors with tenure; and Group B, consisting of all assistant professors without tenure, all instructors, and all lecturers full-time at the time of the election. At least one-third of the at-large seats shall be assigned to Group A faculty, and at least one-third to Group B faculty.

#### d) Representation of Part-Time Faculty

Three part-time faculty Senators shall be elected from those part-time members of the instructional staff who teach at least six semester hours per week. They shall be elected by all part-time members of the instructional staff.

#### e) Floor and Voting Rights

All faculty representatives in the Senate, whether departmental or at-large, part-time or full-time, shall have full floor rights and voting rights.

2. Administration Representatives

The President, Vice-Presidents, and Full Deans, shall be members of the Senate with full voting and floor rights. Prior to the first Senate meeting of the academic year, the President shall appoint additional administration representatives for one year terms with full voting and floor rights so that the total number of administrators in the Senate, including ex-officio representatives, shall equal twelve. If the President, the Vice Presidents, and the Full Deans total more than twelve, the President shall designate prior to the first Senate meeting of the academic year which twelve of them shall serve as administration representatives for the year.

3. Non-Teaching Instructional Staff Representatives

There shall be five representatives, elected by and from the Higher Education Officer and College Laboratory Technician series. They shall serve with full voting and floor rights.

4. Student Representatives

For purposes of Senate composition "student" shall be defined as matriculated students.

a) Number of Students.

There shall be 34 students comprising the total student membership of the Senate.

b) Election of Students.

Student Senators shall be elected at-large. Graduate students shall receive at least one guaranteed seat.

D. Length of Service in the Senate

1. At-large Faculty and Non-Teaching Instructional Staff Representatives. All full-time and part-time faculty elected at-large, and non-teaching instructional staff representatives elected to the Senate shall serve two-year terms and shall be eligible for re-election.

2. Departmental Representatives.

Departmental Representatives shall be elected at times coinciding with regular departmental elections for Chair and departmental Personnel & Budget committees, shall serve for a term of three years, and shall be eligible for re-election.

3. Student Representatives.

Students shall be elected annually, shall serve for a term of one year, and shall be eligible for re-election.

4. Vacancies.

(a) Senate seats shall be considered vacant when a senator is no longer employed by or matriculated at the College, or when a senator resigns from the Senate.

(b) Vacancies in seats designated for Faculty at-large, Non-Teaching Instructional Staff, and Student Representatives shall be filled by the person who received the next highest vote total in the most recent election for such seats. If there are no eligible individuals remaining on the list from the previous election, a special election shall be held.

E. Organization of the Senate

The Senate shall establish the necessary offices, committees, and procedures to carry out its responsibilities, and take other necessary actions for the implementation of its aforestated powers, with the following qualifications:

1. A joint faculty/student/administration committee shall establish procedures and mechanisms for the first election of the Senate, in conformity with the provisions stated under "Composition of the Senate." The faculty and administration members of the committee shall be chosen by Faculty Council. Student members shall be chosen by the student legislature.

The committee shall provide for election of at-large student members proportional to the full-time equivalent registration of the Undergraduate and Graduate sessions. Thereafter the Senate itself shall establish procedures and mechanisms for its own elections.

2. As a general policy, membership in committees of the Senate shall include Faculty, students, and administrators, and shall be open to nonmembers of the Senate.
3. Meetings of the Lehman College Senate shall be open to all members of the Lehman College community. Floor rights may be granted to nonmembers by vote of the Senate at the request of a member of the Senate.

II. Nullification of Senate Action

Enactment of Legislation By Referendum

A. Nullification of Senate Action

The General Faculty and the Student Body shall have the power to nullify any Senate decision or action in the following manner:

1. Initiation of an action to nullify a Senate decision or action shall be by petition of 20 percent of the faculty or 10 percent of the student body. The petition shall be directed to the Senate.
2. The Senate shall conduct separate referenda of the General Faculty and the Student Body within 20 class days of submission of a petition to nullify a decision or action, except that when the summer interim intervenes, the referenda shall be conducted within 20 class days of the commencement of the fall semester. Such actions to nullify must be completed by the conclusion of the first full semester following the Senate decision or action in question.
3. Nullification of a Senate decision or action shall require a two-thirds majority vote of both the General Faculty and the Student Body in the separate referenda, provided that 60 percent of the faculty and 30 percent of the student body vote in such referenda.
4. In any action to nullify, should a simple majority of either 60 percent of the faculty or 30 percent of the student body approve the proposal to nullify, the Senate will automatically reconsider the decision or action in question.

B. Enactment of Legislation By Referendum

The General Faculty and the Student Body shall have the power to enact legislation in the following manner:

1. Initiation of legislation shall be by petition of 20 percent of the faculty or 10 percent of the student body. The petition, stating the proposed legislation, shall be directed to the President of Lehman College.
2. The President shall submit the proposed legislation to separate referenda of the General Faculty and the Student Body within 20 class days of submission of petition to enact legislation, except that when the summer interim intervenes, the referenda shall be conducted within 20 class days of the commencement of the fall semester.
3. Enactment of legislation shall require a 75 percent majority vote of both the General Faculty and the Student Body in the separate referenda, provided that 60 percent of the faculty and 30 percent of the student body shall vote in such referenda.

III. Departments

Department functions and structures shall be retained with the following qualifications:

A. The Department Chair shall be elected except as otherwise specified in the Bylaws of the Board of Trustees, for a period of three years by members of the instructional staff of the department who hold faculty rank or faculty status.

B. Student participation on department committees shall be as follows:

1. Personnel and Budget Committees.

Subject to the authority of the Professional Staff Congress/CUNY contract with the Board of Trustees: Students shall serve the departmental Personnel and Budget Committees in advisory capacity, with the method of service and number of students to be determined by the respective departments.

2. Other Standing Committees.

Students shall have full voting rights on all departmental standing committees, other than Personnel and Budget Committees, with the number of students and the method of election to be determined by the respective departments.

**IV. Personnel and Budget**

The current Personnel and Budget Committee structures and functions on both the department and college-wide levels shall be retained, with the following qualifications:

A. Departments

1. Eligibility to Serve

Members of the instructional staff with full-time appointments in titles of Professor, Associate Professor and Assistant Professor may serve as members of the Personnel and Budget Committees of their departments; four of the five members of the committee must be tenured, unless there are fewer than four tenured faculty members in the department.

2. Eligibility to Vote

All full-time members of the instructional staff may vote for members of the Personnel and Budget Committees of their departments.

3. Promotion to Full Professor

Nominations for promotion to full professor shall be forwarded to the College Committee on Faculty Personnel and Budget by the chairperson of the department when there is a positive recommendation of the departmental Committee on Personnel and Budget.

B. College-wide Personnel and Budget Committee

1. Student Representation

Subject to the authority of the Professional Staff Congress/CUNY contract with the Board of Trustees: Students shall serve the College-wide Personnel and Budget Committee in an advisory capacity, with the method of service and number of students to be determined by the Committee.

**V. General Faculty**

A. Composition of the General Faculty

The General Faculty of Lehman College shall be composed of all full-time members of the instructional staff, and all others who teach at least six semester hours per week. All such members shall be entitled to full voting and floor rights at any meeting of the General Faculty, and may vote in any election or referendum in which the General Faculty participates. Other members of the instructional staff shall have full floor rights in meetings of the General Faculty.

B. Functions of the General Faculty

The General Faculty may:

1. consider any matter related to the interests or welfare of Lehman College;
2. take positions on College issues;
3. deal with any matter related exclusively to faculty interests or welfare, not specifically assigned to another body;
4. make recommendations to the Lehman College Senate and to any agent, department, committee, or organization of the College, and review actions taken in pursuance to its recommendations;
5. elect at-large Senators to the Lehman College Senate, as provided in appropriate sections of Article I;
6. elect by secret ballot faculty representatives to the University Faculty Senate, and other bodies or committees as requested;
7. and shall act through referendum in the process of Nullification of Senate Actions, in the procedure for Enactment of Legislation By Referendum.

## VI. Student Body

### A. Composition

The Student Body of Lehman College shall consist of all matriculated students, and all non-matriculated students.

### B. Functions

The Student Body shall:

1. elect student representatives to the Lehman College Senate and, upon request, to other bodies and committees;
2. act through referendum in the process of Nullification of Senate Actions and in the procedure for Enactment of Legislation By Referendum.
3. Any student or group of students may make recommendations to the Senate and to any agent, department, committee, or organization of the College.

### C. Student Conference

#### 1. Composition

The student members of the Senate shall constitute the Student Conference.

#### 2. Functions

- a) Shall provide a forum for discussion of, and taking positions on, College issues;
- b) Shall hold monthly meetings, open to the Lehman College community, to ascertain opinion on matters which are the concern of the Senate.
- c) After consideration by the Student Conference, any item may be placed on the Agenda of the Senate.

### D. Student Governance

An organization to administer student affairs shall be established by student referendum.

## VII. Amendment Procedure

This document may be amended in the following manner:

### A. Proposal of an Amendment

1. Proposal of an amendment to this document shall be in the following method:

A written proposal signed by 25 faculty and students, including at least 10 from each group, shall be considered as a proposed amendment to this governance document. All such proposed amendments shall be referred to the Senate Governance Committee. The Governance Committee will review the proposed amendment and recommend an appropriate course of action to the Senate.

### B. Adoption of an Amendment

1. Procedure for adoption of amendments to this document shall be as follows: A 75% affirmative vote of Senators present shall be required to adopt an amendment to this governance document, provided that at least 2/3 of all Senators are present for such vote.
2. Amendments adopted by the procedure above shall be presented for approval to the Board of Trustees.

## D. HUNTER COLLEGE - NAMING OF THE HANNELORE S. AND ROBERT M. BLOCH Commons:

RESOLVED, That the Board of Trustees of The City University of New York approve the naming of a student study area, located within the Silverstein Success Center on the 6<sup>th</sup> floor of Hunter College's Cooperman Library, the "Hannelore S. and Robert M. Bloch Commons" in memory of Hannelore Stern Bloch and Robert M. Bloch.

EXPLANATION: Linda S. Bloch and Sandra A. Bloch, as Trustees of The Robert M. Bloch Trust, have contributed \$500,000 to name the student study area on the newly renovated 6<sup>th</sup> floor of Hunter College's Library as part of a \$750,000 gift to The Hunter College Foundation.

Linda Bloch is the owner of Riverside Travel Service, founded by her grandmother in 1925, and run for many years by her father, Robert Bloch. The Bloch family is a longtime supporter of Hunter College and was one of the earliest donors to the Hunter College Mother's Day Fund. Robert Bloch visited the College with his family many times to meet the Mother's Day scholars.

In recognition of the generosity of Mr. Bloch through his trust, the College wishes to name the student study area the "Hannelore S. and Robert M. Bloch Commons."

## E. HUNTER COLLEGE - NAMING OF THE ELIZABETH HEMMERDINGER SCREENING CENTER:

RESOLVED, That the Board of Trustees of The City University of New York approve the naming of a screening room within the Silverstein Success Center of the Hunter College Library the "Elizabeth Hemmerdinger Screening Center."

EXPLANATION: H. Dale Hemmerdinger has contributed \$100,000 to The Hunter College Foundation to name the lecture/events/screening hall on the newly renovated seventh floor of Hunter College's Library the "Elizabeth Hemmerdinger Screening Center," in honor of his wife.

Elizabeth Hemmerdinger, a graduate of Hunter College Elementary School, is on the Board of Trustees of the Hunter College Foundation. She is an award-winning playwright, screenwriter, and producer. She is the founder and CEO of Providence Productions LLC, a film company she created in 2009 to "capture...extraordinary and complex stories about women." A tireless advocate for women, Ms. Hemmerdinger is also a member of the Board of Directors of *Women's Voices for Change*, a board member

of PEN America, and a founding board member of *Dancing Dreams*, a non-profit organization that uses dance to allow high school girls and children with severe physical disabilities to reach their full potential.

H. Dale Hemmerdinger oversees the ATCO family of companies, as well as its parent company, The Hemmerdinger Corporation, and The Hemmerdinger Foundation. He is a board member of HCF Renovation Foundation, Inc. He previously served as Chairman of New York City's Metropolitan Transportation Authority and as Commissioner of the New York City Conciliation and Appeals Board. He is active in many public and private organizations, including as Chair of the New York City Police Foundation.

In recognition of Mr. Hemmerdinger's generosity, the College wishes to name the screening room within the Silverstein Success Center the "Elizabeth Hemmerdinger Screening Center."

#### **F. QUEENS COLLEGE - NAMING OF THE DINA AXELRAD PERRY POOL:**

**RESOLVED**, That the Board of Trustees of The City University of New York approve the naming of the "Dina Axelrad Perry Pool" at Queens College.

**EXPLANATION:** Dina Axelrad Perry graduated from Queens College with a Bachelor's degree in Economics in 1967 and earned her Master's degree, also in Economics, in 1971. Mrs. Perry has had a long career as a senior portfolio manager, working at Chase and Neuberger Berman before joining Capital Research and Management Company, located in Washington, D.C. She is currently a Senior Vice President with the firm, which is internationally recognized in the field of portfolio management.

Dina Axelrad Perry is a member of the Board of Trustees of the Queens College Foundation and also serves on its Investment Committee. Mrs. Perry has pledged \$1,000,000 to the Queens College Foundation, to be fulfilled in two \$500,000 installments in May 2017 and September 2017. The Foundation will use \$700,000 to establish a fund for pool renovations to include facility upgrades in aquatic areas and locker room upgrades. The remaining balance of \$300,000 will establish an endowment fund for pool-related maintenance of the Dina Axelrad Perry Pool.

In recognition and honor of Mrs. Perry's ongoing commitment and generosity to Queens College, the College recommends the naming of the "The Dina Axelrad Perry Pool."

#### **G. THE CITY UNIVERSITY OF NEW YORK - ADOPTION OF REVISED GUIDELINES FOR THE SELECTION AND REVIEW OF DISTINGUISHED PROFESSORS AS BOARD POLICY:**

**RESOLVED**, That the procedures for the selection and review of Distinguished Professors be codified as Board Policy, updated to strengthen the role of the Executive Vice Chancellor and University Provost, clarify the selection criteria, and emphasize the importance of the review process of current title holders effective June 26, 2017.

**EXPLANATION:** Currently, procedures regarding the criteria for the initial appointment and subsequent review of CUNY Distinguished Professors are not considered in Board of Trustees Policies. The goals of this resolution are to codify and strengthen these procedures as follows:

- 1) As the Executive Vice Chancellor and University Provost chairs all examining committee meetings of Distinguished Professor candidates, s/he shall be present at Faculty, Staff and Administration Committee meetings when Distinguished Professor candidates are presented and discussed.
- 2) The word "solely" with regard to the role of scholarship in the appointment to Distinguished Professor is redundant and will be removed from the language of the procedure.
- 3) Every five years after the initial appointment, the College President, after consultation with appropriate departmental or college members, will submit to the Executive Vice Chancellor and University Provost a written review of the scholarly performance of the Distinguished Professor with a recommendation for reappointment or non-reappointment to the title.

## REVISED GUIDELINES FOR THE SELECTION AND REVIEW OF DISTINGUISHED PROFESSORS

### I. Goals, Criteria, and Required Evidence

- **Goals of the Policy on Distinguished Professors**

The title of Distinguished Professor is conferred on an individual by the University Board of Trustees in recognition of exceptional scholarly achievement. The purpose of these appointments is to recruit new faculty or retain existing faculty whose appointments enrich the University, especially when candidates require special incentives to influence their decision to accept an offer or to remain within the University. These appointments are expected to contribute to CUNY's commitment to recruit and retain an excellent faculty representing a rich diversity of gender and ethnicity.

- **Criteria for Distinguished Professorship Appointments**

CUNY Distinguished Professors should comprise a small number of exceptional individuals. That number is currently limited to 250 under the terms of the collective bargaining agreement. The primary purpose of the awards is to recruit or retain outstanding faculty. Distinguished Professorships are reserved for faculty with records of exceptional performance by national and international standards of excellence in their profession. There must be substantial evidence of this exceptional performance, including significant quantities of high-quality work in areas of importance in their disciplines. In addition to superb scholarship, Distinguished Professors are expected to participate in appropriate teaching and service roles in their colleges. However, this honor is granted **solely** in recognition of the quality and impact of a nominee's scholarship.

Nominations from colleges are expected to represent a balance between the number of Distinguished Professors recruited from outside the University relative to those appointed from internal CUNY candidates. Since Distinguished Professor appointments are not provided solely to recognize past performance, there must be evidence that their quality of performance will continue. ~~Colleges must review the performance of all Distinguished Professors at the end of every fifth year after initial appointment. The President will submit the review to the Executive Vice Chancellor and University Provost. In consultation with appropriate departmental and College persons, the President is expected to recommend to the Executive Vice Chancellor and University Provost that a Distinguished Professorship be discontinued if there is failure to perform at the scholarly levels expected of persons at that rank.~~

In all but the most exceptional circumstances, candidates who have been rejected may be renominated only once after a minimum of three years from the action.

- **Review Process**

~~Colleges must review the performance of all Distinguished Professors at the end of every fifth year after initial appointment. The President will submit the review to the Executive Vice Chancellor and University Provost. In consultation with appropriate departmental and College persons, the President is expected to recommend to the Executive Vice Chancellor and University Provost that a Distinguished Professorship be discontinued if there is failure to perform at the scholarly levels expected of persons at that rank.~~

- **Required Evidence for Awards**

There must be evidence that the candidate is regarded nationally, and where appropriate, internationally, as a leading scholar in his/her academic field. There also must be evidence that the candidate, if named University Distinguished Professor, will continue to perform as a faculty member at levels appropriate for Distinguished Professors.

Campuses should seek at least ten (10) external letters of evaluation from full professors or people of comparable standing outside the academy who are widely recognized authorities in the nominee's field and can provide objective analyses of the nominee's qualifications. As part of the nomination materials sent to the University, the campuses should provide the evaluating committee with each reviewer's vita. The review letters should include a comparison of the nominee to a specific list of other distinguished scholars in the field and provide a clearly articulated rationale for the assessment. Reviewers should acknowledge any prior contact with the nominee; they should not ordinarily be coauthors with the candidate, and they cannot be from any CUNY college.

## II. Procedure

- **Overview**

The procedures which guide the appointment to Distinguished Professor are designed to enable the University to gauge the appropriateness of nominees for this award. Beginning in fall 2014, nominations for the appointments may be presented to the University Board of Trustees at any Board meeting. Prior to presentation to the Board the case must have: (1) college endorsement based on the approved policy and/or practices of the college, which must incorporate the goals, criteria, and evidence prescribed in Section 1 of these guidelines; (2) submission of the materials to the Executive Vice Chancellor and University Provost's Office; (3) solicitation of evaluative letters by the Executive Vice Chancellor and University Provost when additional documentation is necessary; (4) review by the Distinguished Professor Selection Committee and recommendation to the Chancellor; (5) approval by the Chancellor and recommendation to the Board Committee on Faculty, Staff, and Administration; (6) approval by the Board Committee on Faculty, Staff, and Administration; and (7) approval by the Board of Trustees.

- **College Process**

The College President will forward to the Executive Vice Chancellor and University Provost (1) a current c.v. checked for accuracy and completeness; (2) letters of recommendation from the College's President and from the Chief Academic Officer; (3) at least ten (10) external evaluations, accompanied by vitas of the evaluators; (4) documentation of the processes used up to the point of submission of the case from the College, including an account of the process by which external evaluators' letters were solicited; (5) representative samples of the candidate's scholarly and/or creative work, as appropriate, and any additional evidence of exceptional performance by national and international standards of excellence.

*Note: The evaluations submitted by the College are critical. The evaluators must be among the most highly respected persons in the field, and they must be objective, without reason for bias; for example, as mentioned above, evaluators should not ordinarily be coauthors with the candidate.*

*Again, reviewers also cannot be from any CUNY college.*

- **University Process**

After the College-level process is completed and the materials are forwarded to the Executive Vice Chancellor and University Provost's Office, the Executive Vice Chancellor and University Provost will request additional supporting materials if the external evaluations are deemed insufficient.

The Executive Vice Chancellor and University Provost forwards each nomination to a Distinguished Professor Selection Committee. The Selection Committee will then meet and evaluate the candidates' portfolios, making recommendations to the Executive Vice Chancellor and University Provost, who will send the final recommendations to the Chancellor for review and submission to the Board Committee on Faculty, Staff, and Administration, including the Executive Vice Chancellor and University Provost, with eventual approval required by the University Board of Trustees. Because every effort will be made to avoid conflicts of interest in the composition and conduct of each Selection Committee, members of a Selection Committee should disclose any ties to the nominee under discussion at the beginning of deliberations. The Executive Vice Chancellor and University Provost may ask members to recuse themselves if there is a reasonable concern that a member's ties with a nominee would compromise the Committee's deliberations.

- **Timetable**

Beginning in fall 2014, the University Board of Trustees will act on nominations for Distinguished Professor at any Board meeting during which a nomination is presented. Submissions of nominating materials from the Colleges to the Executive Vice Chancellor and University Provost's Office for appointment to University Distinguished Professor will be accepted on a rolling basis for consideration by the Board of Trustees at a subsequent meeting. Once an appointment has been approved by the Board, it will go into effect on the first day of the subsequent month.

#### **H. THE CITY COLLEGE OF NEW YORK – APPOINTMENT OF BETH BARON AS DISTINGUISHED PROFESSOR OF HISTORY:**

RESOLVED, That the Board of Trustees of The City University of New York appoint Beth Baron as Distinguished Professor of History at The City College of New York effective July 1, 2017, with compensation of \$28,594 per annum in addition to her regular academic salary, subject to financial ability.

EXPLANATION: Dr. Beth Baron is a leading historian of the modern Middle East and a pioneer and leader in research on women and gender in the Middle East. Her numerous authored and edited books, book chapters and peer-reviewed articles address a broad range of topics including Middle East studies, gender history, women's history, colonial and postcolonial studies, nationalism, social movements and religious history. One of her reviewers wrote that "she enjoys an enviable reputation as a scholar and her articles, book chapters and books have become classics in a rapidly developing field." Another commented that her latest book, *The Orphan Scandal*, "is a remarkable piece of historical writing that represents social, political, intellectual and gender history at its finest." Many of her reviewers point to the importance of Dr. Baron's five years (from 2009 to 2014) as editor of the *International Journal of Middle East Studies*, the premier scholarly journal in U.S. Middle East studies. As noted by one, "under her editorship, the journal was transformed from a good journal, though very conventional (and at times boring, I regret to say) to a very exciting, cutting-edge journal in which we all compete to be published!" Dr. Baron was elected President of the Middle East Studies Association, an organization with an international membership, from 2015 to 2017. According to one of her reviewers, this "solidifies her reputation as one of her generation's most important scholars."

Dr. Baron has been Professor of History at The City College of New York since 2001, and first joined the department as an Assistant Professor in 1989. She earned her doctoral degree in History from the University of California, Los Angeles and her Master's degree in Near and Middle Eastern Studies from the University of London, School of Oriental and African Studies.

The City College of New York and The City University of New York will be well-served by Dr. Baron's appointment as Distinguished Professor.

#### **I. THE COLLEGE OF STATEN ISLAND – APPOINTMENT OF SOS AGAIAN AS DISTINGUISHED PROFESSOR OF COMPUTER SCIENCE:**

RESOLVED, That the Board of Trustees of The City University of New York appoint Sos Agaian as Distinguished Professor of Computer Science at The College of Staten Island effective August 25, 2017, with compensation of \$28,594 per annum in addition to his regular academic salary, subject to financial ability.

EXPLANATION: Dr. Sos Agaian is an international expert in the areas of data analytics, information security, computational vision, advanced digital signal processing algorithms, 3D imaging sensors and systems and computational biomedical health informatics. He is a scholar of remarkable productivity whose widely cited work has been published in 10 books, 18 book chapters, 133 journal articles, and over 450 refereed conference papers. He also holds 15 patents. His reviewers point out that "his research not only covers a wide range of topics, but is exceptional in depth and perspective." He has "pioneered novel techniques for image quality measurement that are now widely accepted as the standard in image enhancement system design" and "his impact in multimedia communication and imaging systems are seminal in nature." Professor Agaian has also "made exceptional theoretical and practical technical contributions to the intelligent security imaging system design community" where his work has "long lasting impact through its implementation in secure mobile communications, medical military systems and tele-medicine markets." Another reviewer points to his contributions in yet another area: "He has the remarkable ability to recognize key questions/problems, to explore new ideas, and to venture in developing and thus challenging, scientific frontiers. I have found his ideas and research pertinent to applications in cellular and tissue biomedical engineering very promising and of great potential." In recognition of his contributions, he has been elected Fellow of the American Association for the Advancement of Science, the Society for Imaging Science and Technology, the International Society for Photo-Optical Instrumentation Engineers, and, most recently, the Institute of Electrical and Electronics Engineers (IEEE).

Before joining the College of Staten Island this fall, Dr. Agaian was The Peter T. Flawn Professor in the Department of Electrical Engineering and Director of the Multimedia Analytics & Mobile Signal Processing Laboratory at the University of Texas at San Antonio from 2005 through 2016. Dr. Agaian earned a Ph.D. in Mathematics and Physics from the Steklov Institute of Mathematics, Academy of Sciences of the USSR (Moscow), a Doctor of Engineering Sciences from the Computer Center Academy of Sciences of the USSR (Moscow), a Senior Research Scientist of Computer Science Diploma (US Equivalent = Ph.D. in Computer Science) from the Supreme Attestation Board of the USSR (Moscow) and an M.S. in Mathematics and Mechanics from Yerevan State University, Armenia.

The College of Staten Island and The City University of New York will be well-served by Dr. Agaian's appointment as Distinguished Professor.

#### **J. HUNTER COLLEGE – APPOINTMENT OF DAVID HIMMELSTEIN AS DISTINGUISHED PROFESSOR:**

RESOLVED, That the Board of Trustees of The City University of New York appoint David Himmelstein as Distinguished Professor of Urban Public Health at Hunter College effective July 1, 2017, with compensation of \$28,594 per annum in addition to his regular academic salary, subject to financial ability.

EXPLANATION: Professor Himmelstein is recognized nationally and internationally as a health policy expert. He is a scholar of remarkable productivity whose widely-cited and influential work has been published in over 100 journal articles and seven monographs and books. His reviewers point out that he is "a leading policy thinker whose work includes seminal research findings that have changed the debate on health insurance in the United States." He "is the definition of a Distinguished Professor. Not only has he had an exemplary research career with extensive publications in major journals, he has, more importantly, created (with his collaborators) the database for informed, evidence-based analysis of the U.S. health system," and "his work represents the pinnacle of rigorous scholarship in health services research."

Professor Himmelstein's research with long-time collaborator Professor Stephanie Woolhandler has had a significant impact on health care policy in the United States and abroad. Their study of patients who were refused emergency care because they were uninsured triggered a national debate that eventually led to the passage of the Emergency Treatment and Active Labor Act, which requires hospitals to examine and stabilize patients before transferring them to another institution. Their research on the high administrative costs of medical care and the possible mechanisms to reduce them have entered national health policy debates in the U.S. and elsewhere. They are leading scholars on the effects of for-profit ownership of HMOs, insurance firms and medical providers. Their research on medical bankruptcy, which found that medical bills and illness were common causes of financial insolvency, was cited by President Obama as he worked to pass the Affordable Care Act. Together, Professors Himmelstein and Woolhandler founded and continue to lead the non-profit education and advocacy group Physicians for a National Health Program, which was recently cited in the New England Journal of Medicine as a leading progressive health policy organization that has grown to include more than 20,000 members nationwide and has active chapters in more than 40 cities.

Hunter College and The City University of New York will be well-served by Professor Himmelstein's appointment as Distinguished Professor.

#### **K. HUNTER COLLEGE – APPOINTMENT OF STEPHANIE WOOLHANDLER AS DISTINGUISHED PROFESSOR OF URBAN PUBLIC HEALTH:**

RESOLVED, That the Board of Trustees of The City University of New York appoint Stephanie Woolhandler as Distinguished Professor of Urban Public Health at Hunter College effective July 1, 2017, with compensation of \$28,594 per annum in addition to her regular academic salary, subject to financial ability.

EXPLANATION: Professor Woolhandler is an internationally recognized expert in health care policy who served as senior health advisor to Senator Bernie Sanders during his 2016 presidential campaign. She is a scholar of remarkable productivity whose widely-cited and influential work has been published in over 100 journal articles and seven monographs and books. Her reviewers point out that she is "amongst the most influential health systems researchers in the United States" and a "creative and rigorous researcher whose

scholarly output includes many studies that might be considered groundbreaking." "Most researchers and scholars crave to have the impact of Dr. Woolhandler's work," which "has been the single most important scholarly contribution to the movement for a single-payer health care system."

Professor Woolhandler's research with long-time collaborator Professor David Himmelstein has had a significant impact on health care policy in the United States and abroad. Their study of patients who were refused emergency care because they were uninsured triggered a national debate that eventually led to the passage of the Emergency Treatment and Active Labor Act, which requires hospitals to examine and stabilize patients before transferring them to another institution. Their research on the high administrative costs of medical care and the possible mechanisms to reduce them have entered national health policy debates in the U.S. and elsewhere. They are leading scholars on the effects of for-profit ownership of HMOs, insurance firms and medical providers. Their research on medical bankruptcy, which found that medical bills and illness were common causes of financial insolvency, was cited by President Obama as he worked to pass the Affordable Care Act. Together, Professors Woolhandler and Himmelstein founded and continue to lead the non-profit education and advocacy group Physicians for a National Health Program, which was recently cited in the New England Journal of Medicine as a leading progressive health policy organization that has grown to include more than 20,000 members nationwide and has active chapters in more than 40 cities.

Hunter College and The City University of New York will be well-served by Professor Woolhandler's appointment as Distinguished Professor.

**NO. 8. COMMITTEE ON FACILITIES PLANNING AND MANAGEMENT:** RESOLVED, That the following items be approved:

**A. THE CITY UNIVERSITY OF NEW YORK – APPROVAL OF FY 2017-18 CAPITAL BUDGET:**

RESOLVED, That the Board of Trustees of The City University of New York approve the University's FY 2017-18 Capital Budget comprised of (a) \$456 million in new State appropriations, (b) \$2.6 billion in State re-appropriations, including CUNY 2020 re-appropriations, and (c) \$535 million in the City five year commitment plan, pursuant to Exhibit A, for projects authorized by The City University Construction Fund to address critical maintenance, infrastructure, and programmatic initiatives in support of the University's mission.

Appropriation and reappropriation levels included herein for the senior and community colleges and various units of the university, per the authority vested in the Chancellery by the Board of Trustees, are reflected in the FY2017-2018 state enacted and city proposed appropriations for the university; and be it further

RESOLVED, That the Chancellor, or designee, is hereby authorized to modify up to five percent of the allocations provided for herein within the parameters of the state and city budget legislation. Any modifications above five percent will require Board approval. The University will provide semi-annual reports to the Board of Trustees' Committee on Facilities Planning and Management on planned, active, and completed projects.

**EXPLANATION:** Every year the University receives funding to complete projects in its capital program. The current budget covers the FY 2017-18 State budget and City FY 2017-21 budget. These projects shall be funded through bonds sold by the Dormitory Authority of the State of New York with debt service payments appropriated by the State of New York and the City of New York, and through bonds sold by the City of New York; projects shall also be supported by State minor repair funding from the State General Fund. The City provides 50% for the Community Colleges projects and special projects at Senior Colleges. The State provides 100% of the funding for the majority of Senior College projects and the 50% matching for the Community Colleges projects. CUNY 2020 projects will be financed by the Empire State Development bonding.

Projects funded by these sources focus on completion of existing projects and critical health, safety, code compliance and rehabilitation projects, while addressing the need for expansion and modernization of facilities, as called for in campus master plans, where funds are available.

**CUNY's Capital Budget Fiscal Year 2017-18**

1)	New State Capital Budget Appropriations provided in the FY17-18 state enacted budget Amounts in \$ thousands	\$456,558
A)	Senior College Critical Maintenance (College Specific)	\$46,350
B)	Senior College Critical Maintenance (CUNY-wide)	\$177,872
C)	Senior College Strategic Initiatives (College Specific)	\$60,000
D)	Dormitory Authority & City University Construction Funds Administrative Costs	\$36,983
E)	Community College State Match to City Funded Projects	\$80,353
F)	CUNY 2020	\$55,000
2)	Reappropriations of state capital funds from (prior fiscal years) a. Reappropriation of prior year state capital appropriations that are still available for projects.	\$2,600,000
3)	CUNY's 5 Year Capital Commitment Plan	\$535,512

**1) New State Capital Budget Appropriations**

*Amounts in \$ thousands*

A. Senior College Critical Maintenance Funds (college-specific and CUNY-wide)

For services and expenses related to alterations and improvements to existing facilities for capital maintenance, including but not limited to capital design, construction, reconstruction, rehabilitation, and equipment; for health and safety, preservation of facilities, program improvement or program change, environmental protection, energy conservation, accreditation, facilities for the physically disabled, preventative maintenance and related projects, including costs incurred prior to April 1, 2017 and subject to a plan developed and submitted annually by the City University of New York and approved by the State Director of the Budget.

College-specific Project Schedule

Campus-wide maintenance of various facilities

*Amounts in \$ thousands*

<b>Critical Maintenance</b>	
<b>Individual College Allocations</b>	
Baruch	\$2,511
Brooklyn	\$5,433
City College	\$8,136
Graduate School	\$25
Honors College	\$25
Hunter	\$5,799
John Jay	\$3,193
Lehman	\$2,438
Medgar Evers	\$3,096
NYC College of Technology	\$3,485

Queens	\$5,433
College of Staten Island	\$2,877
York	\$3,899
<b>Total Individual Colleges</b>	<b>\$46,3550</b>

B. CUNY-wide Senior College Critical Maintenance

CUNY-wide Schedule

**For university-wide maintenance or capital improvement costs at senior colleges attributable to:**

The findings of condition surveys for health and safety needs	\$9,270
The findings of condition surveys for preservation of facilities needs	\$12,463
Mechanical and infrastructure needs	\$7,210
ADA needs	\$6,180
Certificate of occupancy/public assembly needs	\$2,060
Energy conservation needs	\$4,120
Science lab upgrade needs	\$2,060
Bathroom facilities upgrade needs	\$1,030
Educational technology initiative needs	\$6,695
Science and technology equipment needs	\$5,047
CUNY TV renovation needs	\$515
Priority capital maintenance or capital improvement projects to support preservation of facilities	\$121,222
<b>Total lump sums</b>	<b>\$177,872</b>

Plans for these \$121 million in priority funds include:

- CUNY-wide Roof Replacement Survey and Program
- CUNY-wide Fire Alarm System Upgrades
- CUNY-wide Bathroom Upgrades
- CUNY-Wide IT Upgrades
- Other CUNY-Wide Initiatives

**Total** **\$177,872**

**Grand Total Senior College Critical Maintenance** **\$224,222**

C. Senior College Strategic Initiative Funds

For services and expenses related to alterations and improvements to various facilities including but not limited to capital design, construction, reconstruction, rehabilitation, and equipment; for health and safety, preservation of facilities, program improvement or program change, environmental protection, energy conservation, accreditation, facilities for the physically disabled, preventative maintenance and related projects, including costs incurred prior to April 1, 2017 and subject to a plan developed by the City University of New York and approved by the CUNY Board of Trustees and the director of the budget.

*Amounts in \$ thousands*

**Strategic Initiative Funding**

<b>Individual College Allocations</b>	
Baruch	\$1,260
Brooklyn	\$8,460
City College	\$15,120
Graduate School	\$60
Honors College	\$60
Hunter	\$9,360
John Jay	\$2,940
Lehman	\$1,080
Medgar Evers	\$2,700
NYC College of Technology	\$3,660
Queens	\$8,460
College of Staten Island	\$2,160
York	\$4,680
<b>Total Individual Colleges</b>	<b>\$60,000</b>

D. Dormitory Authority and City University Construction Funds Administrative Costs

For payment to the Dormitory Authority of the State of New York, for services and expenses of the authority related to construction activities administered by the authority for the state share of capital projects of the City University of New York which are appropriated by the state and otherwise authorized by law.

For payment to the City University Construction Fund for services and expenses of the City University Construction Fund related to construction activities administered by the City University Construction Fund for the state share of capital projects of the City University of New York which are appropriated by the state and otherwise authorized by law.

*Amounts in \$ thousands*

DASNY - program administration		\$21,000
CUCF - program administration		\$15,983
<b>Total</b>		<b>\$36,983</b>

#### E. Community College State Match to City-Funded Projects

For services and expenses for state financial assistance to community colleges for alterations and improvements to various facilities including services and expenses, capital design, construction, reconstruction, rehabilitation and equipment; for health and safety, preservation of facilities, new facilities program improvement or program change, environmental protection, energy conservation, accreditation, facilities for the physically disabled, and related projects, including costs incurred prior to April 1, 2017 subject to an annual plan developed by the City University approved by the State Director of the Budget and which may include, but not be limited to projects in the following schedule:

#### Community College Critical Maintenance Project Schedule

##### **Amounts in \$ thousands**

College / Project	City & State Funds	State 50% Share
Bronx CC		
-Bronx CC Critical Maintenance	\$42,000	\$21,000
-Student Success Center	\$14,000	\$7,000
-STEM Resource Center	\$300	\$150
BMCC		
-Cooling Tower Rehab	\$3,600	\$1,800
-Gymnasium Light Replacement	\$700	\$350
Hostos CC		
-One Stop Student Services Center	\$7,700	\$3,850
Kingsborough CC		
-Roof Replacements	\$2,000	\$1,000
-Marina Upgrades	\$500	\$250
-Science Equipment	\$454	\$227
LaGuardia CC		
-Ctr for Career and Employment Training	\$6,774	\$3,387
Queensborough CC		
-Roof Repairs	\$2,400	\$1,200
-Kitchen and Cafeteria Renovation	\$5,600	\$2,800
CUNY-Wide CC Critical Maintenance	\$60,678	\$30,339
CUNY-Wide CC Facilities for ASAP	\$14,000	\$7,000
<b>Total Community Colleges</b>	<b>\$160,706</b>	<b>\$80,353</b>

#### F. CUNY 2020

The sum of \$55,000,000 for the NY CUNY 2020 challenge grant program.

NY CUNY 2020 plans shall be developed in consultation with the regional economic development councils and funding will be subject to the approval of a NY CUNY 2020 plan or plans by the Governor and the Chancellor of the City University of New York. The determination of grant awards shall take into consideration the extent to which plans: (1) use technology, including but not limited to the expansion of on-line learning, to improve academic success and job opportunities for students; (2) leverage economic and academic opportunities through the START-UP NY program; and (3) provide experiential learning opportunities that connect students to the workforce.

*Amounts in \$ thousands*

CUNY 2020 Challenge grant fifth year allocation	\$55,000
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## 2) \$2.6 billion in State reappropriations

*Amounts in \$ thousands*

Seniors Critical Maintenance		\$1,480,000	
Seniors Strategic Initiative Funding		\$579,000	(detail below)
FY 16-17 Strat Init Lump Sum		\$20,000	
ASRC/CCNY Science		\$30,000	
BARUCH-17 Lexington Avenue		\$70,000	
BKLYNC-Performing Arts Ctr		\$2,973	
BKLYNC-Roosevelt Hall Reno		\$123,745	
CSI-Center Computational Sci		\$35,530	
Hunter Sci (now Swing Space)		\$53,452	
LEHMAN-Nursing Ed Ctr		\$40,689	
NYCCT-Academic Bldg. 1		\$166,412	
YORK-Academic Village/Conference Ctr		\$36,500	
		<b>\$579,301</b>	
Community Colleges match to city funds		\$310,000	
Hard dollars / minor repair funding		\$30,000	
	<i>Subtotal</i>	<b>\$2,399,000</b>	
CUNY 2020 years 1 - 4		\$220,000	
<b>Total State Reappropriations</b>		<b>\$2,619,000</b>	

## 3) City Five-Year Commitment Plan

### Fiscal Year 2018 April Commitment Plan

*Amounts in \$ thousands*

FY'17	FY'18	FY'19	FY'20	FY'21	5-Year Total
\$288,916	\$139,775	\$59,456	\$24,103	\$23,262	<b>\$535,512</b>

## B. BARUCH COLLEGE, KINGSBOROUGH COMMUNITY COLLEGE, LAGUARDIA COMMUNITY COLLEGE, AND MACAULAY HONORS COLLEGE – UPGRADE OF FIRE ALARM SYSTEMS IN VARIOUS BUILDINGS:

RESOLVED, That the Board of Trustees of The City University of New York requests the City University Construction Fund to execute Purchase Orders with Siemens Industry for the upgrading of the fire alarm systems in a total of 5 buildings at Baruch College (1), LaGuardia Community College (1), Kingsborough Community College (2), and Macaulay Honors College (West 67<sup>th</sup> Street building). The proposed work will be performed under a New York State Office of General Services Contract. The purchase orders will be subject to the approval of the Fund's General Counsel.

The total cost of such upgrades shall be chargeable as follows:

Baruch College:	State Capital Construction Fund for an amount not to exceed \$1,400,000.
LaGuardia CC:	50% to State Construction Fund and 50% to City Funds for an amount not to exceed \$4,500,000.
Kingsborough CC:	50% to State Construction Fund and 50% to City Funds for an amount not to exceed \$2,950,485.
Macaulay College:	State Capital Construction Fund for an amount not to exceed \$1,200,000.

EXPLANATION: The Fund on behalf of the City University of New York intends to upgrade the fire alarm systems in Baruch College's Newman Hall building, LaGuardia Community College's Shenker Hall building, Kingsborough Community College's "U" College Center and "P" Central Services buildings, and Macaulay Honors College's West 67<sup>th</sup> Street building.

The scope of work for all upgrades include:

1. Installation of the Fire Alarm Systems and Central Monitoring Stations;
2. Obtaining the plan approvals and permits from NYC DOB and NYC Fire Department; and
3. Labor and materials required for upgrading the complete fire alarm systems and Central Monitoring Stations.

#### **C. BARUCH COLLEGE – AMENDMENT TO PURCHASE ORDER FOR FIRE ALARM UPGRADES AT 17 LEXINGTON AVENUE BUILDING:**

RESOLVED, That the Board of Trustees of The City University of New York requests that the City University Construction Fund amend the previously approved purchase order adopted by the Board of Trustees of The City University of New York at the meeting of January 27, 2014 (Cal. No. 5.D.) by approving an increase from \$2,000,000 to \$4,000,000, for services to design, purchase and install a new Fire Alarm System at Baruch College's 17 Lexington Avenue building. This purchase order is to be awarded pursuant to a New York State Office of General Services Requirement Contract. The cost of the purchase order shall be chargeable to the State Capital Construction Fund for an amount not to exceed \$4,000,000. The purchase order shall be subject to approval as to form by the Fund's General Counsel.

EXPLANATION: Subsequent to the approval of the original Purchase Order (CUCF1205) and under the Phase I of the major renovations to the 17 Lexington Building a considerable number of fire alarm devices were specified to be installed. In order to have consistency and a single source of responsibility for the entire building's fire alarm system installation, it is highly recommended to utilize Siemens Industry, Inc., under the original Purchase Order (CUCF1205), to perform the installation of these additional fire alarm devices. It was determined that an additional \$2,000,000 will be required to complete the entire fire alarm building installation and therefore this proposed resolution increases the authorization amount to \$4,000,000.

The scope of work includes:

1. Preparation of plans and specifications for the installation of the Fire Alarm Systems and Central Monitoring Station;
2. Obtaining plan approval from NYC DOB and Fire Department;
3. Labor and materials required for the complete fire alarm systems and Central Monitoring Station.

#### **D. MEDGAR EVERES COLLEGE – PHASE I OF THE SECURITY SYSTEM UPGRADE:**

RESOLVED, That the Board of Trustees of The City University of New York requests that the City University Construction Fund amend the previously approved Purchase Order adopted by the Board of Trustees of The City University of New York at the meeting of June 27, 2016 (Cal. No. 7.B.) by approving an increase

from \$1,700,000 to \$3,000,000, for design, purchase and installation services to upgrade the existing security system at Medgar Evers College. The purchase order with A+ Technology and Security Solutions will be awarded pursuant to a New York State Office of General Services Contract and is subject to approval as to form by the Fund's General Counsel. The cost of this purchase order shall be chargeable to the State Capital Funds for an amount not to exceed \$3,000,000.

EXPLANATION: Subsequent to the June 27, 2016 Resolution No. 7.B. and based upon the final scope of the project and the results of the competitive bidding process, an additional \$1,300,000 will be required for the security upgrade work, and therefore this proposed resolution increases the authorization amount for the purchase order to \$3,000,000.

Based upon the bids received for the project, A+ Technology & Security Solutions, Inc. has been selected to perform the security upgrade work. The work includes installation of servers, workstations, cameras, access controls and card readers and related control systems throughout the Medgar Evers campus.

**E. CITY COLLEGE - RETRO COMMISSIONING FOR ASRC AND CDI BUILDING:**

RESOLVED, That the Board of Trustees of The City University of New York requests the City University Construction Fund to execute a Purchase Order to complete retro commissioning, post retro commissioning monitoring, and staff training services for the ASRC and CCNY CDI buildings. The proposed work will be performed under a New York State Office of General Services Contract. The purchase order will be subject to the approval of the Fund's General Counsel.

The total cost of all such purchases shall be chargeable to the State Capital Construction Fund up to an amount not to exceed \$3,000,000.

EXPLANATION: The Fund on behalf of the City University of New York intends to contract full retro commission services for ASRC and CUNY CDI Buildings to improve existing indoor environmental conditions for all spaces including clean rooms and labs that have high sensitive temperature and humidity requirements to ultimately improve the indoor air quality.

The scope of work includes:

1. To investigate and identify the deficiencies, provide adjustments, and reprogramming of the controls for the proper operation and functionality of the HVAC systems.
2. Provide post monitoring verifications.
3. Staff training.

**F. YORK COLLEGE – MULTIMEDIA CENTER, ACADEMIC CORE BUILDING:**

RESOLVED, That the Board of Trustees of The City University of New York authorizes the General Counsel and Vice Chancellor of Legal Affairs to execute a new contract on behalf of York College to renovate the existing Faculty Dining space and create a code compliant Multimedia Center. The contract shall be awarded to the lowest responsive and responsible bidder after public advertisement and sealed bidding pursuant to law and University regulations. The contract costs shall be chargeable to the City Capital Budget for an amount not to exceed \$1,189,000. The contract shall be subject to approval as to form by the University Office of General Counsel.

EXPLANATION: York College's Faculty Dining space is located in a highly visible area at the 160th Street entrance to the Academic Core Building and is currently used by faculty, staff, and students. York College wants to renovate this space so that it can be used to hold conferences and teleconferences, host academic and social functions, and use as a gathering space for the Jamaica community and civic organizations. To accomplish this York College will expand the rooms used by adding a series of technological, functional, and aesthetic improvements that will enhance its use as a teaching space and a place for meetings.

**G. BARUCH COLLEGE – EXECUTION OF MEMORANDUM OF AGREEMENT FOR A PERMANENT PEDESTRIAN PLAZA ON EAST 25<sup>TH</sup> STREET BETWEEN LEXINGTON AND THIRD AVENUES, NEW YORK, NEW YORK:**

RESOLVED, That the Board of Trustees of The City University of New York authorizes the General Counsel and Vice Chancellor of Legal Affairs to execute a Memorandum of Agreement with The New York City Department of Transportation and The New York City Department of Design and Construction for a reimbursement of funds up to an amount not to exceed \$7.5 million to create a permanent pedestrian plaza on East 25<sup>th</sup> Street between Lexington Avenue and Third Avenue.

EXPLANATION: A temporary pedestrian plaza currently exists on East 25<sup>th</sup> Street between Lexington and Third Avenues that was created through the New York City Plaza Program administrated by the Department of Transportation. Through the Memorandum of Agreement (1) CUNY will pay the Department of Transportation for Baruch College's portion of the project, and (2) the Department of Design and Construction will act as construction manager to procure and administer the project contracts.

**H. THE CITY UNIVERSITY OF NEW YORK – LEASE TO COLD SPRING HARBOR LABORATORY FOR DNA LEARNING CENTER AT NEW YORK CITY COLLEGE OF TECHNOLOGY:**

RESOLVED, That the Board of Trustees of The City University of New York authorizes the General Counsel and Vice Chancellor of Legal Affairs to enter into a thirty-year lease, along with associated agreements, with Cold Spring Harbor Laboratory for the creation of a DNA Learning Center at New York City College of Technology. The DNA Learning Center will be located on the entire second floor of City Tech's Pearl Street Building (approximately 19,000 square feet). The lease, and any associated agreements, shall be subject to approval as to form by the University Office of General Counsel.

EXPLANATION: The City University of New York will establish a collaboration with Cold Spring Harbor Laboratory (CSHL) – the preeminent international research institution that continues to spearhead breakthroughs in molecular biology and genetics. The proposed partnership will support the establishment of a DNA Learning Center in Brooklyn at New York City College of Technology (City Tech) that will serve as a hub for the public to explore and understand DNA science and its impact on health and society. The partnership will also foster educational and research collaborations between CUNY and CSHL.

The DNA Learning Center will be located on the entire second floor of City Tech's Pearl Street Building (approximately 19,000 square feet). The DNA Learning Center will provide the following:

- course-based undergraduate research experiences to 500 CUNY students per year;
- paid internships for 30 CUNY students per semester at both the DNA Learning Center and Cold Spring Harbor Lab facilities;
- mentoring for science education majors;
- academic year lab field trips for 15,000 NYC students and summer camps for 650 NYC students in grades 5-12 each year;
- a network of 200 students involved in distributed research projects in DNA barcoding, microbiomes and genome sequencing;
- train 100 teachers and provide equipment footlockers to support 2,000 in-school student labs each year; and
- weekend learning activities and family events for 10,000 visitors annually.

The DNA Learning Center will encompass six DNA learning laboratories (2 of which will be dedicated for City Tech's and CUNY's use), two conference rooms, exhibit areas, and required support facilities. Downtown Brooklyn is one of the most accessible areas in New York City, and the location will afford access to students and members of the public from all over the City.

CUNY is not allowed to charge rent due to the restrictions imposed by the tax-exempt bonds used to improve the building. However, CSHL will be solely responsible for the construction of the DNA Learning Center as well as all operating costs associated with the DNA Learning Center.

**I. THE CITY UNIVERSITY OF NEW YORK – EXECUTION OF LEASE AMENDMENT FOR 70 MURRAY STREET, 3<sup>rd</sup> FLOOR, NEW YORK, NEW YORK ON BEHALF OF THE BOROUGH OF MANHATTAN COMMUNITY COLLEGE:**

RESOLVED, That the Board of Trustees of The City University of New York authorizes the General Counsel and Vice Chancellor of Legal Affairs to execute a new lease amendment, along with any associated agreements, for approximately 51,953 rentable square feet of space, at 70 Murray Street, New York, New York, on behalf of the Borough of Manhattan Community College. The lease amendment shall be subject to approval as to form by the University Office of General Counsel.

EXPLANATION: The Borough of Manhattan Community College has occupied 156,179 rentable square feet of office and classroom space at this location on the Ground Floor, part of the 2<sup>nd</sup> Floor and the entire 10<sup>th</sup>, 11<sup>th</sup>, 12<sup>th</sup> and 14<sup>th</sup> Floors since June 2004, pursuant to a lease (the “Master Lease”) that will expire on May 31, 2035. Under the Master Lease, the current annual base rent is \$6,648,160 (\$42.56/SF).

On May 1, 2017 the Board of Trustees approved a resolution amending the Master Lease by adding 25,935/SF of space to house the college’s ASAP program bringing the total amount of space under the Master Lease to 182,114/SF.

This current resolution will add an additional 51,953/SF of space, bringing the total amount of space under the Master Lease to 234,067/SF. This additional space is comprised of the entire 3<sup>rd</sup> Floor of the building and will provide the Borough of Manhattan Community College with needed additional classrooms and support spaces.

The term for the additional space will be co-terminous with the Master Lease and will start upon substantial completion by landlord of the interior renovations specified by the University. The University will reimburse the landlord for the cost of the renovations. The base annual rent will start at \$58.00/SF (\$3,013,274) and will increase by \$5.00/SF every five years.

Pursuant to the Master Lease, the landlord will continue to be responsible for exterior, structural and roof repairs. In addition, the landlord, at landlord’s cost, will provide cleaning services and be responsible for HVAC maintenance.

The University is awaiting the funding necessary for the lease amendment. Execution of the amendment and expansion to the additional space is dependent upon this new funding.

**NO. 9. COMMITTEE ON STUDENT AFFAIRS AND SPECIAL PROGRAMS:** RESOLVED, That the following items be approved:

**A. GRADUATE SCHOOL OF PUBLIC HEALTH AND HEALTH POLICY – ESTABLISHMENT OF A STUDENT ACTIVITY FEE AND A COLLEGE ASSOCIATION:**

RESOLVED, That a student activity fee of \$41.45 per semester be established for students at the Graduate School of Public Health and Health Policy, effective Fall 2017, in accordance with the following schedule:

EARMARKING	ALLOCATING BODY
Student Association	\$40.00
University Student Senate	<u>\$01.45</u>

Total Student Activity Fee      \$41.45

and be it further

RESOLVED, That the Board of Trustees approve the establishment of the CUNY Graduate School of Public Health and Health Policy College Association and the proposed bylaws of the college association.

EXPLANATION: Students at the Graduate School of Public Health and Health Policy held a referendum to establish a \$41.45 student activity fee effective Fall 2017. The referendum was held in accordance with Board Bylaw section 16.12 on March 27 – 30, 2017. The vote on the referendum was 44 in favor, 14 opposed, with 11.6% of the eligible students voting and, of those voting, a 76% support rate.

The fee will be used to support student clubs and organizations, student travel to conferences, social and cultural activities and other initiatives determined by the student government. Elections for student government are scheduled this Spring. The Dean supports this initiative to enhance the student experience at this new school.

The School desires to organize a college association that will have supervision and review over School's student activity fee supported budgets. The college association will be organized as a unit of the School, not as a separate corporation. In accordance with Board Bylaw section 16.5, the bylaws of the college association have been approved by the Dean of the School and reviewed by the University Office of General Counsel. The college association membership will consist of the Dean of the School or his or her designee as chair, six students, three administrators, and three faculty members.

#### **B. NEW YORK CITY COLLEGE OF TECHNOLOGY – STUDENT ACTIVITY FEE INCREASE:**

RESOLVED, That the student activity fee paid by students at New York City College of Technology increase from \$55.15 to \$60.65 for full-time students and from \$20.80 to \$24.80 for part-time students, effective Fall 2017, in accordance with the following schedule:

<u>Earmarked Allocating Body</u>	<u>Current Fee</u> FT/PT	<u>Proposed Fee</u> FT/PT
College Association	\$42.70/\$16.35	\$46.20/\$17.85
Student Government	\$07.00/\$03.00	\$09.00/\$05.50
NYPIRG	\$04.00/ 0	\$04.00/ 0
University Student Senate	<u>\$01.45/\$01.45</u>	<u>\$01.45/\$01.45</u>
Total	\$55.15/\$20.80	\$60.65/\$24.80

The \$26.00 summer session student activity fee shall continue in accordance with the following schedule and students enrolled in multiple summer sessions shall pay the fee only once per summer:

#### Earmarked Allocating Body

College Association	\$15.55
Student Government	\$05.00
NYPIRG	\$04.00
University Student Senate	<u>\$01.45</u>
Total	\$26.00

EXPLANATION: The student activity fee schedule represents an increase of \$5.50 in the full-time student activity fee and \$4.00 in the part-time student activity fee paid by students at New York City College of

Technology. The increases will be locally earmarked to Student Government for Student Government Operations and Clubs and to the College Association for Student Life and Development Programs. This will be the first increase in the academic year student activity fee since 1998 and has the support of the College President.

A referendum was held in accordance with University Bylaw Section 16.12 in conjunction with student government elections held April 3-5, 2017. The vote on the referendum was 420 in favor, 258 opposed, with 4.5% of the eligible students voting.

Within the College Association fee, the following local earmarkings for full-time and part-time students will exist: Accident Insurance (\$1.25/\$0.25); Athletics (\$10.00/3.57); Day Care (\$7.00/\$3.75); Graduation (\$3.65/\$0.35); On Campus Health Clinic (\$10.00/\$6.00); Health Information (\$3.50/\$1.00); Tipster (\$1.25/\$0.25); Theatre Works (\$1.00/\$0.25); Contingency (\$0.10/0; Corporation Annual Assessment (\$0.45/\$0.05); and Student Life and Development (\$3.50/\$1.50).

Within the Student Government fee, the following local earmarkings will exist for full-time and part-time students: Student Clubs (\$4.00/\$3.00) and Student Government Operations (\$5.00/\$2.50).

Local earmarkings at the College have been established and are subject to change at the College in accordance with the referendum process set forth in University Bylaw Section 6.12, provided there is no change in the total fee. The earmarkings to the allocating bodies as set forth in the resolution may only be changed by further Board action.

The student activity fee allocated by the New York Public Interest Research Group (NYPIRG) is refundable, in accordance with procedures subject to the approval of the College President.

#### **C. JOHN JAY COLLEGE OF CRIMINAL JUSTICE – STUDENT ACTIVITY FEE INCREASE:**

**RESOLVED**, That the student activity fee paid by students at John Jay College of Criminal Justice increase from \$100.20 to \$130.20 per semester for full-time undergraduate students, from \$80.45 to \$105.45 per semester for part-time undergraduate students and from \$60.95 to \$80.95 per semester for graduate students, effective Fall 2017, in accordance with the following schedule:

EARMARKED ALLOCATING BODY	FULL-TIME UNDERGRADUATE Current/Proposed	PART-TIME UNDERGRADUATE Current/Proposed	GRADUATE FEE Current/Proposed	PART-TIME GRADUATE Current/Prop.
College Association USS	\$98.75/\$128.75 <u>\$01.45/\$ 01.45</u>	\$79.00/\$104.00 <u>\$01.45/ \$01.45</u>	\$59.50/\$79.50 <u>\$01.45/\$01.45</u>	\$59.50/\$79.50 <u>\$01.45/\$01.45</u>
Total	\$100.20/\$130.20	\$80.45/\$105.45	\$60.95/\$80.95	\$60.95/\$80.95

and be it further

**RESOLVED**, That the summer session undergraduate fee continue to be the part-time undergraduate fee and that graduate summer session fee continue to be the part-time graduate student activity fee, which will both increase effective Summer 2018.

**EXPLANATION:** This student activity fee schedule represents an increase of \$30.00 for full-time undergraduate students, \$25.00 for part-time undergraduate students and \$20.00 for both fulltime-time and part-time graduate students. The proposed increase will strengthen services available to all students.

In accordance with Board Bylaw Section 16.12, a referendum was held in conjunction with student government elections held March 27-March 30, 2017. The vote on the referendum was 979 in favor and 942 opposed, with 18% of the eligible student body voting.

Within the College Association fee, local earmarkings will now exist for full-time undergraduate, part-time undergraduate, full-time graduate and part-time graduate students, respectively, in accordance with the following schedule: Intercollegiate Athletics (\$11.25/8.50/\$4.75/\$4.75); Recreation (\$9.00/\$6.25/\$3.50/\$4.25); Clubs (\$11.00/\$10.00/\$2.50/\$2.50); Child Care (\$6.50/\$6.00/\$0.00/\$0.00); Student Government (\$12.00/\$10.00/\$10.00/\$10.00); Yearbook (\$4.25/\$3.25/\$3.25/\$3.25); Commencement (\$9.25/\$8.25/\$7.75/\$7.75); CSIL (\$5.50/\$4.50/\$2.00/\$2.00); Orientation (\$4.50/\$4.45/\$4.25/\$4.50); Student Services (\$3.00/\$1.25/\$2.00/\$1.00); Quality of Life (\$2.00/\$2.00/\$0.75/\$0.75); Graduate Students (\$0.00/\$0.00/\$8.50/\$8.50); Campus Activity Board (\$2.00/\$2.25/\$1.00/\$1.00); Newspaper (\$0.75/\$0.75/\$0.50/\$0.50); Radio (\$1.00/\$0.50/\$0.25/\$0.25); Theatrical Activities (\$0.50/\$0.50/\$0.25/\$0.25); Urban Male Initiative (\$2.25/\$1.75/\$0.00/\$0.00); Community Outreach (\$1.75/\$1.00/\$0.75/\$0.75); Counseling Services (\$1.85/\$1.00/\$0.75/\$0.75); Veterans Services (\$1.90/\$1.50/\$1.25/\$1.25); Women's Center (\$1.25/\$0.80/\$0.75/\$0.75); Student Travel (\$5.50/\$4.00/\$4.50/\$4.50); Administration (\$14.80/\$13.00/\$11.50/\$11.50); Unearmarked (\$1.00/\$1.00/\$1.00/\$1.00). New earmarkings within the College Association fee will now exist for full-time undergraduate, part-time undergraduate, and graduate students respectively: Health (\$4.75/\$3.75/\$2.00/\$2.00); Accessibility (\$1.60/\$1.50/\$1.50/\$1.50); LGBTQ (\$1.25/\$0.75/\$1.00/\$1.00); United Nations (\$0.75/\$1.00/\$0.50/\$0.50); CARE (\$4.25/\$2.50/\$1.00/\$1.00); Career Services (\$0.50/\$0.50/\$0.50/\$0.50); and Media Services (\$2.85/\$1.50/\$1.25/\$1.25).

Local earmarkings at the college are established and are subject to change at the college in accordance with the referendum process set forth in University Bylaw section 16.12, provided there is no change in the total fee. The earmarkings to the allocating bodies as set forth in the resolution may only be changed by further Board action.

The John Jay College President strongly supports the fee increases because it will enable the College to enhance services for students and will improve funding to a growing number of student organizations. Although the college significantly increased the student activity fee in 2013 that was the first increase in 25 years. The College is still playing catch-up to support all the services and student organizations that now exist. In addition to student organizations and Student Government, many programs and departments within the college will have additional resources to better support the students. New earmarkings will support a Nurse Practitioner, an LGBTQ+ Coordinator, CARE and additional Career and Accessibility Services. This additional funding will directly improve the quality of life for John Jay College students.

#### **D. HUNTER COLLEGE - UNDERGRADUATE STUDENT ACTIVITY FEE – RE-EARMARKING**

RESOLVED, That the student activity fee of \$85.10 per semester paid by full-time undergraduate students, and \$55.05 per semester paid by part-time undergraduate students at Hunter College be re-earmarked, effective Fall 2017, in accordance with the following schedule:

<b>EARMARKED ALLOCATING BODY</b>	<b>CURRENT FEE FT/PT</b>	<b>PROPOSED FEE FT/PT</b>
Student Government	\$24.60/\$21.40	\$21.62/\$19.84
College Association	\$55.05/\$28.20	\$58.03/\$29.76
NYPIRG	\$04.00/\$04.00	\$04.00/\$04.00
University Student Senate	\$01.45/\$01.45	\$01.45/\$01.45
<b>Total Student Activity Fee</b>	<b>\$85.10/\$55.05</b>	<b>\$85.10/\$55.05</b>

and be it further

RESOLVED, That the Summer Session Student Activity Fee of \$27.15 be re-earmarked and allocated as follows:

<b>EARMARKED ALLOCATING BODY</b>	<b>CURRENT FEE</b>	<b>PROPOSED FEE</b>
Student Government	\$14.65	\$18.97
College Association	\$09.05	\$04.73
NYPIRG	\$02.00	\$02.00
University Student Senate	<u>\$01.45</u>	<u>\$01.45</u>
<b>Total Summer Student Activity Fee</b>	<b>\$27.15</b>	<b>\$27.15</b>

EXPLANATION: The proposed student activity fee schedule represents a re-earmarking of the full-time, part-time and summer session student activity fees without any change to the total student activity fee. The College underwent a complete review of all student activity fee allocations. This re-earmarking enables the College to maintain the student activity fee at the 2001 level.

A referendum was held in accordance with University Bylaw Section 16.12, in conjunction with student government elections held May 1-5, 2017. The vote on the referendum was 936 in favor and 692 opposed, with 10.4% of the eligible students voting on the referendum. The College President supports the re-earmarking because these actions better reflects the needs of the current undergraduate student body.

Within the Student Government Fee, the following local earmarkings for full-time and part-time undergraduate students will exist: Brookdale (\$2.84/\$1.61); Renovation of Student Space (\$0.67/\$0.55); Student Government (\$7.19/\$3.75); Student Resource Center ((\$1.51/\$9.00); Student Clubs (\$9.20/\$4.88) and Participatory Budget (\$0.21/\$0.05).

Within the College Association Fee, the following local earmarkings for full-time and part-time undergraduate students will exist: Administrative Costs (\$0.50/\$0.25); Intercollegiate Athletics (\$14.64/\$6.50); Recreation and Intramural Programs (\$7.28/\$2.89); Medical Office (\$2.01/\$0.59); Performing Arts (\$5.86/\$0.91) Yearbook (\$1.00/0); Child Care (\$\$3.86/1.07); Envoy (\$0.27\$0.54); Media (\$1.59/\$0.54); Music (\$1.59/\$0.10); Accessibility Center (\$4.94/\$3.79); Welfare Rights Initiative (\$2.09/\$1.88); Green Initiative (\$1.25/\$0.54); WHCS Radio (\$1.25/\$1.07); Student Activities Office (\$6.18/\$4.00); Tutoring Fund (\$1.21/\$1.60); Emergency Food and Shelter (\$1.67/\$1.61); Civics Programming (\$0.01/\$1.34); and Healthcare Products (\$0.84/\$0.48).

Within the Undergraduate Summer Session Fee, the following local earmarkings for Student Government Fee will exist: \$5.45 for Student Government, \$1.29 for Renovation of Student Space, and \$12.23 for the Student Resource Center. Within the Undergraduate Summer Session Fee, the following local earmarkings for the College Association Fee will exist: \$1.80 for Accessibility Center, \$0.71 for the Medical Office, \$0.37 for Child Care, \$1.00 for Recreation and Intramural Programs, \$0.37 for Welfare Rights Initiative; \$0.24 for Envoy and \$0.24 for WHCS Radio.

This resolution incorporates adjustments that were made in 2005 and 2010 to local earmarkings through referenda which did not require Board of Trustees approval.

Local earmarkings at the College have been established and are subject to change at the College in accordance with the referendum process set forth in University Bylaw section 16.12, provided there is no change in the total fee. The earmarkings to the allocating bodies as set forth in the resolution may only be changed by further Board action.

The student activity fee allocated by NYPIRG is refundable, in accordance with procedures subject to the approval of the College President.

**E. YORK COLLEGE – STUDENT ACTIVITY FEE INCREASE:**

RESOLVED, That the student activity fee paid by all students at York College increase from \$68.60 to \$73.60 for full-time students and from \$48.60 to \$53.60 for part-time students, effective Fall 2017, in accordance with the following schedule:

EARMARKED ALLOCATING BODY	CURRENT FEE FT/PT	PROPOSED FEE FT/PT
College Association	\$67.15/\$47.15	\$72.15/\$52.15
University Student Senate	<u>\$01.45/\$01.45</u>	<u>\$01.45/\$01.45</u>
Total Student Activity Fee	\$68.60/\$48.60	\$73.60/\$53.60

and be it further

RESOLVED, That the summer session fee increase from \$11.45 to \$16.45 in accordance with the following schedule:

EARMARKED ALLOCATING BODY	CURRENT FEE	PROPOSED FEE
College Association	\$10.00	\$15.00
University Student Senate	<u>\$01.45</u>	<u>\$01.45</u>
Total Summer Student Activity Fee	\$11.45	\$16.45

EXPLANATION: The student activity schedule represents an increase of \$5.00 in the full-time and part-time student activity fee schedules and \$5.00 in the summer session student activity fee. The increases will fund local earmarkings for student clubs, athletics, Student Government, the Radio Station, Child Care and the Game Room. In addition, a number of local earmarkings were adjusted to meet current needs. These fees will be allocated by the College Association.

A referendum was held in accordance with University bylaw section 16.12 in conjunction with student government elections held April 20-April 21, 2017. The vote on the referendum was 89 in favor and 87 opposed, with 2.6% of the eligible students voting. The College President supports the fee increase, which is the first increase since 2010.

Within the College Association fee of \$72.15/\$52.15 the following local earmarkings will exist for full-time and part-time students: Athletics (\$23.00/\$16.00), Association Performing Arts Fund (\$2.00/\$2.00), York College Radio Station (\$4.00/\$4.00), Game Room (\$3.00/\$3.00), York College Child and Family Center (\$5.00/\$5.00), Study Away/Study Abroad (\$4.00/\$3.00), Student Government (\$6.00/\$6.00) Student Clubs (4.00/2.00) and the Budget Committee (\$21.15/11.15). There are no local earmarkings for the summer session fee.

Local earmarkings at the college have been established and are subject to change at the college in accordance with the referendum process set forth in University bylaw section 16.12 provided there is no change in the total fee. The earmarkings set forth in the resolution may only be changed by further Board action.

**F. SCHOOL OF PROFESSIONAL STUDIES – ESTABLISHMENT OF A COLLEGE ASSOCIATION:**

RESOLVED, That the Board of Trustees approve the establishment of the CUNY School of Professional Studies College Association and the proposed bylaws of the college association.

EXPLANATION: The CUNY School of Professional Studies desires to organize a college association that will have supervision and review over School's student activity fee supported budgets. The college association will be organized as a unit of the School, not as a separate corporation. In accordance with Board Bylaw section 16.5, the bylaws of the college association have been approved by the Dean of the School and reviewed by the University Office of General Counsel. The college association membership will consist of the Dean of the School or his or her designee as chair, six students, three administrators, and three faculty members.

**G. THE CITY UNIVERSITY OF NEW YORK – AMENDMENTS TO BOARD POLICY ON PAYMENT OF STIPENDS TO STUDENT LEADERS:**

RESOLVED, That the Board of Trustees of The City University of New York adopt the following amended policy on the payment of stipends to student leaders. The Board believes and intends that service as a student leader should be an educational experience. Recognizing the educational role of student leadership positions, the Board, while not encouraging the payment of stipends, believes some stipend payments to student leaders should be allowed within the parameters outlined below:

**NOTE: Matter underlined is new; matter in brackets is deleted.**

1. Stipend payments to student leaders shall be limited to two (2) years in the University, except:
  - a. A student leader elected to an office of the University Student Senate shall be allowed three (3) years of stipend payments, with no more than two (2) years of the payments as an officer of the University Student Senate.
  - b. A student who receives two (2) years of stipend payments as an undergraduate student leader, shall be permitted a third (3rd) year of stipend payments as a graduate student leader.
  - c. Co-chairs of the Doctoral Students' Council at The Graduate School and University Center shall be permitted a third (3rd) year of stipend payments as a graduate student leader.
2. The amount of stipend payments to student leaders shall be limited as follows:
  - a. College student leaders shall be limited to a maximum of ~~[\$4,950]~~ \$5,134 effective July 1, [2013] ~~2017~~ or no more than ~~[\$2,245]~~ \$2,475 per semester effective July 1, {2013} ~~2017~~.
  - b. The Chairperson of the University Student Senate shall be limited to a maximum of ~~[\$10,754]~~ \$11,152 per year or no more than ~~[\$5,377]~~ \$5,576 per semester effective July 1, {2013} ~~2017~~.
  - c. Vice-chairpersons of the University Student Senate shall be limited to a maximum of ~~[\$6,270]~~ \$6,502.00 per year or no more than ~~[\$3,135]~~ \$3251.00 per semester effective July 1, {2013} ~~2017~~.
- d. Co-chairs of the Doctoral Students' Council at The Graduate School and University Center shall be limited to a maximum equal to the minimum salary for the title of Graduate Assistant B.
3. No student leader shall for the same period receive more than one stipend, or be an employee of or receive any other compensation from a student activity fee allocating body.

4. The Chancellor or his or her designee shall, every two years, review the schedule of stipend payments, and report to the Board on any adjustments he or she recommends as being appropriate, in relationship to any changes in the Consumer Price Index (CPI).

**EXPLANATION:** This revised stipend policy is adopted pursuant to Board Bylaw Section 16.14 to authorize the payment of stipends to student leaders within the time limits and amounts set forth above, and amends the Board Policy on Payment of Stipends to Student Leaders adopted by the Board on April 25, 1983, Cal. No. 7.B., and amended on November 27, 1989, Cal. No. 6.A., February 22, 1994, Cal No. 7.A., June 27, 1994, Cal. No. 7.A., May 28, 1996, Cal. No. 8.A., April 26, 1999, Cal. No. 8.A., February 25, 2002, Cal. No. 8.A and March 29, 2004, Cal. No. 6.A., Cal. No. 7.C., June 25, 2012.

In accordance with the Board policy, the Chancellor has reviewed the schedule of stipend payments since stipends were last increased in July 2013. The proposed revisions increase the maximum allowable stipends by 3.7% on July 1, 2017, in accordance with the 3.7% increase in the Consumer Price Index (CPI), for all urban consumers in New York City and Northern New Jersey, from July 2013 through January 2017. A previous review of stipends was conducted in Spring 2015. Based on an increase of 0.7%, yielding annual increases ranging from \$34.00 to \$75.00, a decision was made not to increase stipends at that time. The implementation of the increase in the amounts to be paid to student leaders shall be determined by the Chancellor.

**NO. 10. EXECUTIVE COMMITTEE: Notice of Action Taken (June 5, 2017), for informational purposes:**

**A. THE CENTRAL OFFICE – DESIGNATION OF GENERAL COUNSEL AND VICE CHANCELLOR FOR LEGAL AFFAIRS:**

RESOLVED, That the Board of Trustees approve the appointment of Loretta P. Martinez as General Counsel and Vice Chancellor for Legal Affairs, effective August 1, 2017, at a compensation to be recommended by the Chancellor and the Chairperson of the Board of Trustees to the Board of Trustees, subject to financial ability.

**EXPLANATION:** At the conclusion of a national search chaired by Trustee Lorraine A. Cortes-Vazquez, the search committee recommended four finalists for consideration. The Chancellor and Chairperson are recommending Loretta P. Martinez as the General Counsel and Vice Chancellor for Legal Affairs. Ms. Martinez is currently the General Counsel and Secretary to the Board of Trustees at Metropolitan State University of Denver. She was previously General Counsel at the Colorado State University System, Legal Counsel and General Secretary at Colorado College, and Associate Attorney in the Office of the General Counsel at Harvard University. Ms. Martinez, who holds a Bachelor of Arts in Political Science from Yale University and a Juris Doctorate from Harvard Law School, is currently a Commissioner and Executive Committee Member of the Western Interstate Commission on Higher Education (WICHE), President of the Latin American Education Foundation, and a Board Member of the Mexican American Legal Defense and Education Fund.

**NO. 11 RESOLUTION OF APPRECIATION – FARLEY HERZEK:**

WHEREAS, Farley Herzek has served as President of Kingsborough Community College since 2014; and

WHEREAS, He has distinguished himself through his dedication to his students and their futures, starting with his intervention to ensure that Kingsborough students with unpaid tuition balances were offered payment terms and allowed to continue their studies; and

WHEREAS, Under President Herzek's leadership Kingsborough launched the innovative AssistMe app, which was designed to keep first-year students on track with information about financial aid, academic support, food and housing assistance, residency and child care to help them succeed; and

WHEREAS, His innovative approaches on behalf of his students have attracted funding from private foundations that are committed to the success of CUNY students; and

WHEREAS, Farley Herzek exemplifies the distinctive CUNY success story: a first-generation American, the son of a father who was liberated from a concentration camp at the end of World War II, a native of Brooklyn, the first in his family to graduate from college, a graduate of New York City public schools who attended Brooklyn College before earning his B.S. degree from The City College of New York, and an educator with wide experience in California in both K-12 and higher education; now therefore be it

RESOLVED, That the Board of Trustees of The City University of New York expresses its heartfelt appreciation to Farley Herzek for his exemplary dedication and distinguished leadership as President of Kingsborough Community College.

**NO. 12. RESOLUTION OF APPRECIATION – JEREMY TRAVIS:**

WHEREAS, Jeremy Travis was appointed as the fourth President of John Jay College of Criminal Justice in 2004, beginning a 13-year period of transformation for the college; and

WHEREAS, under President Travis' visionary leadership, John Jay College has emerged as one of the nation's leading criminal justice and liberal arts institutions, dedicated to the mission of "educating for justice"; and

WHEREAS, President Travis oversaw a transformation of John Jay College that has included the addition of more than 12 new liberal arts majors; the joining of John Jay with The City University of New York's prestigious Macaulay Honors College in 2012, and his launch of John Jay Online in 2014 to expand access and increasing the college's impact on justice issues globally; and

WHEREAS, President Travis worked with CUNY's community college presidents to create the CUNY Justice Academy, a dual-admission, joint-degree partnership leading to baccalaureate studies at John Jay; and

WHEREAS, during President Travis' tenure the college has piloted a four-year college program to improve graduation rates, modeled on CUNY's community college-focused ASAP program; completed its first capital campaign for \$50 million; and increased John Jay's impact as a research institution with nearly \$25 million in such funding awarded to the college's faculty in 2016; and

WHEREAS, President Travis has exemplified a powerful commitment to student success as well as a generous willingness to provide counsel and leadership on important CUNY-wide issues and initiatives, while making significant contributions outside the University as a leader in criminal justice reform; now therefore be it

RESOLVED, That the members of the Board of Trustees of The City University of New York express their sincere thanks and deepest appreciation to Jeremy Travis for his exemplary leadership, tireless dedication, and outstanding service to The City University of New York as President of John Jay College; and be it further

RESOLVED, That the Board of Trustees extends its best wishes for his continued success in his new role as University Professor at the CUNY Graduate Center, as a Senior Fellow in Criminal Justice at Harvard University's Kennedy School of Government, and in all other future endeavors.