MINUTES OF THE MEETING OF THE BOARD OF
TRUSTEES OF THE CITY UNIVERSITY OF NEW YORK

HELD

DECEMBER 1, 2014

AT BARUCH COLLEGE VERTICAL CAMPUS
55 LEXINGTON AVENUE – BOROUGH OF MANHATTAN

The Chairperson called the meeting to order at 4:30 P.M.

There were present:

Benno Schmidt, Chairperson
Philip Alfonso Berry, Vice Chairperson

Valerie Lancaster Beal
Wellington Z. Chen
Rita DiMartino
Freida D. Foster
Judah Gribetz
Joseph J. Lhota

Hugo M. Morales
Brian D. Obergfell
Peter S. Pantaleo
Carol A. Robles-Roman
Barry F. Schwartz
Charles A. Shorter

Muhammad W. Arshad, ex officio
Terrence F. Martell, ex officio (non-voting)

Frederick P. Schaffer, General Counsel and Senior Vice Chancellor for Legal Affairs
Jay Hershenson, Senior Vice Chancellor for University Relations and Secretary of the Board
Hourig Messerlian, Deputy to the Secretary
Towanda Lewis
Anthony Vargas
Doris Wang

Chancellor James B. Milliken
Interim EVC and University Provost Julia Wrigley
EVC and C.O.O. Allan H. Dobrin
President Lisa S. Coico
President Rudolph Crew
President Scott E. Evenbeck
President Ricardo R. Fernández
President William J. Fritz
Interim President David Gomez
President Karen L. Gould
President Farley Herzek
President Russell K. Hotzler
President Marcia V. Keizs
Interim President Eduardo J. Marti
President Gail O. Mellow
President Antonio Pérez
President Jennifer Raab
President Chase F. Robinson

President Felix V. Matos Rodriguez
President Jeremy Travis
President Mitchel Wallerstein
Dean Michelle Anderson
Dean Ayman El-Mohandes
Dean Ann Kirschner
Interim Vice Chancellor Judy Bergtraum
Vice Chancellor Frank Sánchez
Vice Chancellor Matthew Sapienza
Vice Chancellor Pamela Silverblatt
Vice Chancellor Gillian Small
Associate VC Brian Cohen
Associate VC Andrea Shapiro Davis
Senior University Dean John Mogulescu
RF President Richard F. Rothbard
Senior Advisor Marc V. Shaw
Chairperson Benno Schmidt called the meeting to order, and read the following notice into the record of the meeting:

“The meetings of the Board of Trustees of The City University of New York are open to the public, and the Board welcomes the interest of those who attend. The public has ample opportunity to communicate with the Board. Public hearings on the Board’s policy calendar are scheduled one week prior to the Board’s regular meetings and members of the public who wish to communicate with the Board are invited to express their views at such public hearings.

Furthermore, the Board holds additional public hearings each year in all of the five boroughs at which members of the public may also speak. In addition, written communications to the Board are distributed to all Trustees.

The Board must carry out the functions assigned to it by law and therefore will not tolerate conduct by members of the public that disrupts its meetings. In the event of disruptions, including noise which interferes with Board discussion, after appropriate warning, the Chairman will ask the security staff to remove persons engaging in disruptive conduct.

The University may seek disciplinary and/or criminal sanctions against persons who engage in conduct that violates the University’s rules or State laws which prohibit interference with the work of public bodies.”

A. VIDEOTAPING OF BOARD MEETING: Chairperson Schmidt announced that as usual CUNY-TV is making available this important community service by transmitting the Public Session of this afternoon’s meeting of the Board of Trustees live on cable Channel 75. The meeting is also being webcast live at www.cuny.edu/livestream providing service worldwide through personal computers and mobile devices. The Public Session of this afternoon’s Board meeting will be available as a podcast within 24 hours and can be accessed through the CUNY website.

Chairperson Schmidt stated that he would like to welcome Dr. Eduardo Marti in his new role as Interim President of Bronx Community College. Dr. Marti is no stranger, having served with great distinction as President of Queensborough Community College in 2010, and more recently as Vice Chancellor of all community colleges in 2010 as well.

Chairperson Schmidt stated that he would like to express collective appreciation to Mr. Muhammad Arshad for his year of outstanding service as the Chairperson of the University Student Senate (USS) and as the student member of the Board of Trustees. Thank you, Mr. Arshad for your dedication to the CUNY mission.

Chairperson Schmidt stated that he would like to extend his warmest welcome and congratulations to the new USS Chairperson and student Trustee Joseph Awadjie on his election effective November 1st. Mr. Awadjie is currently pursuing a Master of Science Degree at Brooklyn College, specializing in Natural and Behavioral Sciences. He has served as a member of the Board's Committee on Fiscal Affairs.

Chairperson Schmidt stated that Chancellor James Milliken and he have scheduled a Trustee and Chancellery Dinner with the newly elected CUNY student leaders in early December. All the Trustees have received an invitation to this important event.

Chairperson Schmidt stated that he would like to thank Vice Chairperson Philip Berry as well as Trustee Frieda Foster for presenting “CUNY Start - Pre-Matriculation Intervention to Address Remedial Needs” to an enthusiastic audience on October 23rd at the 45th Annual Association of Community College
Trustees’ Leadership Congress. They were joined by LaGuardia Community College President Gail Mellow and Hostos Community College Interim President David Gomez.

Chairperson Schmidt stated that he would also like to thank Trustees Valerie Beal, Rita DiMartino and Freida Foster for their presentations at the well-attended 9th Annual CUNY Women’s Leadership Conference on October 31st at Hunter College. The conference took place with the help of the Council of President’s Women’s Leadership Initiative Committee chaired by President Marcia Keizs, and co-sponsored by The New York Times inEDUCATION. The conference focused on “Leadership for the Next 10 Years: Advancing the Agenda.”

Chairperson Schmidt stated that he would like to again thank Trustee Beal for representing the Board of Trustees at the recent McKinsey and Company’s 2014 Boards of Higher Education Summit; also, Trustee Charles Shorter for his presentation at the CUNY-wide Presidents and Foundation Leaders Conference in early November, organized by Chancellor Milliken and the Association of Governing Boards.

Chairperson Schmidt stated that he would also like to thank Vice Chairperson Berry and Trustees Beal and Shorter who represented the Board at today’s ribbon-cutting of the Charles Inniss Memorial Library at Medgar Evers College.

Chairperson Schmidt stated that Hostos Community College Professor Cynthia Jones was selected the 2014 New York State Professor of the Year from among nearly 400 top level educators by the Carnegie Foundation for the Advancement of Teaching and the Council for the Advancement and Support of Education. This is a highly regarded award. It is also the second time in recent years that a Hostos Community College professor has won this prestigious award: Prof. Rees Shad was selected the 2012 New York State Professor of the Year.

Statement of Interim President David Gomez:
It is my pleasure to have this opportunity to recognize Prof. Jones not only for the distinction given by the Carnegie Foundation but her lifelong work of services for CUNY students. For four decades, she has distinguished herself as a scholar, teacher, mentor and an advisor to college presidents. She was also instrumental in ranking the young dean thirty years ago, who later returned to serve as president and now has the honor to present her today. When Prof. Jones speaks of her students she speaks of being humbled by her students.

Statement of Prof. Cynthia Jones:
Thank you very much. I am Hostos and I have had the honor of serving at my second home. I am very humbled by this award, an award that everyone at Hostos Community College should receive.

Chairperson Schmidt stated that he is pleased to announce that Hunter College alumnus Phil Klay of the Hunter College MFA Class of 2011 won the coveted National Book Award in Fiction. His book Redeployment, a debut short-story collection, is based partly on his time serving the United States in Iraq. The National Book Award is a signal achievement. Chairperson Schmidt made note of the CUNY faculty who have won this illustrious honor: Hunter College Distinguished Professor Colum McCann won it in 2009 for his novel, “Let the Great World Spin;” and, Distinguished Professor at the Graduate School and University Center James Oakes was longlisted for the 2013 award in non-fiction for “Freedom National.” He added that Prof. Oakes won the 2008 Lincoln Prize for his book, “The Radical and the Republican,” and again in 2013, also for “Freedom National.”

Statement of President Jennifer Raab:
Hunter College is proud of Mr. Klay’s recent award—a very well-deserved one for this extraordinary young man, who is a 2011 graduate of Hunter College’s MFA program in creative writing. Redeployment is a debut short-story collection about his service as a Marine in Iraq and it was shortlisted for the Frank O’Connor Prize. He has been #14 on The New York Times bestseller list, received a rave review from
Michiko Kakutani, and he was also on the front cover of the Times Sunday Book Review. The list goes on of Mr. Klay's already distinguished achievements as a young writer. He is somebody who deserves this award as a writer, as a soldier, and as a patriot. Hunter College has extraordinary students, who are part of about 600 students every year who apply for the 19 to 21 slots in the Hunter College MFA program. The college has two-time Booker Prize winner Peter Carey, Claire Messud, and Tom Sleigh—an extraordinary list of people who together with the students exemplify what CUNY is doing in the world of the arts. Hunter College is making it possible for talented young people to invest their time in their passion of writing without having to worry about the crushing financial burdens of debt in their future, and exploring their abilities to go on to achieve the award as Mr. Klay has. As a final note, this is also an example of how philanthropy at CUNY has made such a difference. The Hertog family's investment in this program has allowed the University to bring many mentors who have worked with students to help them achieve their dreams. Mr. Klay, Hunter College and CUNY congratulate you and know that there are so many great achievements for you in your future. In addition, the University thanks you for your service to our country.

Statement of Hunter College Alumnus Phil Klay:
Thank you so much. I am incredibly proud to be a Hunter College alum to which Tom Sleigh convinced me to look into because of the faculty who were there—people like Colum McCann and Peter Carey. The other really incredible thing aside from the fact that it was very affordable, which was really important, is that it is important for the other students there who are very serious and committed writers. The Hertog Foundation allowed me to work as a research assistant for Richard Ford on his book Cananda, which was a remarkable experience. Just this year, I have been to five debut launches of other Hunter College alums, and actually the year before, Bill Cheng—who is a Baruch College alum, and who attended Hunter College with me—his book Southern Cross the Dog came out. Two other Hunter College alums have books coming out next year. It is just a continuing parade, and I am very grateful to have been a part of it, benefitting from the Hunter College's MFA program and also from the philanthropy that helps it to keep going, and providing incredible opportunities.

Chairperson Schmidt stated that the National Book Award is one of the greatest honors in the world of literature. The fact that CUNY professors and alumni are winning such an award shows the world-class work that is being done at the University in fine arts and literature as well as in so many other areas. So congratulations for representing the very best.

Chairperson Schmidt stated that on behalf of the Board, he would like to note the gratification of seeing The City University of New York in the news recently when its thirteenth alumnus won the Nobel Prize in Physiology or Medicine. Congratulations to John O'Keefe, a child who grew up in the South Bronx, who drove a cab at night and graduated in six years from The City College of New York in 1963.

Chairperson Schmidt stated that he would like to report that the Board held its Operating and Capital Budget and Public Hearings on Monday, November 24, 2014. Trustee Freida Foster chaired the hearing that was also attended by Trustees Barry Schwartz, Joseph Awadjie, and Terrence Martell, Chancellor Milliken and members of the Chancellery. A summary of the proceedings has been circulated to the Trustees and to the Chancellor's cabinet, and a transcript is available in the Office of the Secretary.

Chairperson Schmidt stated that on behalf of the Board, he would like to extend his deepest condolences to the family of Bernard Spitzer, who passed away on November 1st at the age of 90. A City College alumnus - class of 1943—and a prominent New York real estate developer and philanthropist, Mr. Spitzer, with his wife Anne, pledged $25 million to the School of Architecture at City College. Also, in 2005 he established the first endowed Bernard and Ann Spitzer Chair of Political Science, with his wife Anne, an English literature professor at Marymount Manhattan College. He also established the magnificent Anne and Bernard Spitzer Hall of Human Origins at the American Museum of Natural History. He will be sorely missed.
Chairperson Schmidt stated that also on behalf of the Board, he would like to offer his deepest condolences to the family of Edward “Ned” Regan, former New York State Controller and Erie County Executive who served with great distinction and purpose as President of Baruch College from 2000 to 2004.

B. COLLEGE AND FACULTY HONORS: Chairperson Schmidt called on Trustee Rita DiMartino, who announced the following:

1. LaGuardia Community College was one of twenty-four colleges selected out of the five hundred competing, to receive a $2.9 million “First in the World” grant from the Obama Administration and the U.S. Department of Education to fund student success initiatives. Congratulations!

2. Baruch College ranked number nine on Princeton Review’s list of “Top 50 Undergraduate Programs for Entrepreneurship.” Congratulations!

3. The College of Staten Island Department of Media Culture Associate Professor Michael Mandiberg was recognized as one of the “100 Leading Global Thinkers of 2014” by Foreign Policy Magazine for his work bolstering a more balanced presentation of art, feminism, gender studies and LGBTQ issues on Wikipedia. Congratulations!

4. Graduate School and University Center Distinguished Professor Domna Stanton, a member of the Human Rights Watch, was recently appointed by Mayor Bill De Blasio as a Commissioner to the New York City Human Rights Commission. Congratulations!

5. Hunter College Professor Ronnie Ancona was elected President of the Classical Association of the Atlantic States for 2014 to 2015; and, Hunter College Professor Gerald Mallon was elected a fellow of the American Academy of Social Work and Social Welfare. Congratulations!

C. STUDENT AND ALUMNI HONORS: Chairperson Schmidt called on Trustee Carol A. Robles-Roman, who announced the following:

1. Hunter College High School and Hunter College Alumna Milfred Dresselhaus, an M.I.T. Professor of Physics, received the Presidential Medal of Freedom in a White House ceremony on November 24th. Congratulations!

2. LaGuardia Community College Vladimir de Jesus was profiled for a New York Times article focusing on the struggles he faces as a single, working parent trying to work towards an associate degree. Congratulations!

3. Recent Brooklyn College MFA graduate Keelie Sheridan was among twelve students selected as 2016 Class of George J. Mitchell Scholars on November 22nd. She is the second Brooklyn College student to win this prestigious scholarship. Ryan Merola was selected as a Mitchell Scholar in 2011. Congratulations!

D. GRANTS: Chairperson Schmidt presented for inclusion in the record the following list of grants and bequests of $100,000 or above received by the University subsequent to the September 29, 2014 Board meeting.

BRONX COMMUNITY COLLEGE

1. $1,246,161 NEW YORK STATE EDUCATION DEPARTMENT to Carin Savage, for “Institutional Improvement.”
BROOKLYN COLLEGE

1. $309,226  NEW YORK STATE DEPARTMENT OF EDUCATION  to Nancy Romer, for “Extended Day: School Day.”
2. $175,152  NEW YORK STATE DEPARTMENT OF EDUCATION  to Louise Hainline, for “C/STEP.”
3. $157,000  NATIONAL INSTITUTES OF HEALTH  to Elizabeth Chua, for “Cognitive and Neural Bases of Memory Confidence and Accuracy.”
4. $157,000  NATIONAL INSTITUTES OF HEALTH  to Nicolas Biais, for “Mechanobiology of Neisseria Microcolonies.”
5. $157,000  NATIONAL INSTITUTES OF HEALTH  to Guillermo Gerona-Navarro, for “Chemical Probes Targeting Polycomb Repressive Complex 2 Gene Repression.”
6. $141,135  NATIONAL SCIENCE FOUNDATION  to Emilio Galliccio, for “S12-SSE: HIGH-PERFORMANCE SOFTWARE for Large-Scale Modeling of Binding Equilibria.”
7. $130,000  BROOKLYN CHINESE-AMERICAN ASSOCIATION  to Diane Reiser, for “Brooklyn Chinese-American Association Subcontract.”
8. $127,214  UNIVERSITY OF ARIZONA  to Nicolas Biais, for “Type IV Pilus: A Switch that Determines Consequences of Neisseria Colonization.”
9. $117,750  NATIONAL INSTITUTES OF HEALTH  to Lesley Davenport, for “SCORE: Confirmation and Multimeric Formation of G-Quadruplexed DNA: Effects of Ligand Interactions.”
10. $100,282  NPORG/SLOAN-KETTERING MEMORIAL CANCER CENTER  to Luis Quadri, for “Rational Design of Adenylation Enzyme Inhibitors.”

CITY COLLEGE

1. $3,015,750  NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION  to Reza Khanbilvardi, for “Financial Assistance to Establish Five NOAA Cooperative Science Centers at Minority Serving Institutions.”
2. $1,208,986  LANZATECH  to Sanjoy Banerjee, for “Natural Gas Conversion thru Bioreactor D.”
3. $911,750  NATIONAL SCIENCE FOUNDATION  to Ranajeet Ghose, for “Conformational Dynamics and Regulatory Interactions in a Bacteriophage RNA Polymerase Complex.”
4. $910,015  NATIONAL SCIENCE FOUNDATION  to Ruth Stark, for “Constructing Plant Cuticle Barriers: from Molecular Architecture to Mechanical Integrity.”
5. $750,000  UNITED STATES DEPARTMENT OF ENERGY  to George Wolberg, for “3D Photography Algorithms for Computational Forensics.”
6. $623,476  NATIONAL INSTITUTES OF HEALTH  to Mark Steinberg, for “Research Support for Biomedical Careers at CCNY.”
7. $557,918  NATIONAL SCIENCE FOUNDATION  to YingLi Tian, for “CHS: Medium: Collaborative Research: Immediate Feedback to Support Learning American Sign Language through Multisensory Recognition.”
8. $532,963  NATIONAL INSTITUTES OF HEALTH  to Junghoon Kim, for “A Longitudinal Multi-Modal Neuroimaging Investigation of Functional Recovery After.”
9. $500,000 FEDERAL HIGHWAY ADMINISTRATION to Anil Agrawal, for “TOPR 3: A Performance Based Approach for Loading Definition of Heavy Vehicle Impact Events.”

10. $500,000 FEDERAL HIGHWAY ADMINISTRATION to Anil Agrawal, for “TOPR 4: Steel Truss Retrofits to Provide Alternate Load Paths for Cut or Blast Damaged/Destroyed Members.”

11. $500,000 FEDERAL HIGHWAY ADMINISTRATION to Anil Agrawal, for “TOPR 1: Characterization of Bridge Foundation (CBF) Research Program.”

12. $500,000 FEDERAL HIGHWAY ADMINISTRATION to Anil Agrawal, for “TOPR 2: Redundancy in Long Span Bridges for Risk Mitigation in a Multi-Hazard Environment.”

13. $411,149 NATIONAL SCIENCE FOUNDATION to Carlos Meriles, for “Magnetic Resonance Imaging and Spectroscopy at the Nanoscale via Probe Paramagnetic Centers.”

14. $394,517 NATIONAL INSTITUTES OF HEALTH to Asohan Amarasingham, for “CRNCS: Identification and Plasticity of Neuronal Microcircuits.”

15. $390,000 NATIONAL SCIENCE FOUNDATION to Susannah Fritton, for “Effects of Reduced Mechanical Loading on Bone Microarchitecture and Osteocute Mechanotransduction.”

16. $343,035 NATIONAL INSTITUTES OF HEALTH to Paul Gottlieb, for “The Molecular Structure of the RNA Polymerase Portal of a Bacteriophage- Reovirus.”

17. $331,340 NATIONAL INSTITUTES OF HEALTH to John Martin, for “Lesion and Activity Dependent Corticospinal Tract Plasticity.”

18. $272,334 NATIONAL INSTITUTES OF HEALTH to Ronald Koder, for “Structural and Thermodynamics Features which Govern Enzymatic Nitric Oxide Detoxification.”

19. $250,000 NATIONAL SCIENCE FOUNDATION to Ilona Kretzchmar, for “IRES: Summer Research Experience for CCNY Students at the Royal Institute of Technology (KTH) in Stockholm, Sweden.”

20. $240,000 NATIONAL SCIENCE FOUNDATION to Sean Cleary, for “Experimental and Theoretical Analyses of Tree Distance Distribution.”

21. $231,000 AMERICAN HEART ASSOCIATION to Reza Khayat, for “Mechanism of Cellular Recognition and Entry by a Cirovirus.”


23. $225,000 NATIONAL SCIENCE FOUNDATION to Gilda Barabino, for “Minority Faculty Development Workshop (MFDW) Engineering Enterprise and Innovation.”

24. $217,569 NATIONAL INSTITUTES OF HEALTH to Jonathan Levitt, for “MARC Undergraduate Student Training in Academic Research (U-STAR) National Research Service Award (NRSA) Institutional Research Training Grant (T34).”

25. $215,849 NATIONAL INSTITUTES OF HEALTH to Christine Sheffer, for “Enhancing Relapse Prevention for Smoking Cessation with rTMS.”

26. $215,550 NATIONAL INSTITUTES OF HEALTH to Adrian Rodriguez-Contreras, for “Neuronal Ensembles during Development of Tonotopic Maps in the Auditory Systems.”
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<tr>
<th></th>
<th>Amount</th>
<th>Funding Agency</th>
<th>Purpose</th>
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<tbody>
<tr>
<td>27</td>
<td>$188,000</td>
<td>NATIONAL SCIENCE FOUNDATION</td>
<td>to Gilda Barabino, for “Advance It-Catalyst: Representation and Advancement of STEM Women Faculty at The City College of New York.”</td>
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<tr>
<td>28</td>
<td>$172,125</td>
<td>NATIONAL INSTITUTES OF HEALTH</td>
<td>to Hernan Makse, for “Multi-Scale Approach to Disease Spreading in Social Networks.”</td>
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<td>29</td>
<td>$158,982</td>
<td>NATIONAL SCIENCE FOUNDATION</td>
<td>to Tony Ro, for “Cortical Mechanisms for Visual Perception.”</td>
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<td>30</td>
<td>$155,824</td>
<td>NATIONAL AERONAUTICS AND SPACE ADMINISTRATION</td>
<td>to Marco Tedesco, for “Maintenance and Moderate Refinement of the NASA AMSR-E SWE Operational Product.”</td>
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<td>31</td>
<td>$153,000</td>
<td>NATIONAL INSTITUTES OF HEALTH</td>
<td>to Sang-Woo Seo, for “High Resolution Ultrasound Imaging Sensor Array for Biomedical Imaging Application.”</td>
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<td>32</td>
<td>$150,000</td>
<td>NATIONAL SCIENCE FOUNDATION</td>
<td>to Gilda Barabino, for “Novel Prognostic Microfluidic System for Cell Separation from Whole Blood.”</td>
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<td>33</td>
<td>$147,886</td>
<td>NATIONAL INSTITUTES OF HEALTH</td>
<td>to Bingmei Fu, for “Tumor Cell Arrest and Adhesion in the Microcirculation.”</td>
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<td>34</td>
<td>$145,719</td>
<td>NATIONAL AERONAUTICS AND SPACE ADMINISTRATION</td>
<td>to Marco Tedesco, for “Maintenance and Refinement of the NASA SWE Product through AMSR-E Historical Observations.”</td>
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<td>35</td>
<td>$126,222</td>
<td>NEW YORK STATE EDUCATION DEPARTMENT</td>
<td>to Joseph Barba, for “CCNY/SCRP Science and Technology Entry Program (STEP).”</td>
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<td>36</td>
<td>$124,361</td>
<td>NATIONAL INSTITUTES OF HEALTH</td>
<td>to Lucas Parra, for “CRCNS: Effects of Weak Applied Currents on Memory Consolidation during Sleep.”</td>
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<td>37</td>
<td>$117,120</td>
<td>NATIONAL SCIENCE FOUNDATION</td>
<td>to Naresh Devineni, for “Collaborative Research: Multi-Site Paleo-Reconstruction of Missouri River Streamflows from Tree Ring Data.”</td>
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**JOHN JAY COLLEGE OF CRIMINAL JUSTICE**

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<th>Amount</th>
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<th>Purpose</th>
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<tr>
<td>1</td>
<td>$4,800,000</td>
<td>NEW YORK CITY CENTER FOR ECONOMIC OPPORTUNITY ($2.8M) &amp; NEW YORK CITY YOUNG MEN’S INITIATIVE ($2M)</td>
<td>to Ann Jacobs, for “The New York City Justice Corps.”</td>
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<tr>
<td>2</td>
<td>$4,750,000</td>
<td>UNITED STATES DEPARTMENT OF JUSTICE – OFFICE OF JUSTICE PROGRAMS</td>
<td>to David Kennedy, for “National Center for Building Community Trust and Justice.”</td>
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<td>3</td>
<td>$766,720</td>
<td>UNITED STATES DEPARTMENT OF EDUCATION</td>
<td>to Anthony Carpi and Nathan Lents, for “Creating Hispanic Scientists: A Model Articulation Program between Hispanic Serving Institutions.”</td>
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<td>4</td>
<td>$641,539</td>
<td>UNITED STATES DEPARTMENT OF EDUCATION</td>
<td>to Anthony Carpi and Kate Szur, for “Title V: Success through Engagement: Development of a Comprehensive Program to Promote Undergraduate Research and First Year Transition Toward Increasing Persistence and Graduation Rates of Hispanic Students.”</td>
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<tr>
<td>5</td>
<td>$615,080</td>
<td>UNITED STATES DEPARTMENT OF EDUCATION</td>
<td>to Anthony Carpi and Kate Szur, for “A Success Pipeline for Hispanic Students: Expanding a Model Transfer Articulation Program by Supporting Cohort Identity, Academic Progress, and Leaner-</td>
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7. $414,666 UNITED STATES DEPARTMENT OF EDUCATION to Karen Texeira, for “Upward Bound Program.”

8. $380,111 UNITED STATES DEPARTMENT OF EDUCATION to Josefina Couture, for “John Jay College Educational Talent Search.”

9. $250,000 NEW YORK CITY COUNCIL to Jeffrey Butts, for “Implementation and Outcome Assessment of the New York City Anti-Gun Violence Initiative.”

10. $250,000 THE TOW FOUNDATION to Ann Jacobs, for “Tow Advocacy Fellowship Initiative.”

11. $237,590 UNITED STATES DEPARTMENT OF EDUCATION to Jessica Gordon Nembhard, for “McNair Post-Baccalaureate Achievement Program.”

12. $199,860 UNITED STATES DEPARTMENT OF EDUCATION to Philip Yanos, for “Examining Determinants of Community Participation among Persons with Psychiatric Disabilities.”

13. $155,620 NATIONAL INSTITUTE OF JUSTICE to Cathy Spatz Widom, for “A Supplement to Support the Thirty-Year Follow-up of the Cycle of Violence.”

14. $140,000 JOHN D. & CATHERINE T. MACARTHUR FOUNDATION to Jeremy Travis, Bettina Muenster, Maria Hartwig, and David Green, for “Perspectives on Punishment: An Interdisciplinary Roundtable on Punitiveness in America.”

15. $120,000 ROBERT WOOD JOHNSON FOUNDATION to Jeffrey Butts, for “Enhancing Comparative Data for the Evaluation of Cure Violence.”

16. $119,177 NEW YORK STATE EDUCATION DEPARTMENT to Kate Szur, for “Carl D. Perkins Career and Technical Education Act (Perkins IV).”

17. $107,249 NATIONAL INSTITUTE OF JUSTICE VIA NEW YORK POLICE DEPARTMENT to Eric Piza, for “Policing by Place: A Proposed Multi-Level Analysis of the Effectiveness of Risk Terrain Modeling for Allocating Police Resources.”

KINGSBOROUGH COMMUNITY COLLEGE

1. $984,898 NEW YORK STATE EDUCATION DEPARTMENT to Elizabeth Sergile, for “Perkins.”

2. $577,634 NATIONAL SCIENCE FOUNDATION to Loretta Taras, for “Research in Bio to Promote Success STEM.”

3. $475,700 NEW YORK CITY HUMAN RESOURCES ADMINISTRATION to Marie Mandera, for “College Opportunity to Prepare for Employment.”

4. $299,933 NATIONAL SCIENCE FOUNDATION to Loretta Taras, for “On-Campus Discoveries in Science.”

5. $292,000 NEW YORK STATE EDUCATION DEPARTMENT to Elizabeth Sergile, for “Liberty Partnerships.”

6. $235,000 ROBIN HOOD FOUNDATION to Marissa Schlesinger, for “Opening Doors Learning Community.”

7. $231,250 NEW YORK CITY COUNCIL to Michael Geller, for “Lighthouse: Alcohol and Substance Abuse Program.”
8. $150,250 **NEW YORK STATE OFFICE OF TEMPORARY & DISABILITY ASSISTANCE** to Natalie Bredikhina, for “Venture to Success FSET Program.”

9. $128,000 **NATIONAL AERONAUTICS AND SPACE ADMINISTRATION** to Kieran Howard, for “Modal Mineralogy of Carbonaceous Chondrites (bulk & separates) by Position Sensitive Detector X-ray Diffraction: Low Temperature Mineral Evolution and Implications for Spectroscopy.”

10. $108,383 **NEW YORK STATE EDUCATION DEPARTMENT** to Craig Hinkley, for “Collegiate Science and Technology Entry Program.”

**LAGUARDIA COMMUNITY COLLEGE**

1. $400,382 **UNITED STATES EDUCATION DEPARTMENT/OFFICE OF POSTSECONDARY EDUCATION** to Bret Eynon, for “Making Transfer Connections Project.”

2. $250,000 **UNITED STATES EDUCATION DEPARTMENT/OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES** to Robert Hills, for “Interpreter Education Program.”

**LEHMAN COLLEGE**

1. $643,472 **UNITED STATES DEPARTMENT OF EDUCATION** to Jose Magdaleno, for “Overcoming Barriers and Moving Up: The Sophomore Year Initiative.”

2. $374,327 **NATIONAL INSTITUTES OF HEALTH** to William Latimer, for “Four – Arm RCT of Brief MI vs. Couples-Based HIV/STI Prevention in South Africa.”

3. $318,662 **PERFECT CHOICE STAFFING** to Marzie Jafari, for “RN Completion/MSN Program.”

4. $310,268 **NATIONAL INSTITUTES OF HEALTH** to Mira Goral, for “Efficacy of Language Treatment in Monolingual Chronic Aphasia.”

5. $285,017 **NEW YORK STATE EDUCATION DEPARTMENT** to Marcie Wolfe, for “Adult Learning Center.”

6. $229,995 **UNITED STATES DEPARTMENT OF EDUCATION** to Anne Rothstein, for “Lehman College Talent Search: Pathways to Success.”

7. $213,180 **UNITED STATES DEPARTMENT OF EDUCATION** to Anne Rothstein, for “Student Support Services: Careers in Teaching.”

8. $212,972 **UNITED STATES DEPARTMENT OF EDUCATION** to Anne Rothstein, for “Student Support Services: Pathways to Success.”

9. $161,668 **NATIONAL SCIENCE FOUNDATION** to Cameron McNeil, for “Environmental Exploitation and Societal Collapse at Rio Amarillo, Copan Valley, Honduras.”

10. $156,331 **HOSPITAL LEAGUE, LOCAL 1199** to Marzie Jafari, for “Health Care Careers Core Curriculum.”

**MEDGAR EVERS COLLEGE**

1. $782,738 **NEW YORK CITY DEPARTMENT OF EDUCATION** to Simone Rodriguez-Dorestant and LeHendro Gadson, for “Young Adult Borough Center.”

2. $702,676 **NEW YORK CITY DEPARTMENT OF YOUTH AND COMMUNITY DEVELOPMENT** to Simone Rodriguez-Dorestant, for “Seth Low Cornerstone.”
<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Funding Agency</th>
<th>Proposal Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.</td>
<td>$644,000</td>
<td>NEW YORK CITY DEPARTMENT OF YOUTH AND COMMUNITY DEVELOPMENT</td>
<td>to Simone Rodriguez-Dorestant, for “Steps to Success, Out of School Youths.”</td>
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<td>4.</td>
<td>$589,779</td>
<td>NEW YORK CITY DEPARTMENT OF YOUTH AND COMMUNITY DEVELOPMENT</td>
<td>to Simone Rodriguez-Dorestant, for “Tilden Cornerstone.”</td>
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<td>5.</td>
<td>$567,455</td>
<td>NEW YORK CITY DEPARTMENT OF YOUTH AND COMMUNITY DEVELOPMENT</td>
<td>to Simone Rodriguez-Dorestant, for “Unity Plaza Cornerstone.”</td>
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<td>6.</td>
<td>$542,281</td>
<td>NEW YORK CITY DEPARTMENT OF YOUTH AND COMMUNITY DEVELOPMENT</td>
<td>to Simone Rodriguez-Dorestant, for “Van Dyke Cornerstone.”</td>
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<td>7.</td>
<td>$468,228</td>
<td>NEW YORK CITY DEPARTMENT OF YOUTH AND COMMUNITY DEVELOPMENT</td>
<td>to Simone Rodriguez-Dorestant, for “Beacon Center at IS 323.”</td>
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<tr>
<td>8.</td>
<td>$450,767</td>
<td>NATIONAL INSTITUTES OF HEALTH</td>
<td>to Mohsin Patwary and Alam Nur-E-Kamal, for “Research Initiative for Scientific Enhancement-RISE.”</td>
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<tr>
<td>9.</td>
<td>$405,494</td>
<td>NEW YORK CITY DEPARTMENT OF YOUTH AND COMMUNITY DEVELOPMENT</td>
<td>to Simone Rodriguez-Dorestant, for “Flatbush Beacon.”</td>
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<tr>
<td>10.</td>
<td>$405,396</td>
<td>NEW YORK CITY DEPARTMENT OF YOUTH AND COMMUNITY DEVELOPMENT</td>
<td>to Simone Rodriguez-Dorestant, for “PYE Beacon.”</td>
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<tr>
<td>11.</td>
<td>$390,532</td>
<td>NEW YORK CITY DEPARTMENT OF YOUTH AND COMMUNITY DEVELOPMENT</td>
<td>to Simone Rodriguez-Dorestant, for “Crown Heights Beacon.”</td>
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<td>12.</td>
<td>$364,559</td>
<td>NEW YORK STATE EDUCATION DEPARTMENT</td>
<td>to Theresa Williams, for “Carl D. Perkins Career and Technical Education Act-CTEA.”</td>
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<td>13.</td>
<td>$350,000</td>
<td>NEW YORK STATE EDUCATION DEPARTMENT</td>
<td>to Simone Rodriguez-Dorestant and Sean Anderson, for “Liberty Partnership Program.”</td>
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<td>14.</td>
<td>$325,573</td>
<td>UNITED STATES DEPARTMENT OF EDUCATION</td>
<td>to Simone Rodriguez-Dorestant and Abraham Nyameh, for “Talent Search Program.”</td>
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<td>15.</td>
<td>$287,054</td>
<td>NEW YORK STATE EDUCATION DEPARTMENT</td>
<td>to Simone Rodriguez-Dorestant and William Bailey, for “MEC Science Technology Entry Program.”</td>
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<td>16.</td>
<td>$250,000</td>
<td>UNITED STATES DEPARTMENT OF EDUCATION</td>
<td>to Umesh Nagarkatte, for “Minority Science Improvement Program Institutional Grant.”</td>
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<td>17.</td>
<td>$250,000</td>
<td>UNITED STATES DEPARTMENT OF EDUCATION</td>
<td>to Theresa Williams, for “Predominantly Black Institutions Program.”</td>
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<td>18.</td>
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<td>UNITED STATES DEPARTMENT OF EDUCATION</td>
<td>to Umesh Nagarkatte, for “Minority Science Improvement Program Institutional Grant.”</td>
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<td>19.</td>
<td>$193,665</td>
<td>NIH-NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCE (NIGMS)</td>
<td>to Edward Catapane, for “Medgar Evers/Kingsborough Bridge Program.”</td>
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<td>20.</td>
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<td>NEW YORK STATE EDUCATION DEPARTMENT</td>
<td>to Edward Catapane, for “Collegiate Science Technology Entry Program.”</td>
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<td>21.</td>
<td>$177,851</td>
<td>NEW YORK STATE EDUCATION DEPARTMENT</td>
<td>to Simone Rodriguez-Dorestant and John Brown, for “Science, Math and Robotics Science Technology Entry Program.”</td>
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<td>22.</td>
<td>$156,000</td>
<td>NEW YORK CITY DEPARTMENT OF YOUTH AND COMMUNITY DEVELOPMENT</td>
<td>to Simone Rodriguez-Dorestant, for “Summer Youth Employment Program.”</td>
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<td>23.</td>
<td>$145,000</td>
<td>NATIONAL SCIENCE FOUNDATION</td>
<td>to Joshua Sussan and Bart Van Steirteghem, for “Topological and Geometric Invariant Research.”</td>
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</tbody>
</table>
24. $101,250   NEW YORK CITY DEPARTMENT OF YOUTH AND COMMUNITY DEVELOPMENT to Simone Rodriguez-Dorestant, for "Out-of-School Time Program."

25. $100,000   CARROLL AND MILTON PETRIE FOUNDATION to Derrick Griffith, for "The Petrie Foundation Emergency Fund."

NEW YORK CITY COLLEGE OF TECHNOLOGY

1. $981,525   NEW YORK STATE EDUCATION DEPARTMENT to Bonne August, for "Perkins IV."

2. $181,195   NATIONAL INSTITUTES OF HEALTH to Liana Tsenova, for "Bridges to the Baccalaureate Program."

3. $169,122   NEW YORK STATE EDUCATION DEPARTMENT to Ivonne Barreras, for "Science and Technology Entry Program."

4. $163,893   NATIONAL ENDOWMENT FOR THE HUMANITIES to Mark Noonan, for "City of Print: NY and the Periodic Press."

QUEENS COLLEGE

1. $489,654   NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH to Alfredo Morabia, for "WTC-Heart: A Cohort Study of Heart Diseases in the World Trade Center Responders."

2. $484,560   NATIONAL SCIENCE FOUNDATION to Michael Mirkin, for "Electrochemistry on the Nanoscale."

3. $436,922   NEW YORK CITY DEPARTMENT OF EDUCATION to Robin Hizme, for "Townshend Harris High School Collaboration."

4. $395,984   NATIONAL INSTITUTE OF DRUG ABUSE to Renee Goodwin, for "Role of Depression and Anxiety in the Tobacco Epidemic."

5. $274,178   ASSISTANT SECRETARY FOR PREPAREDNESS AND RESPONSE/CENTER FOR DISEASE CONTROL/NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES to Steven Markowitz, for "Enhancing Community Disaster Resiliency in Immigrant Worker Communities."

6. $250,000   UNITED STATES DEPARTMENT OF EDUCATION to Peishi Wang, for "Combined Priority for Personnel Development."

7. $241,097   UNITED STATES DEPARTMENT OF EDUCATION to Emilia Lopez, for "Culturally Responsive Interventions Project: Training School Psychologist from Multicultural and Bilingual Backgrounds to Engage in Culturally Responsive Intervention Practices."

8. $213,180   UNITED STATES DEPARTMENT OF EDUCATION to Mirian Detres-Hickey, for "Student Support Services at Queens College."

9. $155,978   CENTER FOR THE DISEASE CONTROL/MOUNT SINAI HOSPITAL to Steven Markowitz, for "Prognosis and Determinants of Asthma Morbidity in World Trade Center Rescue and Recovery Workers."

10. $152,350  NATIONAL SCIENCE FOUNDATION to Gary Hemming, for "Collaborative Research: Boron Isotopes Across the Carboniferous-Permian Glaciation: Assessing the Relationship of pCO2 to Seawater Chemistry."

11. $135,372  NATIONAL SCIENCE FOUNDATION/EAGER to Liang Huang, for "EAGER: Collaborative Research: Scaling Up Discriminative Learning for Natural Language
Understanding and Translation.”

12. $131,844 ASSISTANT SECRETARY FOR PREPAREDNESS AND RESPONSE/CENTER FOR DISEASE CONTROL/NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES to Steven Markowitz, for “Developing an Android Mobile Phone Application to Conduct Onsite Hazard Assessment during Post Disaster Clean-Up and Reconstruction.”

13. $112,229 NATIONAL SCIENCE FOUNDATION to Russell Miller, for “Computability Theory, Facing Outwards.”

COLLEGE OF STATEN ISLAND

1. $356,134 NATIONAL SCIENCE FOUNDATION to Louis Petingi and Xiaowen Zhang, for “REU Site: Research Experience for Undergraduate in Computational Methods in High Performance Computing with Applications to Computer Science.”

YORK COLLEGE

1. $300,000 THE CARROLL AND MILTON PETRIE FOUNDATION to Mondell Sealy and Jonathan Quash, for “Financial Assistance to Students Facing Unforeseen Emergencies and Catastrophic Events that May Disrupt their College Education.”

2. $269,124 NATIONAL SCIENCE FOUNDATION to Elizabeth Alter, for “Strengthen Our Nation’s Workforce and Promoting a Scientifically Literate Populace.”

E. ORAL REPORT OF THE CHANCELLOR: Chancellor James B. Milliken presented the following report:

First, I would like to join Chairperson Schmidt in welcoming Dr. Marti back to CUNY. As expected, he is doing a terrific job. Please keep it up.

I also would like to join Chairperson Schmidt in thanking Mr. Arshad for his distinguished tenure as the USS Board representative. I personally met Mr. Arshad when he interviewed me. I enjoyed thoroughly getting to know him and working with him. I also join in welcoming the newly elected USS Chairperson at CUNY, Trustee Joseph Awadjie to his first Board meeting. Trustee Awadjie is the twenty-ninth Chairperson of the USS and I know he will follow in the footsteps of his predecessors who well served this Board and his constituency of the student body.

There are a number of important items on the agenda for today, including the University’s Operating and Capital Budget Requests. Much good work has gone into the development of these requests and they have been reviewed thoroughly. The foundation of affordable access to higher education is a solid base of public funding, primarily from the state, but also from the city. That is why these requests and the attention that they will receive is so important. Without stable public funding, both access and quality suffer.

I am also pleased and grateful for the many months of good work, broad consultation and review that have taken place in the development of policies relating to sex-based assault and harassment. We appreciate the discussions on this important policy with members of the Board, federal officials, the Governor’s office, the NY City Council, the State Legislature and members of the University community. I would like to especially thank General Counsel and Senior Vice Chancellor Frederick Schaffer, Vice Chancellor Gloriana Waters, and Vice Chancellor Frank Sánchez, who oversaw the development of the policy, and also three individuals who worked especially diligently for over a year, Deputy General Counsel Jane Sovern; University Dean for Recruitment and Diversity Jennifer Rubain; and Deputy
to the Vice Chancellor for Student Affairs Paulette Dalpes. On a related comment, I would like to acknowledge the thoughtful involvement by student leaders in determining the minimum aspects of any disciplinary policy. I appreciate their work and constructive contributions to this discussion.

I spoke to a large crowd in a beautiful room at the New York City Public Library a few weeks ago at the Association for a Better New York breakfast. Since that feature was distributed and, I as recall it, appeared on television several times, here is the executive summary of the 20-plus minute speech: CUNY has a rich history, it is a remarkable institution today, and it has an ambitious agenda ahead of it to reach its potential in serving the people of New York.

There are some activities coming up later this week. I am delighted to join President Mellow in Washington with President Obama, the First Lady, and the officials from the United States Department of Education in a day-long summit to discuss the college access and completion ruling on underrepresented students, including CUNY's commitment to lead in this effort.

Later this month, Chairperson Schmidt and Interim Executive Vice Chancellor and University Provost Julia Wrigley and I will host the annual “Salute to Scholars” reception, which honors University-wide recipients of major awards and fellowships.

On December 19th, the CUNY Graduate School of Journalism will hold its eighth Commencement. Margaret Sullivan, the public editor of The New York Times, will be the commencement speaker.

CUNY continues to work with faculty and staff colleagues on contract negotiations, as those of you who were present at last week's hearing were reminded. An important part of this effort involves, of course, discussions with the Governor's and Mayor's offices. As has been the case in the past, the state is expected—and to a lesser degree the city—to provide support for this highest University priority. Being competitive for faculty and staff is essential to this University and the people it serves, and the funding of that obligation has a great deal to do with CUNY's ability to provide access and high quality.

CUNY School of Law received an A+ grade for student and faculty diversity in the November 2014 issue of National Jurist. The magazine ranked the Law School the 6th Most Diverse in the Nation.

Congratulations to President Mellow and LaGuardia Community College on being named for President Obama’s “First in the World” grant for Project Completa, a program to support high risk students as they move from uncredited coursework to college enrollment. Thanks, President Mellow, for hosting a roundtable discussion on Innovations in Higher Education with U.S. Department of Education Undersecretary Ted Mitchell. Most of the presidents and deans were able to attend that discussion.

Congratulations to President Jennifer Raab and Hunter College for being honored by the American Association of State Colleges and Universities with an Inaugural Excellence and Innovation Award for its Urban Teacher Residency (UTR) program designed to train effective teachers who will remain in the profession. The program is a partnership between Hunter College and New Visions for Public Schools.

Congratulations to President Mitchel Wallerstein who was elected to the rank of Fellow by the American Association for the Advancement of Science (AAAS). His induction into the 2014 class will take place on February 15th in San Jose.

State officials have named another 10 school districts that will receive funding to implement the P-TECH model, which helps high school students work toward career certificates or college degrees before they graduate. The list includes CUNY and New York City College of Technology. Congratulations, President Russell Hotzler.

Last but not least, some exciting news on the work with TheDream.US, a private foundation that supports scholarships for undocumented students. The final application figures are in for the most recent round of
Board of Trustees Minutes of Proceedings, December 1, 2014

scholarships. Of the 1,674 applications received nationwide, CUNY colleges had 678 applications—41% of the total. Miami Dade, which was first last year, had 128 applications. I am deeply proud of the presidents and the deans, and the leadership of Vice Chancellor Sánchez, Senior University Dean John Mogulescu and their staff who supported the efforts done under the wire. Thank you very much.

I am also very grateful that the Robin Hood Foundation Board of Directors has approved a grant for up to $1.55 million of funding over 3 years to support 100 immigrant students, specifically at CUNY colleges.

In response to a question from Chairperson Schmidt, President Jeremy Travis stated that New York County District Attorney Cyrus Vance collected a sizeable amount of money that was dispensed through his office to the criminal justice system of the city and the state. CUNY has been in discussion with him for the purposes of reaching that money, which would be of enormous assistance throughout the city.

Senior Advisor Marc Shaw added that this is the first major grant that CUNY has received as part of the new Institute for State and Local Governance.

Chairperson Schmidt stated that it is a great honor that the district attorney chose CUNY.

Upon motions duly made, seconded and carried, the following resolutions were adopted:

(Calendar Nos. 1 through 7)

NO. 1. CHANCELLOR’S UNIVERSITY REPORT: RESOLVED, That the Chancellor’s University Report for December 1, 2014 (including Addendum and Errata Items) be approved:

NO. 2. APPROVAL OF MINUTES: RESOLVED, That the minutes of the regular Board meetings of September 29, 2014 be approved.

NO. 3. COMMITTEE ON FISCAL AFFAIRS: RESOLVED, That the following items be approved:

A. THE CITY UNIVERSITY OF NEW YORK - LIBRARY ELECTRONIC RESOURCES OMNIBUS:

RESOLVED, That the Board of Trustees of The City University of New York authorize the Colleges and the University to enter into contracts to license electronic and other information resources in accordance with law and University Regulations not to exceed a total amount of seventy five million dollars ($75,000,000) during the term of this resolution. Purchases are chargeable to the Central Office or the College(s) CUNYfirst codes as appropriate, and any single proposed acquisition with an aggregate value of five million dollars ($5,000,000) or more shall be subject to separate approval by the Board of Trustees. All contracts shall be subject to approval as to form by the University Office of the General Counsel. This resolution shall remain in full force and effect until November 30, 2019.

EXPLANATION: The University is committed to providing high quality information resources to support the research, teaching, and learning efforts of students and faculty. In the last academic year, student use of library electronic resources increased to 75 million searches and 22 million downloads. In order to continue to expand available information resources and provide ongoing, uninterrupted provision of existing electronic and other information resources, the Office of Library Services endeavors to decrease costs through coordinated purchasing of electronic and other information resources where appropriate.

B. THE CITY UNIVERSITY OF NEW YORK - WILEY ELECTRONIC JOURNALS:

RESOLVED, That the Board of Trustees of The City University of New York authorize the General Counsel to execute a contract on behalf of the University to purchase a subscription of Wiley electronic journals for all of the CUNY campus libraries. Such purchase shall not exceed a total estimated cost of $5,985,960.91 for five years, chargeable to the CUNYFirst codes for the individual colleges and the
Central Office. The contract shall be subject to approval as to form by the University Office of General Counsel.

EXPLANATION: The collection of journals to be subscribed encompasses Wiley's premium package of Social Science, Humanities, Science, Technology, Engineering, and Mathematics journals published generally from 1997 to the present in electronic format. This subscription is a continuation of purchases of STEM (Science, Technology, Engineering and Mathematics) resources for the libraries. This single source acquisition was advertised as required by law.

C. THE CITY UNIVERSITY OF NEW YORK - ELSEVIER ONLINE ACCESS TO FULL TEXT JOURNALS:

RESOLVED, That the Board of Trustees of The City University of New York authorize the Office of Library Services, on behalf of the University, to purchase online access to full text journals from Elsevier B.V. under existing State of New York Contract No. PC65238, pursuant to law and University regulations. Such purchases shall not exceed $10,300,000 for five years, chargeable to CUNYfirst Codes for the individual colleges and the Central Office.

EXPLANATION: The collection of journals to be subscribed encompasses Elsevier's full text of science, technology, medicine and social sciences journals. This purchase is a continuation of purchases of STEM (Science, Technology, Engineering and Mathematics) resources for the libraries.

D. THE CITY UNIVERSITY OF NEW YORK - INTELLECTUAL PROPERTY LEGAL SERVICES:

RESOLVED, That the Board of Trustees of The City University of New York authorize the General Counsel to execute three contracts on behalf of the University to provide as needed intellectual property legal services. These contracts are being awarded on the basis of best value to responsive and responsible offerors after the University's evaluation of proposal submissions provided in response to a Request for Proposals issued after public advertisement. The initial term shall be three years with two one-year options for the University to renew in its best interest. Such services shall not exceed a total estimated cost of $1,500,000 chargeable to the CUNYFirst codes for the Technology Commercialization Office of the Central Office. These contracts shall be subject to approval as to form by the University Office of General Counsel.

EXPLANATION: CUNY requires the services to assist the Technology Commercialization Office with legal issues related to the filing and prosecution of patents worldwide.

E. BROOKLYN COLLEGE - BARRY R. FEIRSTEIN GRADUATE SCHOOL OF CINEMA AT STEINER STUDIOS ACADEMIC EXCELLENCE FEES FOR THE MASTER OF FINE ARTS (MFA) IN CINEMA ARTS:

RESOLVED, That The City University of New York adopt a schedule of academic excellence fees for students enrolled in the Master of Fine Arts in Cinema Arts at Brooklyn College's Barry R. Feirstein Graduate School of Cinema at Steiner Studios, starting in the Fall semester 2015 and ongoing thereafter, as detailed below:

**Effective Fall 2015**
- Resident and Non Residents Full-time students: $4,140 per semester
- Resident and Non Residents Part-time students: $2,070 per semester

**Effective Fall 2016**
- Resident and Non Residents Full-time students: $4,300 per semester
- Resident and Non Residents Part-time students: $2,150 per semester
Effective Fall 2017
Resident and Non Residents Full-time students: $4,470 per semester
Resident and Non Residents Part-time students: $2,235 per semester

EXPLANATION: The new Barry R. Feirstein Graduate School of Cinema will open at Steiner Studios at the Brooklyn Navy Yard in Fall 2015. The Feirstein School will offer a 3-year specialized education in 6 disciplines leading to an M.F.A in Cinema Art: Producing; Directing; Screenwriting; Cinematography; Post-Production; and Digital Arts. Housed in a newly renovated 68,000 sq. foot, state-of-the-art facility on the Steiner Studios lot, the School will be equipped with the most up-to-date production, post-production, animation, motion capture, and other equipment. As such, it will boast a filmmaking environment comparable to the finest in the world.

The School will admit 76 students into the MFA program in Fall 2015 and thereafter 94 per year. At full enrollment, the School will number 282 MFA students.

The expertise of the professors, who will bring industry experience to the classroom, the relevant and practical curriculum, and the extraordinary location of the School increase the attractiveness of the program. Feirstein is both the first public graduate school of cinema in New York and the only film school on a working film lot in the United States.

While the tuition is a fraction of that at comparable private New York Film Schools – NYU ($26,305 tuition and mandatory fees per semester in AY2014-15), Columbia ($26,742 tuition per semester in AY2014-15), School of Visual Arts (SVA) ($18,790 - $22,940 tuition per semester in AY2014-15) – Feirstein will offer a comparable education in a superior facility. In support of the vision of a world-class, public Film School akin to UCLA in California, the additional fee specified is both necessary and justifiable. In addition, over $29 million has been raised to launch the Feirstein School of which over $1.7 million will be available for student scholarships.

In conclusion, the comparative low cost of attendance further enhances the desirability of the Feirstein Graduate School of Cinema among New Yorkers, as well as out-of-state students, who will receive an education that is not only of exceptional quality, but that is also affordable, with full and part-time scholarships available to those in need. The funds will remain in the program to be used to improve and augment the program.

F. THE CITY UNIVERSITY OF NEW YORK - FY 2015-2016 UNIVERSITY BUDGET REQUEST:

RESOLVED, Subject to the availability of resources, CUNY seeks a total of $3.311 billion for the University. This total includes additional funding of $81.5 million for baseline needs and $122.6 million for an investment plan. At the senior colleges, the total request is $2.394 billion, a $135.7 million increase over the 2014-2015 adopted level. Of this amount, $62.9 million is for baseline needs and $72.7 million is for the investment plan. At the community colleges the overall request is $917.3 million, a $68.5 million increase over the 2014-2015 adopted level. Of this amount, $18.6 million is for baseline needs and $49.9 million is for the investment plan.

2014-2015 appropriation levels of $2.258 billion for the senior colleges and $848.8 million for the community colleges and allocation to the various units of the university thereof reflect, per the authority vested in the Chancellery by the Board of Trustees, all budget adjustments reflected in the FY2014-2015 state enacted appropriation for the university.

EXPLANATION: With the 2015-2016 Budget Request, the University continues its innovative approach to the financing of its Master Plan—the CUNY Compact. In CUNY’s budget message, the University seeks to finance its ongoing obligations with State and City funds and its investment program through a modest increase in public funding, continuing budget restructuring and efficiencies, philanthropy, and tuition revenue.
The CUNY Investment Plan imbedded in the Compact offers an economically efficient way to finance CUNY by delineating shared responsibility among partners and creating opportunities to leverage funds. This year, the University’s priorities are the hiring of 500 additional full-time faculty, and providing support for initiatives to enhance academic excellence, help students move quickly toward their degrees, expand research, and augment workforce development activities. It also includes an investment in energy sustainability initiatives with an aim of meeting the governor’s goal of reducing energy usage by 22% by 2020. Other initiatives in the request include academic advisement, online education, international education, student internships, veterans’ services, and library services.

2015-2016 Operating Budget Request

The CUNY Compact

- Fiscal Year 2015-2016 represents the tenth year of the University’s innovative multi-year financing approach — the CUNY Compact. This strategy offers an economically efficient way to finance CUNY by delineating shared responsibility among partners and creating opportunities to leverage funds.

- The CUNY Compact calls for additional public resources to cover the University’s mandatory costs and a small share of the investment plan. The remainder of the investment resources comes from philanthropy, restructuring and efficiencies, and increased revenue from tuition increases.

<table>
<thead>
<tr>
<th>CUNY’s Compact Partners</th>
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<tbody>
<tr>
<td><strong>The State and City</strong>, which contribute 100% of mandatory costs, plus a small share of the Investment Plan.</td>
</tr>
<tr>
<td><strong>Friends of the colleges through philanthropy.</strong></td>
</tr>
<tr>
<td><strong>The University</strong>, through its continuing restructuring efforts.</td>
</tr>
<tr>
<td><strong>The Students</strong>, through additional tuition revenue.</td>
</tr>
</tbody>
</table>

Rational Tuition Policy

- FY 2016 is the last year of the approved tuition increases

- History of tuition increase spending (FY 2012 to FY 2014)

  - Programmatic investments total $152 million: $91 million at the senior colleges and $61 million at the community colleges.
  - $42 million has been invested in full-time faculty: $29 million at the senior colleges and $14 million at the community colleges.
  - A total of 839 new faculty lines have been added: 480 at the senior colleges and 359 at the community colleges.
Financial Aid

- The University is again setting aside $10 million of its FY2016 budget for financial aid for students who are at risk of not being able to continue their matriculation due to the tuition increase.

- Financial aid initiatives will include:
  - Tuition Waivers;
  - CUNY Institutional Work Study;
  - Assistance with the cost of textbooks;
  - Graduate student financial assistance;
  - Veterans support program.

- Eligible students can receive up to the maximum TAP award of $5,130; and the maximum Pell award of $5,730.

- CUNY administered about $573 million in Pell grants for 145,000 recipients and $270 million in TAP awards to 97,800 students for the 2013-14 academic year.

The FY2016 Budget Request - Requested Additional Appropriations - $204.2M ($ millions)

<table>
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<tr>
<th>Source</th>
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<th>Mandatory Changes</th>
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<tr>
<td>Revenue</td>
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<tr>
<td>Total</td>
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<td>81.5</td>
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</table>

The FY 2016 Budget Request does not include amounts related to any new labor contracts between CUNY and our unions.

Numbers may not add due to rounding.
* Does not include self financing amounts.

CUNY Funding Sources
The FY2016 Budget Request - Investment Plan Summary ($ millions)

<table>
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<th>Program Needs</th>
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<th>Communities</th>
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<td>Academic Excellence</td>
<td>43.2</td>
<td>29.9</td>
<td>73.0</td>
</tr>
<tr>
<td>Student Success</td>
<td>17.1</td>
<td>20.1</td>
<td>37.2</td>
</tr>
<tr>
<td>Economic/Workforce Development and Research</td>
<td>24.0</td>
<td>5.0</td>
<td>29.0</td>
</tr>
<tr>
<td>Energy Conservation/CUNY Conserves</td>
<td>0.5</td>
<td>0.5</td>
<td>1.0</td>
</tr>
<tr>
<td>Total Program Increases</td>
<td>84.7</td>
<td>55.4</td>
<td>140.1</td>
</tr>
</tbody>
</table>

The FY2016 Budget Request - Investment Plan Highlights, $140.01 Million

- $73.0 million for Academic Excellence:
  - $54.5 million for the hiring of approximately 500 additional full-time faculty.
  - $7.0 million for the expansion of CUNY’s online education programs.
  - $8.0 million for academic advising, including additional resources to update advisement technology and expand training for faculty and professional advisors.
  - $3.5 million for international education and diversification including study abroad and international internship opportunities for students and faculty and research collaborations with foreign institutions.

- $37.2 million for Student Success; highlights include:
  - $3.8 million for career centers in order to expand services and build pipelines for employment.
  - $3.5 million for collaborative programs to expand and develop programs that will help students be prepared for college level work and progress efficiently towards degree completion.
  - $4.0 million to provide enhanced services to students with disabilities, and for the CUNY LEADS program.
  - $2.5 million to expand CUNY Start to students who require pre-matriculation instruction.
  - $4 million for library services to purchase costly textbooks for course reserve and electronic texts.
  - $1.3 million to expand the Single Stop Program to all CUNY colleges. This program connects low-income, degree seeking students with government benefits and services with a goal of increasing retention.
  - $7.5 million for student employment internships/matching programs with private industry.
  - $2.0 million to establish a full-time trained student affairs professional at each campus to provide CUNY’s veterans with the services that they require.

- $29 million for Economic/Workforce Development and Research:
  - $20 million for operating funds for the new Advanced Science Research Center (ASRC) which opens in the Fall 2014.
  - $4.5 million to develop new health professions programs and improve existing ones and enhance education preparation programs.
  - $4.5 million for expanding and enhancing various workforce development initiatives.

- $1.0 million for energy conversation/CUNY Conserves:
  - Including funds to support CUNY in meeting the Governor’s goal to reduce energy consumption by 22% by 2020.
The FY2016 Budget Request - *Requested Mandatory Increases* ($ millions)

<table>
<thead>
<tr>
<th>Mandatory Needs</th>
<th>Seniors</th>
<th>Communities</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fringe Benefits</td>
<td>34.0</td>
<td>12.0</td>
<td>46.0</td>
</tr>
<tr>
<td>Energy</td>
<td>10.1</td>
<td>1.4</td>
<td>11.5</td>
</tr>
<tr>
<td>Building Rentals</td>
<td>8.2</td>
<td>0.0</td>
<td>8.2</td>
</tr>
<tr>
<td>Contractual Salary Increments</td>
<td>7.9</td>
<td>2.8</td>
<td>10.6</td>
</tr>
<tr>
<td>OTPS Inflation</td>
<td>2.7</td>
<td>2.5</td>
<td>5.2</td>
</tr>
<tr>
<td><strong>Total Mandatory Needs</strong></td>
<td>62.9</td>
<td>18.6</td>
<td>81.5</td>
</tr>
</tbody>
</table>

Numbers may not add due to rounding.

The FY2016 Budget Request - *Financing the Request* ($ millions)

<table>
<thead>
<tr>
<th>Seniors</th>
<th>Communities</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>State/City Aid - Mandatory Needs</td>
<td>62.9</td>
<td>18.6</td>
</tr>
<tr>
<td>State/City Aid – Investment Plan</td>
<td>23.3</td>
<td>9.0</td>
</tr>
<tr>
<td>Community College State Aid Increase</td>
<td>-</td>
<td>17.2</td>
</tr>
<tr>
<td>Tuition Revenue</td>
<td>49.4</td>
<td>23.7</td>
</tr>
<tr>
<td>Restructuring</td>
<td>5.0</td>
<td>2.5</td>
</tr>
<tr>
<td>Philanthropy</td>
<td>7.0</td>
<td>3.0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>147.7</td>
<td>74.0</td>
</tr>
</tbody>
</table>

Numbers may not add due to rounding.

The FY2016 Budget Request – Next Steps

- Shared approved Budget Request with elected officials, as well as the State Division of Budget and the City Office of Management and Budget.

- The Governor will be issuing the FY2016 State Executive Budget in January 2015.

- Also in January 2015, the Mayor will present the City’s FY2016 Preliminary Budget.

In response to a question from **Trustee Hugo Morales, Vice Chancellor Sapienza** stated that there is funding for international study programs; however, specifics are not available as of yet. Going back to **Chancellor Milliken**’s remarks, **CUNY** is very well situated to take advantage of international education and perceive more global action.

**Chancellor Milliken** added that **CUNY**’s 24 colleges are participating in some kind of study abroad programs so more details will be provided. He added that he would be making a report on this at some point.

In response to a question from **University Faculty Senate Chair** and **Trustee Martell, Vice Chancellor Sapienza** stated that historically tuition has come from the state TAP program. As pointed out in previous meetings, **CUNY** students attend tuition-free because of theCompact.
Chairperson Schmidt noted that if CUNY is successful in this, the University can add another 500 faculty, resulting in increasing the full-time faculty by more than fifty percent. This will represent a magnificent and major change in a time of fiscal restraint. There is not a university in the country that has been able to see such an increase. CUNY needs to keep its goal for rising, increasing the percentage of its curriculum covered by full-time faculty rather than part-time faculty for its students.

Report of Fiscal Affairs Committee Chair Joseph Lhota:
Following the approval of the action item, the Subcommittee on Investment was convened and after approval of the minutes of the meeting of September 8, 2014, the meeting was adjourned to go into Executive Session. Two information items were presented to the Subcommittee: the first was a Portfolio Review given by CUNY Chief Investment Officer Janet Krone; and the second was a hedge fund discussion with Ms. Krone and representatives of Cambridge Associates. The Subcommittee then returned to Public Session and adjourned. The Subcommittee on Audit was then convened and after approval of the minutes of the meeting of June 2, 2014, the Financial Statements for FY2014 were approved by the Subcommittee. The meeting was then adjourned to go into Executive Session, where the Subcommittee met with KPMG without CUNY management, subsequently also meeting with CUNY management excluding KPMG. A third information item was discussed, detailing additional work that the University will be engaging with KPMG. These activities will be the development and review of PCI compliance activities, and tax support for incubator and accelerator activities.

NO. 4. COMMITTEE ON FACULTY, STAFF, AND ADMINISTRATION: RESOLVED, That the following items be approved:

A. THE CITY UNIVERSITY OF NEW YORK - AMENDMENT TO SECTION 6.1 OF THE BYLAWS:

RESOLVED, That Section 6.1 of the Bylaws of the Board of Trustees be amended to read as follows:

NOTE: New material is highlighted.

SECTION 6.1. INSTRUCTIONAL STAFF.

The board hereby establishes the following instructional staff titles:
Chancellor
Chancellor emeritus
Executive vice chancellor
Chief operating officer
Senior vice chancellor
Vice chancellor
Associate vice chancellor
University provost
Secretary of the board
University administrator
University associate administrator
University assistant administrator
President
Dean of the City University School of Law
Dean of the Graduate School of Journalism
Dean of the Sophie Davis School of Biomedical Education
Senior vice president
Vice president
Assistant vice president
Senior university dean
University dean
University associate dean
University assistant dean
Dean
Associate dean
Assistant dean
Administrator
Associate administrator
Assistant administrator
Distinguished professor
University professor
Professor
Associate professor
Assistant professor
Einstein professor
Visiting distinguished professor
Clinical Professor
Distinguished lecturer
Distinguished lecturer – medical series
Distinguished lecturer – law school series
Medical professor (basic sciences)
Associate medical professor (basic sciences)
Assistant medical professor (basic sciences)
Medical lecturer
Adjunct medical professor (basic sciences)
Adjunct associate medical professor (basic sciences)
Adjunct assistant medical professor (basic sciences)
Adjunct medical lecturer
Medical professor (clinical)
Associate medical professor (clinical)
Assistant medical professor (clinical)
Adjunct medical professor (clinical)
Adjunct associate medical professor (clinical)
Adjunct assistant medical professor (clinical)
Law school distinguished professor
Law school university professor
Law school non-teaching adjunct
Law school professor
Law school associate professor
Law school assistant professor
Law school instructor
Law school library professor
Law school library associate professor
Law school library assistant professor
Law school adjunct professor
Law school adjunct associate professor
Law school adjunct assistant professor
Law school adjunct instructor
Law school lecturer
Visiting professor
Visiting associate professor
Visiting assistant professor
Adjunct professor
Adjunct associate professor
Adjunct assistant professor
Adjunct lecturer
Adjunct lecturer (doctoral student)
Lecturer (full-time)
Lecturer (part-time)
Visiting lecturer
Instructor
Instructor (nursing science)
Research associate
Research assistant
Graduate assistant (a-d)
Senior registrar
Associate registrar
Chief college laboratory technician
Adjunct chief college laboratory technician
Senior college laboratory technician
Adjunct senior college laboratory technician
College laboratory technician
Adjunct college laboratory technician
College physician
Higher education officer
Higher education associate
Higher education assistant
Assistant to higher education officer
Continuing education teacher
Non-teaching adjunct (I-V)
Non-teaching adjunct (doctoral student)
Affiliated professional
Professor of Military Science
Affiliated medical professor
Associate affiliated medical professor
Assistant affiliated medical professor

and in the Hunter College Elementary School and Hunter College High School

Principal
Chairperson of department
Assistant principal
Teacher
Assistant Teacher
Temporary teacher
Campus schools college laboratory technician
Campus schools senior college laboratory technician
Guidance counselor
Placement director
Education and vocational counselor
Librarian
Substitute teacher
Occasional per diem substitute teacher

and in the childhood centers

Teacher
Assistant teacher
And in the educational opportunity centers (EOC)
Educational opportunity center adjunct lecturer
Educational opportunity center adjunct college laboratory technician
Educational opportunity center college laboratory technician
Educational opportunity center higher education officer
Educational opportunity center higher education associate
Educational opportunity center higher education assistant
Educational opportunity center assistant to higher education officer
Educational opportunity center lecturer

*and in the School of Journalism and in the Executive MBA Programs of the Zicklin School of Business at Baruch College:

Professional programs adjunct professor
Professional programs adjunct associate professor
Professional programs adjunct assistant professor
Professional programs adjunct lecturer
Professional programs professor (H)
Professional programs associate professor (H)
Professional programs assistant professor (H)
Professional programs lecturer (H)
Professional programs Non-Teaching Adjunct 1
Professional programs Non-Teaching Adjunct 2
Professional programs Non-Teaching Adjunct 3

**EXPLANATION:** On November 25, 2013, the CUNY Board of Trustees approved a letter of intent regarding the creation of the Sophie Davis B.S./M.D. granting program at The City College of New York. The College has applied for accreditation by the Liaison Committee on Medical Education (LCME) and, if granted preliminary accreditation, will offer an M.D. granting program in August 2016. LCME accreditation standards for M.D. programs require, among other things, that supervision of medical student learning experiences at hospitals be provided by physicians who are members of the institution’s faculty. Consistent with the practice at many medical schools, it is planned that the clinical supervisors in the Sophie Davis B.S./M.D. granting program will be employed by the hospital and not directly by the school. In order for CUNY to meet the LCME requirement that clinical medical faculty have CUNY appointments, the University is creating these three new titles. Individuals in these Affiliated Medical Professor titles will not receive compensation from or have employment status at CUNY.

**B. THE CITY UNIVERSITY OF NEW YORK - AMENDMENT TO SECTION 9.1(F) OF THE BYLAWS:**

**RESOLVED,** That Section 9.1(f) of the Bylaws of the Board of Trustees, relating to the personnel and budget process in the Hunter College campus schools, be amended to read as follows:

**SECTION 9.1 DEPARTMENT ORGANIZATION**

f. There shall be a committee on personnel and budget for the Hunter College Elementary School and a committee on personnel and budget for the Hunter College High School. The committee in each school shall consist of the principal, as chairperson, a designee of the provost of hunter college, and three members of the instructional staff of the school who are tenured or will have tenure by the time of service, elected for a term of three years by members of the permanent instructional staff of the school. These committees shall have in each school, insofar as practicable, the same functions as are assigned by these bylaws to a departmental committee on personnel and budget in a college.

**NOTE:** New material is underlined.
EXPLANATION: This amendment makes explicit that only instructional staff members who are tenured or will have tenure by the time of service may be elected to and serve on the personnel and budget committees at the Hunter College Elementary School and the Hunter College High School. This has been the practice at the schools, and is appropriate as the committees make recommendations on reappointments with tenure. This amendment to the Bylaws makes that practice explicit. It is consistent with Bylaw requirements for departmental personnel and budget committees, which provide that four of five faculty members have tenure.

C. THE CITY UNIVERSITY OF NEW YORK - AMENDMENTS TO POLICY ON EQUAL OPPORTUNITY AND NON-DISCRIMINATION:

RESOLVED, That the Board of Trustees The City University of New York hereby adopts the revised Policy on Equal Opportunity and Non-Discrimination, effective January 1, 2015.

EXPLANATION: Simultaneous with the consideration of this resolution, the Board will consider a new Policy on Sexual Misconduct. The provisions on sexual harassment in the current Policy on Equal Opportunity and Non-Discrimination have been deleted and will be moved to that new policy. No changes of significance have been made in the revised Policy on Equal Opportunity and Non-Discrimination although it has been updated to reflect some changes to the law and the addition of several CUNY units not previously listed.

THE CITY UNIVERSITY OF NEW YORK POLICY ON EQUAL OPPORTUNITY AND NON-DISCRIMINATION

I. Policy on Equal Opportunity and Non-Discrimination

The City University of New York (“University” or “CUNY”), located in a historically diverse municipality, is committed to a policy of equal employment and equal access in its educational programs and activities. Diversity, inclusion, and an environment free from discrimination are central to the mission of the University.

It is the policy of the University—applicable to all colleges and units—to recruit, employ, retain, promote, and provide benefits to employees (including paid and unpaid interns) and to admit and provide services for students without regard to 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 and city laws.1

It is also the University’s policy to provide reasonable accommodations when appropriate to individuals with disabilities, individuals observing religious practices, employees who have pregnancy or childbirth-related medical conditions, or employees who are victims of domestic violence/stalking/sex offenses.

This Policy also prohibits retaliation for reporting or opposing discrimination, or cooperating with an investigation of a discrimination complaint.

1 As a public university system, CUNY adheres to federal, state and city laws and regulations regarding non-discrimination and affirmative action. Should any federal, state or city law or regulation be adopted that prohibits discrimination based on grounds or characteristics not included in this Policy, discrimination on those additional bases will also be prohibited by this Policy.
Prohibited Conduct Defined

**Discrimination** is treating an individual differently or less favorably because of his or her protected characteristics—such as race, color, religion, sex, gender, national origin, or any of the other bases prohibited by this Policy.

**Harassment** is a form of discrimination that consists of unwelcome conduct based on a protected characteristic that has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or abusive work or academic environment. Such conduct can be spoken, written, visual, and/or physical. This policy covers prohibited harassment based on all protected characteristics other than sex. Sex-based harassment and sexual violence are covered by CUNY’s Policy on Sexual Misconduct.

**Retaliation** is adverse treatment of an individual because he or she made a discrimination complaint, opposed discrimination, or cooperated with an investigation of a discrimination complaint.

II. Discrimination and Retaliation Complaints

The City University of New York is committed to addressing discrimination and retaliation complaints promptly, consistently and fairly. There shall be a Chief Diversity Officer at every college or unit of the University, who shall be responsible for, among other things, addressing discrimination and retaliation complaints under this Policy. There shall be procedures for making and investigating such complaints, which shall be applicable at each unit of the University.

III. Academic Freedom

This policy shall not be interpreted so as to constitute interference with academic freedom.

IV. Responsibility for Compliance

The President of each college of the University, the CUNY Executive Vice Chancellor and Chief Operating Officer, and the Deans of the Law School, Graduate School of Journalism, School of Public Health and School of Professional Studies and Macaulay Honors College, have ultimate responsibility for overseeing compliance with these policies at their respective units of the University. In addition, each vice president, dean, director, or other person with managerial responsibility, including department chairpersons and executive officers, must promptly consult with the Chief Diversity Officer at his or her college or unit if he or she becomes aware of conduct or allegations of conduct that may violate this policy. All members of the University community are required to cooperate in any investigation of a discrimination or retaliation complaint.

D. KINGSBOROUGH COMMUNITY COLLEGE - NAMING OF THE DR. RACHELLE AND BARRY GOLDSMITH TENNIS FACILITY:

RESOLVED, That the Board of Trustees of The City University of New York approve the naming of the “Dr. Rachelle and Barry Goldsmith Tennis Facility” located on the campus of Kingsborough Community College, and authorize the General Counsel of The City University of New York to execute documents on behalf of CUNY relating to this naming opportunity.

EXPLANATION: Dr. Rachelle Goldsmith and her husband, Barry Goldsmith, are long-time employees of the College. Dr. Goldsmith is currently Director of the College’s Honors Program and previously served as Director of Kingsborough’s College Now Program. Mr. Goldsmith has been the coach of the Kingsborough men’s tennis team for more than thirty years, and of its women’s tennis team for approximately eight years. He led the women’s tennis team to a national championship in 2009, and
under his leadership both teams together have produced more than 50 All-Americans. In addition, the Goldsmiths are founding members of the Kingsborough Community College Beacon Society, as they have made a bequest intention to support the College.

The Goldsmiths have donated $25,000 to the Kingsborough Community College Foundation. The earnings generated by this donation will be used toward the Kingsborough Community College Athletics Wave Fund, an existing fund established to help Kingsborough student athletes better navigate their collegiate experiences.

In recognition of the Goldsmiths’ generosity and many contributions to the College community, the College requests that its tennis facility, comprised of four tennis courts located on the Kingsborough campus, be named the “Dr. Rachelle and Barry Goldsmith Tennis Facility.”

E. BROOKLYN COLLEGE - NAMING OF THE CLAIRE TOW THEATER:

RESOLVED, That the Board of Trustees of The City University of New York approve the naming of the theater in Whitman Hall at Brooklyn College, previously known as the Whitman Theater, as the Claire Tow Theater, which will be part of the previously named Leonard and Claire Tow Center for the Performing Arts.

EXPLANATION: Brooklyn College seeks to formally recognize the outstanding legacy of alumna Claire Tow, who passed away this year after a long battle with ALS. She and her husband, Leonard Tow, graduates of Brooklyn College in 1952 and 1950, respectively, have been amongst the strongest philanthropic supporters of Brooklyn College. Mrs. Tow was a co-founder of the cable television company, Century Communications Corporation, and the cellular telephone company, Centennial Cellular Corporation, and served as director and executive at both companies. Mrs. Tow was also President of The Tow Foundation, the largest single donor to Brooklyn College.

In 1993, through The Tow Foundation, which supports medical research and scientific, community, educational, and cultural organizations, the Tows established the Tow Professorships, as well as annual awards that are given to Brooklyn College faculty members for outstanding teaching and/or research. In 1998, Brooklyn College bestowed the honorary degree of Doctor of Humane Letters on both Leonard and Claire Tow. In January 2004, the Tows pledged a challenge grant of $10 million—the largest gift in the College’s history—for a new Center for the Performing Arts, if the College mobilized a further $15 million. That $25 million became the nucleus for a $90 million project to provide new facilities for the College’s music and theater departments. The new facility was named the Leonard and Claire Tow Center for the Performing Arts in recognition of the Tows’ contributions. In further acknowledgement of their vision and generosity, the College wishes to integrate and consolidate all of its performing arts facilities under their name, and therefore requests that the theater previously known as the Whitman Theater be named the “Claire Tow Theater.”

Report of Faculty, Staff and Administration Committee Chair Valerie Beal:
I would like to share some matters discussed at the meeting of the Committee on Faculty, Staff and Administration. I was particularly glad to hear Vice Chancellor Waters’ report on the good work being done by the University’s Office of Recruitment and Diversity. This past fall, University Dean Rubain and her staff led a very successful session on diversity programming at CUPA-HR’s Annual Conference and Expo, which was later turned into a webinar. In addition, Kingsborough Community College recently held a diversity symposium on creating safe spaces in a diverse environment. And on March 20th of next year, Vice Chancellor Waters’ office will sponsor a University-wide faculty diversity conference at The Graduate Center, their second such event. Finally, I would like to report briefly on the progress of the CUNY Defined Contribution Investment Oversight Task Force. The task force has been meeting on a monthly basis to review the University’s pension and retirement vehicles. As I previously reported, the University is in compliance, and is now moving forward to establish procedures and policies that will make CUNY a leader in this area. I look forward to sharing the task force findings in more detail with the Board.
in the future.

NO. 5. COMMITTEE ON FACILITIES PLANNING AND MANAGEMENT: RESOLVED, That the following item be approved:

A. BARUCH COLLEGE - INFORMATION AND TECHNOLOGY BUILDING FIRE ALARM PROJECT:

RESOLVED, That the Board of Trustees of The City University of New York amend the resolution adopted at the meeting of June 24, 2013, Cal. No. 7.D., by increasing from $900,000 to $1,100,000 the amount of the Purchase Order the Vice Chancellor is authorized to execute for the services to design, purchase and install a Fire Alarm System in the Information and Technology Building at Baruch College under an existing New York State General Services Contract, subject to approval as to form by the Office of General Counsel.

EXPLANATION: The Purchase Order for the work was issued to Red Hawk Fire & Security. Subsequent to the completion of the design, it was determined that an additional $200,000 will be required to undertake the fire alarm installation to meet all New York City Fire Code requirements. The total cost of all such purchases shall be chargeable to the State Capital Construction Fund, Project No. 3167209999 for an amount of not to exceed $1,100,000.

B. JOHN JAY COLLEGE - LEASE RENEWAL:

RESOLVED, That the Board of Trustees of The City University of New York authorize the General Counsel to execute a lease renewal for Nine Years and Eleven Months, for approximately 50,000 rentable square feet of space, at 555 West 57th Street, New York, New York, on behalf of the John Jay College of Criminal Justice. The lease shall be subject to approval as to form by the University Office of General Counsel.

EXPLANATION: At 555 West 57th Street in Manhattan, the John Jay College of Criminal Justice has occupied 50,000 square feet of office space on the Sixth Floor since 1999. The current lease will expire on January 29, 2020. Under the existing lease the current gross annual rent is $40.50/SF. In order to secure the long-term occupancy of this space for the benefit of the College, the University and the landlord have agreed to an early renewal of the existing lease. Pursuant to the renewal agreement, the extended term will start on January 30, 2020 and end on December 31, 2030. The base rent for the renewal period will be $2,750,000 ($55/SF) per annum for the first five years and $3,000,000 ($60.00/SF) for the balance of the term.

The Landlord will continue to be responsible for repairs and cleaning. The University will continue to be responsible for its share of increase in real estate taxes and direct operating costs over base year costs.

C. THE CITY UNIVERSITY OF NEW YORK - FIVE-YEAR CAPITAL BUDGET REQUEST, FY 2015-16 THROUGH FY 2019-20:

RESOLVED, That The City University of New York Board of Trustees approve a five-year Capital Budget Request for Fiscal Years FY 2015-16 through FY 2019-20 of approximately $6.8 billion for projects authorized by The City University Construction Fund to address critical maintenance, infrastructure, and programmatic initiatives in support of the University’s mission. 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 General Fund. The request breaks down to $5.2 billion for the Senior Colleges and $1.6 billion for the Community Colleges. The state provides 100% of the funding for Senior Colleges and 50% for the Community Colleges. The city provides the matching 50% for the Community Colleges and special projects at Senior Colleges; and be it further
RESOLVED, That the Master Plan for the University be and is hereby amended as necessary to provide for the capital proposal.

NOTE: The Capital Budget Request, FY 2015-16 through FY 2019-20, and the schedule of projects are on file in the Office of the Secretary of the Board.

EXPLANATION: Every year the University is required to submit a five-year capital plan to the State Division of the Budget and the City Office of Management and Budget. As in previous plans, the FY 2015-16 through FY 2019-20 request focuses on completion of existing projects and critical health, safety, code compliance and rehabilitation projects, while recognizing the need for expansion and modernization of facilities as called for in campus master plans. In formulating specific projects under this plan, an effort will be made where possible to leverage available University real estate resources through public-private development.

The projects included in the plan originate at the campuses and are prioritized following Board of Trustees criteria:

1. Critical Maintenance projects to ensure health, safety, security, facilities preservation, and compliance with codes, including ADA and asbestos-related regulations;
2. Individual campus projects that were started with partial earlier funding and need completion of funding;
3. Projects to upgrade existing science facilities and provide new science instruction and research facilities;
4. CUNY-wide technology projects, including infrastructure upgrades, systems engineering, and new equipment;
5. CUNY-wide projects to meet energy conservation and performance objectives including Executive Order 88 and Local Law 87;
6. New construction of space needed for academic programs, with projects ranked in order of overall campus space deficiency. Highest priority is assigned to classroom and instructional laboratory facilities and to the replacement of temporary or leased space with permanent space;
7. CUNY-wide and individual campus projects for purposes other than those listed above.

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

A. SCHOOL OF PROFESSIONAL STUDIES - MS IN DISABILITY SERVICES IN HIGHER EDUCATION:

RESOLVED, That the program in Disability Services leading to the Master of Science at the School of Professional Studies of the Graduate School and University Center be approved, effective December 2, 2014, subject to financial ability.

EXPLANATION: The increase in previously undetected learning disabilities and the implementation of the Americans with Disabilities Act have created a demand on all college and university campuses for professionals knowledgeable in student and faculty accommodations as well as the details of the law. Currently most professionals in this field have tangentially related graduate degrees and acquire the theory, practice and skills to run a disability services office through professional development programs and on the job experience. This program covers the various types of disabilities and appropriate accommodations, the legal requirements as well as the administration of such offices. This degree will be
the first of its kind in the nation and will be taught completely in an on-line format, allowing SPS to recruit nationally. The School has already established relationships with relevant professional organizations.

B. HUNTER COLLEGE - ED.D IN INSTRUCTIONAL LEADERSHIP:

RESOLVED, That the program in Instructional Leadership leading to the Doctor of Education at Hunter College be approved, effective December 2, 2014, subject to financial ability.

EXPLANATION: This program will be the first Ed.D at CUNY. It will prepare professionals in the K-12 education sector to advance to careers such as school superintendents, district-level directors of curriculum, and charter school network leaders. Students will learn research methodologies that can be used in their current and future professional settings and the program will culminate in an applied dissertation. The students, most of whom will be working full-time while pursuing their degree, will enroll and complete the program in cohorts.

C. HUNTER COLLEGE - ESTABLISHMENT OF THE DEPARTMENT OF WOMEN AND GENDER STUDIES:

RESOLVED, That effective January 28, 2015, the Hunter College Department of Women and Gender Studies shall be established in the School of Arts & Sciences as part of the Division of Social Sciences with all of the rights and responsibilities of a department.

EXPLANATION: The Women and Gender Studies Program (WGS; formerly, Women’s Studies) at Hunter College was one of the first such programs in the country. Officially established in 1975, the program emerged as part of larger intellectual, political, and pedagogical movements that sought to redress omissions of the study of gender, sexuality and racial-ethnic minorities in undergraduate university curricula. Because of its location in a predominantly urban, public-sector institution that historically was the first to serve young women of all ethnic and class backgrounds, Hunter’s Women and Gender Studies Program was, from its very beginning, conscious of its special mission of diversity and inclusion.

Hunter’s Women and Gender Studies Department will be the first of its kind within CUNY, and its creation will allow CUNY to join the ranks of other R1 institutions that recognize the importance of study of this area in a liberal education.

In the spring of 2011, a presidentially appointed Task Force recommended the creation of a WGS department in its final report. Among its reasons for supporting the creation of a WGS department, the Task Force highlighted the facts that “WGS is a discipline with its own concepts and theoretical domain, as well as being an interdisciplinary field that intersects with other fields in the sciences and humanities”; “student success for this popular major depends on departmental status” to provide students with greater programmatic stability, course availability, and access to academic advising and support; and the change will “provide better articulation with CUNY community colleges and the CUNY Graduate Center.”

WGS has grown rapidly in size, complexity, and function in recent years. According to analysis by the National Women’s Studies Association, WGS at Hunter College is among the largest of such entities in the country based on student enrollment, which has surged in the past decade from 38 majors in 2001 to over 90 majors and 20 minors in 2012. Every year more than 1500 students take WGS 100 Introduction to Women’s Studies and WGS 201 Classics in Feminist Thought in order to fulfill a portion of their Pluralism and Diversity requirements. Because WGS carries such a large burden in terms of helping students fulfill general education requirements, it must routinely turn students away from overenrolled WGS courses that students are taking both to fulfill major and minor requirements as well as other college requirements. Department status will allow for thoughtful programmatic development and long term planning so that WGS courses will be available to the students who need them.
The Women and Gender Studies Department will maintain and expand its commitments to its majors by providing students with greater administrative stability, ensured access to required courses, and opportunities for interdisciplinary study. The new department will also maintain its commitment to the general education of Hunter College students through its vast array of courses satisfying college-wide requirements. Departmental status will also allow WGS to expand its contributions to public health, social work, human rights, and developments in various sciences.

The WGS program has sustained itself because of the commitment and generosity of 49 faculty from 25 departments and programs across Hunter College, many of whom have dedicated time to the administration and governance of the program by serving on its policy committee. In addition to its regular academic curriculum, the program contributes to the life of the college through planning and sponsorship of campus-wide events. Since 2004, the program has organized and co-sponsored over 85 events. In these respects, the program already functions in many ways like a department, and it deserves the levels of autonomy and support afforded academic departments.

The college has developed and begun to implement a plan for bringing the new department up to the minimum size of five faculty. The plan called first for the hire of a senior scholar and seasoned academic leader to chair the new department. With the full support of the two dedicated WGS faculty (one currently appointed in the Department of Geography, the other in the Department of Political Science), Hunter searched for and hired the first chair of the Department of Women and Gender Studies in August, 2014. She is currently housed in the Department of Anthropology. Within the next three years, depending upon the specified needs of the new department as defined by its proposed membership, two more faculty will be added either via internal transfers from existing Hunter departments or through external searches and the establishment of new faculty lines, subject to financial availability. A slightly different version of this resolution was approved by the Hunter College Senate on October 23, 2013. The current resolution with the corrected date was presented to the Senate on October 8, 2014. A separate resolution regarding the transfer and appointment of personnel to the new Department of Women and Gender Studies will be entered into the Chancellor’s University Report. Contingent upon the approval of the Board of Trustees, one designated faculty member from each of the Departments of Anthropology, Geography and Political Science will be transferred to the new Department of Women and Gender Studies.

D. BOROUGH OF MANHATTAN COMMUNITY COLLEGE - AS IN ANIMATION AND MOTION GRAPHICS:

RESOLVED, That the program in Animation and Motion Graphics leading to the Associate of Science at Borough of Manhattan Community College, be approved effective December 2, 2014 subject to financial ability.

EXPLANATION: BMCC seeks to build on its current success with associate degree programs in Video Arts Technology, Multimedia Programming and Multimedia Art and Design by adding an AS in Animation and Motion Graphics to this suite of related programs. Computer generated imagery or CGI as it is known, allows for the creation of characters, special effects, and scenes that are imbedded in media that we watch every day. Basic courses in animation and digital art combined with a solid general education program will prepare students for entry level positions and for transfer to senior colleges. An articulation with Lehman College has already been signed.

E. CITY COLLEGE - MD IN MEDICAL EDUCATION:

RESOLVED, That the program in Medical Education leading to the Doctor of Medicine at City College, be approved, and that the City College Master Plan be amended accordingly, effective December 2, 2014 subject to financial ability.

EXPLANATION: CUNY presently offers a BS in Biomedical Education at City College and works with partner institutions to admit students into an accelerated MD program. These programs provide access
to medical education for youth from social, ethnic, and racial backgrounds historically underrepresented in medicine, and develop primary care physicians committed to practicing in underserved communities. City College is now seeking to become a Doctor of Medicine degree granting institution in order to offer both the BS in Biomedical Education and the MD program at CUNY in a format that would accelerate students through both programs in a fashion similar to the existing structure. This pursuit of permission to award the MD degree also requires a request for a Master Plan Amendment from the New York State Department of Education. By controlling the full continuum of our students’ medical education, these programs will provide the transformational path needed for New York City and State to educate and train primary care physicians to practice in communities that have the highest need for basic medical care and services.

Trustee Morales stated that he hopes that the composition of the city was taken into consideration for this program so that the Dominican population will be afforded this opportunity, especially where the majority of the community is Hispanic, as there are not that many Hispanic physicians practicing medicine in the State of New York.

F. HONORARY DEGREES: RESOLVED, That the following honorary degrees, approved by the appropriate faculty body, the college president and recommended by the Chancellor, be presented at the commencement exercise as specified:

<table>
<thead>
<tr>
<th>COLLEGE</th>
<th>DEGREE</th>
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<tbody>
<tr>
<td>CUNY SCHOOL OF LAW</td>
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<tr>
<td>Lynn Paltrow</td>
<td>Doctor of Laws</td>
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<tr>
<td>(To be conferred at the commencement ceremony on May 15, 2015)</td>
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<tr>
<td>HUNTER COLLEGE</td>
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<tr>
<td>Twyla Tharp</td>
<td>Doctor of Humane Letters</td>
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<tr>
<td>(To be conferred at the commencement ceremony on January 22, 2015)</td>
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<tr>
<td>CITY COLLEGE</td>
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<tr>
<td>Michael Pope</td>
<td>Doctor of Science</td>
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<tr>
<td>(To be conferred at a special event in Spring 2015)</td>
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NO. 7. COMMITTEE ON STUDENT AFFAIRS AND SPECIAL PROGRAMS: RESOLVED, That the following items be approved:

Chairperson Schmidt stated that he would like to thank Trustees Foster, Schwartz, Martell and Awadjie for attending the Board's Public hearing last Monday on November 24th, at which the Board's Calendar and budgetary requests were the subject of public testimony. Considerable testimony and correspondence relating to proposed changes in the Board's Bylaws - Article XV was received and distributed to all Trustees, including on the subject of the longstanding University policy against compelling student testimony in disciplinary cases. Chancellor Milliken has considered the testimony, and has recommended that the amendments to Article XV regarding the current section (Under “Student Disciplinary Procedures,” “Complaint Procedures”, “Notice of Hearing and Charges, and Pre-Hearing document Inspection”, and relating to the rights of students charged), continue to include “the right to remain silent without assumption of guilt.” I concur, as does Vice Chairperson Berry, Trustee Robles-Roman, and those Trustees who were present at the Public hearing. A preliminary review of other institutions of higher education suggests that CUNY’s policy is in the mainstream and therefore further study is warranted. The revised Calendar before you includes the current provision.
A. THE CITY UNIVERSITY OF NEW YORK - AMENDMENTS TO ARTICLE XV OF THE BYLAWS:

RESOLVED, That the Board of Trustees of The City University of New York hereby adopts the amendments to Article XV of the Board’s Bylaws, effective January 1, 2015.

EXPLANATION: In light of recent changes in federal law and regulations, guidance from the Office of Civil Rights of the U.S., Department of Education and recommendations of the White House Task Force to Protect Students from Sexual Assault, a working group within the Central Office of the University has been reviewing the student disciplinary procedures contained in Article XV of the Bylaws. The working group was comprised of representatives of the Offices of Student Affairs, Human Resources Management and Legal Affairs, and it consulted widely with students, faculty and staff throughout the University, as well as with experts in the field.

The substantive changes contained in the proposed amendments are principally directed to providing complainants with the same opportunity as respondents to participate in student disciplinary hearings before a faculty-student disciplinary committee, including the right to receive notice of the charges, to be represented by a person of their choice, including an attorney, to attend the hearing, to present evidence, to call witnesses, to cross-examine witnesses, to receive notice of the outcome of the hearing, and to appeal from the decision.

ARTICLE XV STUDENTS

SECTION 15.0. PREAMBLE.

Academic institutions exist for the transmission of knowledge, the pursuit of truth, the development of students, and the general well-being of society. Student participation, responsibility, academic freedom, and due process are essential to the operation of the academic enterprise. As members of the academic community, students should be encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for truth.

Freedom to learn and to explore major social, political, and economic issues are necessary adjuncts to student academic freedom, as is freedom from discrimination, as set forth in the university’s non-discrimination policy.

Freedom to learn and freedom to teach are inseparable facets of academic freedom. The concomitant of this freedom is responsibility. If members of the academic community are to develop positively in their freedom; if these rights are to be secure, then students should exercise their freedom with responsibility.

SECTION 15.1. CONDUCT STANDARD DEFINED.

Each student enrolled or in attendance in any college, school or unit under the control of the board and every student organization, association, publication, club or chapter shall obey (1) the laws of the city, state and nation; (2) the bylaws and resolutions of the board, including the rules and regulations for the maintenance of public order pursuant to article 129-a of the education law (“Henderson rules”); and (3) the governance plan, policies, regulations, and orders of the college.

Such laws, bylaws, resolutions, policies, rules, regulations and orders shall, of course, be limited by the right of students to the freedoms of speech, press, assembly and petition as construed by the courts.

SECTION 15.2. STUDENT ORGANIZATIONS.

a. Any group of students may form an organization, association, club or chapter by filing with the duly elected student government organization of the college or school at which they are enrolled or in attendance and with an officer to be designated by the chief student affairs officer of the
college or school at which they are enrolled or in attendance (1) the name and purposes of the organization, association, club or chapter, (2) the names and addresses of its president and secretary or other officers corresponding in function to president and secretary.

The board recognizes that students have rights to free expression and association. At the same time, the board strongly believes that respect for all members of the university’s diverse community is an essential attribute of a great university.

b. Extra-curricular activities at each college or school shall be regulated by the duly elected student government organization to insure the effective conduct of such college or school as an institution of higher learning and for the prevention of activities which are hereafter proscribed or which violate the standards of conduct of the character set forth in bylaw 15.1. Such powers shall include:

1. The power to charter or otherwise authorize teams (excluding intercollegiate athletics), publications, organizations, associations, clubs or chapters, and, when appropriate in the exercise of such regulatory power, the power to refuse, suspend or revoke any charter or other authorization for cause after hearing on notice.

2. The power to delegate responsibility for the effective implementation of its regulatory functions hereunder to any officer or committee which it may appoint.

c. 1. Any person or organization affiliated with the college may file a complaint with the chief student affairs officer if there is reason to believe that a student organization has violated any of the standards of conduct set forth in section 15.1 above. The chief student affairs officer shall promptly notify the affected organization, investigate any complaint and report the results of that investigation along with a recommendation for appropriate action to the complainant and the student government which shall take action as it deems appropriate, except that in the case of a complaint against the student government itself, the chief student affairs officer shall report the results of the investigation and the recommendation for appropriate action directly to the president.

2. The complainant or any student organization adversely affected pursuant to paragraph c (1) above may appeal to the president. The president may take such action as he or she deems appropriate, and such action shall be final.

d. Each college shall establish a student elections review committee in consultation with the various student governments. The student elections review committee shall approve the election procedures and certify the results of elections for student governments, and student body referenda. Decisions of the student elections review committee may be appealed to the college president, whose decision shall be final. An appeal from the decision of the student elections review committee must be made in writing to the President within ten (10) calendar days of the decision. The President shall consult with the student elections review committee and render a decision as expeditiously as possible which may affirm, reverse, or modify the decision of the student elections review committee.

e. Student government elections shall be scheduled and conducted, and newly elected student governments shall take office, in accordance with policies of the board, and implementing regulations.

SECTION 15.3. THE UNIVERSITY STUDENT SENATE.

There shall be a university student senate responsible, subject to the board of trustees, for the formulation of university-wide student policy relating to the academic status, role, rights and freedoms of the student. The authority and duties of the university student senate shall not extend to areas of interest which fall exclusively within the domain of the student governments of the constituent units of the university. Consistent with the authority of the board of trustees in
accordance with the education law and the bylaws of the board of trustees, the university student
senate shall make its own bylaws providing for the election of its own officers, the establishment
of its own rules and procedures, for its internal administration and for such other matters as is
necessary for its existence. The university student senate shall have the full rights and
responsibilities accorded student organizations as provided in these bylaws. The delegates and
alternate delegates to the university student senate shall be elected by their respective
constituencies, or by their student governments from the elected members of the respective
student governments.

SECTION 15.4. STUDENT DISCIPLINARY PROCEDURES.

Complaint Procedures:

a. A University student, employee, visitor, organization or department who/which believes
she/he/it is the victim of a student’s misconduct (hereinafter "complainant") may make a charge,
accusation, or allegation against a student (hereinafter "respondent") which if proved, may subject
the respondent to disciplinary action. Such charge, accusation, or allegation must be
communicated to the chief student affairs officer of the college the respondent attends.

b. The chief student affairs officer of the college or her or his designee shall conduct a
preliminary investigation in order to determine whether disciplinary charges should be preferred.
The chief student affairs officer or her or his designee shall advise the respondent of the
allegation against her or him, explain to the respondent and the complainant their rights, consult
with other parties who may be involved or who have information regarding the incident, and
review other relevant evidence. The preliminary investigation shall be concluded within thirty (30)
calendar days of the filing of the complaint, unless: (i) said complaint involves two or more
complainants or respondents; or (ii) said complaint involves a matter that is also under
investigation by law enforcement authorities. In those cases, the preliminary investigation shall be
completed within sixty (60) calendar days. Further, if the matter has been previously investigated
pursuant to the Board of Trustees Policy on Sexual Misconduct, the chief student affairs officer
shall dispense with a preliminary investigation and rely on the report completed by the Title IX
Coordinator. Following the completion of the preliminary investigation, the chief student affairs
officer or designee shall take one of the following actions:

(i) Dismiss the matter if there is no basis for the allegation(s) or the allegation(s) does not
warrant disciplinary action. The individuals involved shall be notified that the complaint has been
dismissed;

(ii) Refer the matter to mediation (except in cases involving allegations of sexual assault, stalking
or other forms of sexual violence); or

(iii) Prefer formal disciplinary charges.

c. In the event that a respondent withdraws from the college after a charge, accusation or
allegation against a respondent has been made, and the college prefers formal disciplinary
charges, the respondent is required to participate in the disciplinary hearing or otherwise to
resolve the pending charges and shall be barred from attending any other unit of the university
until a decision on the charges is made or the charges are otherwise resolved. If the respondent
fails to appear the college may proceed with the disciplinary hearing in absentia, and any decision
and sanction shall be binding.

Mediation Conference:

d. The college may offer the respondent and the complainant the opportunity to participate in a
mediation conference prior to the time the disciplinary hearing takes place in an effort to resolve
the matter by mutual agreement (except in cases involving sexual assault, stalking and other
forms of sexual violence). The conference shall be conducted by a qualified staff or faculty
member designated by the chief student affairs officer. The following procedures shall be in effect at this conference:

1. An effort shall be made to resolve the matter by mutual agreement.

2. If an agreement is reached, the faculty or staff member conducting the conference shall report her/his recommendation to the chief student affairs officer for approval and, if approved, the complainant and the respondent shall be notified, and a written memorandum shall be created memorializing the resolution and any consequences for non-compliance.

3. If no agreement is reached within a reasonable time, or if the respondent fails to appear, the faculty or staff member conducting the conference shall refer the matter back to the chief student affairs officer who may prefer disciplinary charges.

4. The faculty or staff member conducting the mediation conference is precluded from testifying at a college hearing regarding information received during the mediation conference, or presenting the case on behalf of the college.

Notice of Hearing and Charges, and Pre-Hearing Document Inspection:

e. Notice of the charge(s) and of the time and place of the hearing shall be personally delivered to the respondent, or sent by certified or overnight mail and email to the respondent’s CUNY-assigned email address. Notice shall also be sent in a similar manner to the complainant to the extent the charges relate to her/him/it. The chief student affairs officer is also encouraged to send the notice of charges to any other e-mail address that he or she may have for the respondent and the complainant. The hearing shall be scheduled within a reasonable time following the filing of the charges or the mediation conference. Notice of at least seven (7) calendar days shall be given to the respondent in advance of the hearing unless the respondent consents to an earlier hearing. The respondent is permitted one (1) adjournment as of right. Additional requests for an adjournment must be made at least five (5) calendar days prior to the hearing date, and shall be granted or denied at the discretion of the chairperson of the faculty-student disciplinary committee. If the respondent fails to respond to the notice, appear on the adjourned date, or request an extension, the college may proceed in absentia, and any decision and sanction shall be binding.

f. The notice shall contain the following:

1. A complete and itemized statement of the charge(s) being brought against the respondent including the rule, bylaw or regulation she/he is charged with violating, and the possible penalties for such violation.

2. A statement that the respondent and the complainant have the right to attend and participate fully in the hearing including the right:

   (i) to present their side of the story;
   (ii) to present witnesses and evidence on their behalf;
   (iii) to cross-examine witnesses presenting evidence;
   (iv) to remain silent without assumption of guilt; and
   (iv) to be represented by an advisor or legal counsel at their expense; if the respondent or the complainant request it, the college shall assist in finding a legal counsel or advisor.

3. A warning that anything the respondent says may be used against her/him at a non-college hearing.

4. At least five (5) calendar days prior to the commencement of a student disciplinary hearing, the college shall provide the respondent and the complainant and/or their designated representative, with similar and timely access to review any documents or other tangible evidence
that the college intends to use at the disciplinary hearing, consistent with the restrictions imposed by Family Education Rights and Privacy Act ("FERPA"). Should the college seek to introduce additional documents or other tangible evidence during, or some time prior to, the disciplinary hearing, the respondent and the complainant shall be afforded the opportunity to review the additional documents or tangible evidence. If during the hearing the respondent submits documentary evidence, the chairperson may, at the request of either the college or the complainant, direct the respondent to produce such other documents as may be necessary in the interest of fairness.

Emergency Suspension:

g. The president or her/his designee may in emergency or extraordinary circumstances, temporarily suspend a student pending an early hearing as provided in this bylaw section 15.4. to take place within not more than twelve (12) calendar days, unless the student requests an adjournment. Such suspension shall be for conduct which impedes, obstructs, impairs or interferes with the orderly and continuous administration and operation of any college, school, or unit of the university in the use of its facilities or in the achievement of its purposes as an educational institution. Prior to the commencement of a temporary suspension of a student, the college shall give the student oral notice (which shall be confirmed via email to the address appearing on the records of the college) or written notice of the charges against her/him and, if she/he denies them, the college shall forthwith give the student an informal oral explanation of the evidence supporting the charges and the student may present informally her/his explanation or theory of the matter. When a student’s presence poses a continuing danger to person or property or an ongoing threat of disrupting the academic process, notice and opportunity for denial and explanation may follow suspension, but shall be given as soon as feasible thereafter. The complainant shall be notified in the event that an emergency suspension is imposed against a student, and/or when the suspension is subsequently lifted to the extent that the suspension involves the complainant in the same manner notice is given to the student.

Faculty-Student Disciplinary Committee Structure:

h. Each faculty-student disciplinary committee shall consist of two (2) faculty members or one (1) faculty member and one (1) member of the Higher Education Officer series (HEO), and two (2) student members and a chairperson, who shall be a faculty member. A quorum shall consist of the chairperson and any two (2) members, one of whom must be a student. Hearings shall be scheduled promptly (including during the summers) at a convenient time and efforts shall be made to insure full student and faculty representation.

i. The president shall select in consultation with the head of the appropriate campus governance body or where the president is the head of the governance body, its executive committee, three (3) members of the faculty of that college to receive training and to serve in rotation as chairperson of the disciplinary committee. The following schools shall be required to select two (2) chairpersons: CUNY School of Law, Guttman Community College, CUNY School of Professional Studies, and the CUNY School of Journalism. If none of the chairpersons appointed from the campus can serve, the president, at her/his discretion, may request that a chairperson be selected by lottery from the entire group of chairpersons appointed by other colleges. The chairperson shall preside at all meetings of the faculty-student disciplinary committee and decide and make all rulings for the committee. She/he shall not be a voting member of the committee but shall vote in the event of a tie.

j. The faculty members shall be selected by lot from a panel of six (6) elected biennially by the appropriate faculty body from among the persons having faculty rank or faculty status. CUNY School of Law, Guttman Community College, CUNY School of Professional Studies, and the CUNY School of Journalism shall be required to select four (4) faculty members. The HEO members shall be selected by lot from a panel of six (6) HEO appointed biennially by the president. CUNY School of Law, Guttman Community College, CUNY School of Professional Studies, and the CUNY School of Journalism shall be required to select four (4) HEO's. The
student members shall be selected by lot from a panel of six (6) elected annually in an election in which all students registered at the college shall be eligible to vote. CUNY School of Law, Guttman Community College, CUNY School of Professional Studies, and the CUNY School of Journalism shall be required to select four (4) students. In the event that the student or faculty panel or both are not elected, or if more panel members are needed, the president shall have the duty to select the panel or panels which have not been elected. No individuals on the panel shall serve on the panel for more than four (4) consecutive years. Notwithstanding the above, in cases of sexual assault, stalking and other forms of sexual violence, the president shall designate one (1) chairperson, two (2) faculty/HEO members, and two (2) students, who shall be specially trained, and who shall constitute the faculty-student disciplinary committee in all such cases.

k. In the event that the chairperson cannot continue, the president shall appoint another chairperson. In the event that a seat becomes vacant and it is necessary to fill the seat to continue the hearing, the seat shall be filled from the respective faculty, HEO, or student panel by lottery.

l. Each academic year, the chief student affairs officer, and her or his designee, shall appoint/identify one or more college employees to serve as presenters for the hearings. This list shall be forwarded to the Office of the Vice Chancellor for Student Affairs, and the Office of the General Counsel and Sr. Vice Chancellor for Legal Affairs prior to the first day of the academic year.

m. Persons who are to be participants in the hearings as witnesses or have been involved in preferring the charges or who may participate in the appeals procedures or any other person having a direct interest in the outcome of the hearing shall be disqualified from serving on the committee.

Faculty-Student Disciplinary Committee Procedures:

n. The following procedures shall apply at the hearing before the faculty-student disciplinary committee:

1. The chairperson shall preside at the hearing. The chairperson shall inform the respondent of the charges, the hearing procedures and her or his rights.

2. All faculty student disciplinary committee hearings are closed hearings, but the respondent has the right to request an open public hearing. However, the chairperson has the right to deny the request and hold a closed hearing when an open public hearing would adversely affect and be disruptive to the committee's normal operations, or when the complainant in a case involving allegations of sexual assault, stalking, or other forms of sexual violence requests a closed hearing. In the event of an open hearing, the respondent must sign a written waiver acknowledging that those present will hear the evidence introduced at the hearing.

3. After informing the respondent of the charges, the hearing procedures, and her or his rights, the chairperson shall ask the respondent to respond. If the respondent admits the conduct charged, the respondent shall be given an opportunity to explain her/his actions before the committee and the college shall be given an opportunity to respond and present evidence regarding the appropriate penalty. If the respondent denies the conduct charged, the college shall present its case. At the conclusion of the college's case, the respondent may move to dismiss the charges. If the motion is denied by the committee, the respondent shall be given an opportunity to present her or his defense.

4. Prior to accepting testimony at the hearing, the chairperson shall rule on any motions questioning the impartiality of any committee member or the adequacy of the notice of the charge(s). Subsequent thereto, the chairperson may rule on the admissibility of the evidence and may exclude irrelevant, unreliable or unduly repetitive evidence. In addition, if either party wishes to question the impartiality of a committee member on the basis of evidence which was not
previously available at the inception of the hearing, the chairperson may rule on such a motion. The chairperson shall exclude from the hearing room all persons who are to appear as witnesses, except the respondent and the complainant.

5. The college shall make a record of each fact-finding hearing by some means such as a stenographic transcript, an audio recording or the equivalent. The college must assign a staff member for each hearing, with the sole responsibility of ensuring that the hearing is recorded in its entirety. No other recording of the proceedings may be permitted. A respondent who has been found to have committed the conduct charged after a hearing is entitled upon request to a copy of such a record without cost upon the condition that it is not to be disseminated except to the respondent’s representative or attorney. In the event of an appeal, both the respondent and the complainant are entitled upon request to a copy of such a record without cost, upon the condition that it is not to be disseminated except to their representatives or attorneys.

6. The college bears the burden of proving the charge(s) by a preponderance of the evidence.

7. The role of the faculty-student disciplinary committee is to listen to the testimony, ask questions of the witnesses, review the testimony and evidence presented at the hearing and the papers filed by the parties and render a determination. In the event the respondent is found to have committed the conduct charged, the committee shall then determine the penalty to be imposed.

8. The college, the respondent and the complainant are permitted to have lawyers or other representatives act on their behalf during the pendency of a disciplinary action, which shall include the calling and examining of witnesses, and presenting other evidence. Any party intending to appear with an attorney shall give the other party 5 (five) calendar days’ notice of such representation.

9. The chairperson of the faculty-student disciplinary committee retains discretion to limit the number of witnesses and the time of testimony for the presentations by any party and/or their representative.

10. In the event that the respondent is charged with a sexual assault, stalking or other forms of sexual violence, neither the respondent nor the complainant shall be permitted to cross-examine the other directly. Rather, if they wish to, the respondent and the complainant may cross-examine each other only through a representative. If either or both of them do not have a representative, the college shall work with them to find a representative to conduct such cross-examination. In the alternative, either party may provide written questions to the chairperson to be posed to the witness.

11. At the end of the presentations, the respondent and the complainant may introduce individual character references. The college may introduce a copy of the respondent’s previous disciplinary record, including records from any CUNY institution the respondent has attended, where applicable, provided the respondent was shown a copy of the record prior to the commencement of the hearing. The previous disciplinary record shall be submitted to the committee in a sealed envelope, bearing the respondent’s signature across the seal, and shall only be opened if the respondent has been found to have committed the conduct charged. The previous disciplinary records, as well as documents and character evidence introduced by the respondent, the complainant, and the college shall be opened and used by the committee for dispositional purposes, i.e., to determine an appropriate penalty if the charges are sustained.

12. The committee shall deliberate in closed session. The committee shall issue a written decision, which shall be based solely on the testimony and evidence presented at the hearing and the papers filed by the parties.

13. The respondent shall be sent a copy of the faculty-student disciplinary committee’s decision within seven (7) calendar days of the conclusion of the hearing, by regular mail and e-mail to the
address appearing on the records of the college. In cases involving two or more complainants or respondents, the respondent shall be sent a copy of faculty-student disciplinary committee’s decision within fourteen (14) calendar days of the conclusion of the hearing. The chief student affairs officer is also encouraged to send the decision to any other e-mail address that he or she may have for the respondent. The decision shall be final subject to any appeal. In cases involving a crime of violence or a non-forcible sex offense, as set forth in FERPA, the complainant shall simultaneously receive notice of the outcome of the faculty-student disciplinary committee’s decision as it relates to the offense(s) committed against the complainant, in the same manner as notice is given to the respondent.

14. When a disciplinary hearing results in a penalty of dismissal or suspension for one term or more, the decision is a university-wide penalty and the respondent shall be barred from admission to, or attendance at, any other unit of the university while the penalty is being served.

15. Disciplinary penalties shall be placed on a respondent’s transcript unless a mediation agreement, the committee’s decision, or the decision on any appeal under section 15.4(o) below, expressly indicate otherwise. For all undergraduate students, a penalty other than suspension or expulsion shall be removed from the respondent’s transcript upon the request of the respondent after at least four (4) years have elapsed since the penalty was completed, unless the respondent has been found to have committed a subsequent violation pursuant to this Article. The chief student affairs officer shall be responsible for having any penalty removed from a student's transcript as provided above.

Appeals.

o. A respondent or a complainant may appeal a decision of the faculty-student disciplinary committee to the president on the following grounds: (i) procedural error, (ii) newly discovered evidence that was not reasonably available at the time of the hearing, or (iii) the disproportionate nature of the penalty. The president may remand for a new hearing or may modify the penalty either by decreasing it (on an appeal by the respondent) or increasing it (on an appeal by the complainant). If the president is a party to the dispute, her/his functions with respect to an appeal shall be discharged by an official of the university to be appointed by the chancellor or her or his designee. If the penalty after appeal to the president is one of dismissal or suspension for one term or more, a respondent or a complainant may appeal to the board committee on student affairs and special programs. The board may dispose of the appeal in the same manner as the president.

p. An appeal under this section shall be made in writing within fifteen (15) calendar days after the delivery of the decision appealed from. This requirement may be waived in a particular case for good cause by the president or the board committee as the case may be. Within three (3) calendar days of the receipt of any appeal, either to the president or the board committee on student affairs and special programs, the appealing party shall be sent a written notice of the other party's appeal. In addition, the respondent and/or the complainant shall have the opportunity to submit a written opposition to the other party's appeal within fifteen (15) calendar days of the delivery of the notice of receipt of such appeal.

q. The president shall decide and issue a decision within fifteen (15) calendar days of receiving the appeal or within fifteen (15) calendar days of receiving papers in opposition to the appeal, whichever is longer. The board committee shall decide and issue a decision within five (5) calendar days of the meeting at which it hears the appeal.

SECTION 15.5. ACTION BY THE BOARD OF TRUSTEES.

Notwithstanding the foregoing provisions of this article, the board of trustees reserves full power to suspend or take other appropriate action against a student or a student organization for conduct which impedes, obstructs, or interferes with the orderly and continuous administration and operation of any college, school, or units of the university in the use of its facilities or in the
achievement of its purposes as an educational institution in accordance with procedures established by the board of trustees.

SECTION 15.6. COLLEGE GOVERNANCE PLANS.

The provisions in a duly adopted college governance plan shall not be inconsistent with the provisions contained in this article.

Chairperson Schmidt stated that the work of the University staff and others on this item has been absolutely exemplary.

USS Chair and Trustee Awadjie stated that on behalf of USS, he would like to thank Chairperson Schmidt, Chancellor Milliken and the Trustees as well as the Chancellery for their leadership in preserving students’ right to remain silent without the assumption of guilt during disciplinary hearings, in the Bylaws. As witnessed at the Public hearing last week, USS student leaders perceive the right to remain silent as a fundamental student right. By preserving this right it showed CUNY’s commitment to the rights of students. I would like to say thank you to the student leaders who took the initiative and adopted the resolution on their campuses and to those who also delivered compelling arguments at the hearing. Councilmember Inez Barron, who serves as the Chair of the Higher Education Committee for New York City Council, has been very supportive of the USS. Not only did she write a letter of support, she also got twenty members to sign the letter in solidarity. Additionally, she took the time out of her demanding schedule to testify at the Public hearing in support of the resolution that the students adopted. Councilman Rory Lancman also wrote a strong letter of support, on behalf of the CUNY students, so he also deserves recognition for his advocacy. CUNY students applaud the University’s efforts to become compliant with all of the Federal mandated changes of Title IX. There is no place for sexual assault or sexual harassment on CUNY campuses and USS stands by the University leadership in their effort to combat these challenges. As a Trustee, I would like to say that I am excited with the tone the Board has set, demonstrating that the opinions of the students are valued. It also signifies that the Board of Trustees and Chancellery truly care about CUNY students, showing that more can be achieved through partnership by communicating. Finally, it shows that there is shared governance at CUNY.

B. [ADDED ITEM] THE CITY UNIVERSITY OF NEW YORK - POLICY ON SEXUAL MISCONDUCT:

RESOLVED, That the Board of Trustees of The City University of New York hereby adopts the Policy on Sexual Misconduct and rescind its prior Policy on Sexual Assault, which is superseded by the new Policy on Sexual Misconduct, effective January 1, 2015.

EXPLANATION: The proposed Policy on Sexual Misconduct consolidates in one policy the prior Policy on Sexual Harassment (which was part of the Policy on Equal Opportunity and Non-Discrimination) and the prior Policy on Sexual Assault. Furthermore, the proposed Policy on Sexual Misconduct revises and updates those prior policies in light of recent changes in federal law and regulations, guidance from the Office of Civil Rights of the U.S., Department of Education and recommendations of the White House Task Force to Protect Students from Sexual Assault, and increased and justified concern about these important issues. The proposed policy was drafted by a working group from the CUNY Offices of Student Affairs, Human Resources Management and Legal Affairs, which consulted widely with students, faculty and staff throughout the University, as well as with experts in the field.

The proposed policy ensures that those who experience campus-related sexual harassment, gender-based harassment or sexual violence, including sexual assault, stalking, domestic violence, intimate partner violence or dating violence, will have the following rights:

- To be provided with confidential on-campus counseling, and to be notified of other available services on- and off-campus.
• To obtain, where appropriate, changes with respect to campus academic and living arrangements, no-contact orders and other interim remedial measures to enable them to continue their education without undue stress or trauma.

• To have their complaints handled respectfully by the campus, to be informed about how the campus will protect their privacy and confidentiality, and to have any allegations of retaliation addressed by the campus.

• To file a criminal complaint and to seek an order of protection with the assistance of the college, if they so choose.

• To make a formal complaint at the campus as the first step in the disciplinary process against the respondent(s).

• To have their complaint investigated in a prompt, impartial and thorough manner by individuals who have received appropriate training in conducting investigations and the issues related to sexual harassment and sexual violence.

• To report incidents of sexual harassment or sexual violence that they experience while under the influence of alcohol or drugs without receiving discipline for their alcohol or drug use, subject to certain conditions.

• To have the same opportunity as the alleged perpetrator(s) to participate in a student disciplinary hearing before a faculty-student disciplinary committee, including the right to receive notice of the charges, to be represented by a person of their choice, including an attorney, to attend the hearing, to present evidence, to call witnesses, to cross-examine witnesses, to receive notice of the outcome of the hearing, and to appeal from the decision.

In separate resolutions, the Board will consider amendments to the Policy on Equal Opportunity and Non-Discrimination to remove the provisions dealing with sexual harassment and amendments to Article 15 of the Bylaws relating primarily to student disciplinary procedures.

THE CITY UNIVERSITY OF NEW YORK
POLICY ON SEXUAL MISCONDUCT

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I. **Policy Statement**

Every member of The City University of New York community, including students, employees and visitors, deserves the opportunity to live, learn and work free from sexual harassment, gender-based harassment and sexual violence. Accordingly, CUNY is committed to:

1) Defining conduct that constitutes prohibited sexual harassment, gender-based harassment and sexual violence;

2) Providing clear guidelines for students, employees and visitors on how to report incidents of sexual harassment, gender-based harassment and sexual violence and a commitment that any complaints will be handled respectfully;

3) Promptly responding to and investigating allegations of sexual harassment, gender-based harassment and sexual violence, pursuing disciplinary action when appropriate, referring the incident to local law enforcement when appropriate, and taking action to investigate and address any allegations of retaliation;

4) Providing ongoing assistance and support to students and employees who make allegations of sexual harassment, gender-based harassment and sexual violence;

5) Providing awareness and prevention information on sexual harassment, gender-based harassment and sexual violence, including widely disseminating this policy, and implementing training and educational programs on sexual harassment, gender-based harassment and sexual violence to college constituencies; and

6) Gathering and analyzing information and data that will be reviewed in order to improve safety, reporting, responsiveness and the resolution of incidents.

This is the sole policy at CUNY addressing sexual harassment, gender-based harassment and sexual violence and is applicable at all college and units at the University. The CUNY community should also be aware of the following policies that apply to other forms of sex discrimination, as well as to other types of workplace violence and domestic violence that affect the workplace:
• **The CUNY Policy on Equal Opportunity and Nondiscrimination** prohibits discrimination on the basis of numerous protected characteristics in accordance with federal, state and local law. That policy addresses sex discrimination other than sexual harassment, gender-based harassment or sexual violence covered by this policy. [Link]

• **The CUNY Workplace Violence Policy** addresses workplace violence and the **CUNY Domestic Violence in the Workplace Policy** addresses domestic violence in or affecting employees in the workplace. [Link]

In addition, campus crime statistics, including statistics relating to sexual violence, which CUNY is required to report under the Jeanne Clery Act, are available from the Office of Public Safety at each college and/or on its Public Safety website.

**II. Prohibited Conduct**

**A. Sexual Harassment, Gender-Based Harassment and Sexual Violence.** This policy prohibits sexual harassment, gender-based harassment and sexual violence against any CUNY student, employee or visitor.

Sexual harassment includes unwelcome conduct of a sexual nature, such as unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, graphic and electronic communications or physical conduct that is sufficiently serious to adversely affect an individual’s participation in employment, education or other CUNY activities.

Gender-based harassment is unwelcome conduct of a nonsexual nature based on an individual’s actual or perceived sex, including conduct based on gender identity, gender expression, and nonconformity with gender stereotypes that is sufficiently serious to adversely affect an individual’s participation in employment, education or other CUNY activities.

Sexual violence is an umbrella term that includes sexual assault, such as rape/attempted rape, criminal sexual act, forcible touching, and sexual abuse. If of a sexual nature, stalking/cyberstalking (hereinafter “stalking”) and dating, domestic and intimate partner violence may also constitute sexual harassment, gender-based harassment or sexual violence.

The complete definitions of these terms, as well as other key terms used in this policy, are set forth in Section XI below.

**B. Retaliation.** This policy prohibits retaliation against any person who reports sexual harassment, gender-based harassment or sexual violence, assists someone making such a report, or participates in any manner in an investigation or resolution of a sexual harassment, gender-based harassment or sexual violence complaint.

**C. Certain Intimate Relationships.** This policy also prohibits certain intimate relationships when they occur between a faculty member or employee and any student for whom he or she has a professional responsibility as set forth in Section X below.

**III. Title IX Coordinator**

Each college or unit of CUNY has an employee who has been designated as the Title IX Coordinator. This employee is responsible for compliance with Title IX of the Education Amendments of 1972, which prohibits sex discrimination, including sexual harassment, gender-based harassment and sexual violence, in education programs. The Title IX Coordinator has overall responsibility for implementing this policy, including overseeing the investigation of complaints at her/his college or unit and carrying out the other functions of that position set forth in this policy. The name and contact information for all Title IX Coordinators at CUNY can be found on the university’s dedicated Title IX website at [Link].
IV. Immediate Assistance in Cases of Sexual Violence

A. Reporting to Law Enforcement
Students or employees who experience any form of sexual violence on or off-campus (including CUNY-sponsored trips and events) and visitors who experience sexual violence on a CUNY campus are strongly encouraged to immediately report the incident by calling 911, contacting their local police precinct, or contacting their college public safety office, which is available 24 hours a day, 7 days a week. Campus public safety officers can also assist the complainant with filing a complaint both on and off-campus, and in obtaining immediate medical attention, counseling and other services.

B. Obtaining Immediate Medical Attention and Emotional Support
CUNY is committed to assisting anyone who experiences sexual violence to seek comprehensive medical attention as soon as possible to treat injuries, obtain preventative treatment for sexually transmitted diseases, and preserve evidence, among other things. For rapes in particular, immediate treatment and the preservation of evidence of the attack are important for many reasons, including facilitating a criminal investigation. In addition, individuals who have experienced or witnessed sexual violence are encouraged to seek emotional support as soon as possible, either on or off-campus.

On-campus resources include nurses and/or nurse practitioners at campus health offices and counselors at campus counseling centers. Counselors are trained to provide crisis intervention and provide referrals for longer-term care as necessary.

For off-campus resources, CUNY maintains a list of emergency contacts and resources, including rape crisis centers, available throughout New York City on its dedicated web page. This list includes a designation of which local hospitals are designated as SAFE (Sexual Assault Forensic Examiner) hospitals, which are specially equipped to handle sexual assaults and trained to gather evidence from such assaults.

V. Reporting Sexual Harassment, Gender-Based Harassment or Sexual Violence to the College
CUNY encourages individuals who have experienced sexual harassment, gender-based harassment or sexual violence (referred to in this policy as “complainants”) to report the incident(s) to campus authorities, even if they have reported the incident to outside law enforcement, and regardless of whether the incident took place on or off-campus. Such reporting will enable complainants to get the support they need, and provide the college with the information it needs to take appropriate action. However, individuals should be aware that there are employees at their college/unit whom they can speak with on a strictly confidential basis before determining whether to make a report to college authorities. See Section VI below.

A. Filing a Complaint with Campus Authorities

(i) Students. Students who experience sexual harassment, gender-based harassment or sexual violence should bring their complaint to one of the following campus officials/offices:

• Title IX Coordinator;
• Office of Public Safety;
• Office of the Vice President for Student Affairs and/or Dean of Students;
• Residence Life staff in CUNY owned or operated housing, including Resident Assistants.

(ii) Employees. Employees who experience sexual harassment, gender-based harassment or sexual violence should bring their complaint to one of the following campus officials/offices:

• Title IX Coordinator;
• Director of Human Resources;
• Office of Public Safety.
(iii) **Visitors.** Visitors who experience sexual harassment, gender-based harassment or sexual violence should bring their complaint to one of the following campus officials/offices:

- Title IX Coordinator;
- Office of Public Safety;
- Residence Life staff in CUNY owned or operated housing, including Resident Assistants.

Once any of the individuals or offices above is notified of an incident of sexual harassment, gender-based harassment or sexual violence, she/he will coordinate with the appropriate college offices to address the matter in accordance with this policy, including taking appropriate interim and supportive measures. All information in connection with the complaint, including the identities of the complainant and the respondent, will be kept as confidential as possible and will only be shared with those who have a legitimate need for the information.

**B. Support Assistance for Complainants**

When a Title IX Coordinator receives a complaint of sexual or gender-based violence, she/he will work with the Chief Student Affairs Officer or the Human Resources Director to identify a trained staff member to assist the complainant with support services and accommodations.

**C. Request that the College Maintain a Complainant’s Confidentiality, Not Conduct an Investigation, or Not Report an Incident to Outside Law Enforcement**

After a report of an alleged incident of sexual harassment, gender-based harassment or sexual violence has been made to the Title IX Coordinator, a complainant may request that the matter be investigated without her/his identity or any details regarding the incident being divulged further. Alternatively, a complainant may request that no investigation into a particular incident be conducted or that an incident not be reported to outside law enforcement.

In all such cases, the Title IX Coordinator will weigh the complainant’s requests against the college’s obligation to provide a safe, non-discriminatory environment for all students, employees and visitors, including the complainant. A decision to maintain confidentiality does not mean that confidentiality can be absolutely guaranteed in all circumstances, but only that all efforts will be undertaken to keep information confidential consistent with law. Notwithstanding the decision of the Title IX Coordinator regarding the scope of any investigation, the college will provide the complainant with ongoing assistance and support, including, where appropriate, the interim and supportive measures set forth in Section VII of this policy.

If the Title IX Coordinator determines that she/he will maintain confidentiality as requested by the complainant, the college will take all reasonable steps to investigate the incident consistent with the request for confidentiality. However, a college’s ability to meaningfully investigate the incident and pursue disciplinary action may be limited by such a request.

In any event, the college is required to abide by any laws mandating disclosure, such as the Jeanne Clery Act and New York’s Campus Safety Act. However, notification under the Jeanne Clery Act is done without divulging the complaint’s identity, and notification of sexual violence under the New York Campus Safety Act is not required and will not be done if the complainant requests confidentiality.

If the Title IX Coordinator determines that the college must report the incident to outside law enforcement, the college will cooperate with any criminal investigation, which may include providing the outside law enforcement agency with any evidence in its possession relating to the incident.
D. **Action by Bystanders and Other Community Members**

While those employees designated as “responsible” employees are required reporters as set forth in Section VI below, CUNY encourages all other community members, including faculty, students and visitors, to take reasonable and prudent actions to prevent or stop an act of sexual harassment, gender-based harassment or sexual violence that they may witness. Although these actions will depend on the circumstances, they include direct intervention, calling law enforcement, or seeking assistance from a person in authority.

In addition, CUNY encourages all community members to report an incident of sexual harassment, gender-based harassment or sexual violence that they observe or become aware of to the Title IX Coordinator, and/or the offices of Public Safety and the Vice President of Students Affairs and/or Dean of Students at their college. Community members who take action in accordance with this paragraph will be supported by the college, and anyone who retaliates against them will be subject to disciplinary charges.

E. **Amnesty for Drug and Alcohol Use**

CUNY strongly encourages students to report instances of sexual harassment, gender-based harassment or sexual violence as soon as possible, even if those reporting or the alleged victim may have engaged in the inappropriate or unlawful use of alcohol or drugs. Therefore, a student who reports or experiences sexual harassment, gender-based harassment or sexual violence will not be disciplined by the college for any violation of CUNY’s Policy Against Drugs and Alcohol in connection with the reported incident, subject to the conditions in CUNY’s Medical Amnesty/Good Samaritan policy. [Link]

F. **Reporting Suspected Child Abuse**

Certain members of the CUNY community who interact with, supervise, chaperone, or otherwise oversee minors in programs or activities at CUNY or sponsored by CUNY are required to report immediately to the New York State Maltreatment Hotline if they have reasonable cause to suspect abuse or maltreatment of individuals under the age of 18. Information regarding mandated child abuse reporting is available on the Office of the General Counsel web page. [link] If anyone other than New York State mandated reporters has reasonable cause to believe that a minor is being or has been abused or maltreated on campus, she/he should notify either the Title IX Coordinator or Director of Public Safety. If any CUNY community member witnesses child abuse while it is happening, she/he should immediately call 911.

G. **Reporting Retaliation**

An individual may file a complaint with the Title IX Coordinator if she/he has been retaliated against for reporting sexual harassment, gender-based harassment or sexual violence, assisting someone making such a report, or participating in any manner in an investigation or resolution of a sexual harassment, gender-based harassment or sexual violence complaint. All retaliation complaints will be investigated in accordance with the investigation procedures set forth in Section VIII of this policy, and individuals who are found to have engaged in retaliation will be subject to disciplinary action.

VI. **Reporting/Confidentiality Obligations of College and University Employees**

An individual who speaks to a college or CUNY employee about sexual harassment, gender-based harassment or sexual violence should be aware that employees fall into three categories: (1) “confidential” employees, who have an obligation to maintain a complainant’s confidentiality regarding the incident(s); (2) “responsible” employees, who are required to report the incident(s) to the Title IX Coordinator; and (3) all other employees, who are strongly encouraged but not required to report the incident(s).
A. Confidential Employees

(i) For Students. Students at CUNY who wish to speak to someone who will keep all of the communications strictly confidential should speak to one of the following:

- Counselor or other staff member at their college counseling center;
- Nurse, nurse practitioner or other staff member in the college health office;
- Pastoral counselor (i.e., counselor who is also a religious leader) if one is available at their college; or
- Staff member in a women’s or men’s center, if one exists at their college.

The above individuals will not report any information about an incident to the college’s Title IX Coordinator or other college employees without the student’s permission. The only exception is in the case where there is an imminent threat to the complainant or any other person.

A student who speaks solely to a “confidential” employee is advised that, if the student wants to maintain confidentiality, the college may be unable to conduct an investigation into the particular incident or pursue disciplinary action against the alleged perpetrator. However, these professionals will assist the student in receiving other necessary support. A student who first requests confidentiality may later decide to file a complaint with the college or report the incident to local law enforcement and thus have the incident investigated.

(ii) For Employees. Although there is no one directly employed by CUNY to whom CUNY employees can speak on a confidential basis regarding sexual harassment, gender-based harassment or sexual violence, free confidential support services are available through CUNY’s Work/Life Program, which is administered by an outside company. (Link) Confidential community counseling resources are also available throughout New York City. (Link)

B. “Responsible” Employees

“Responsible” employees have a duty to report incidents of sexual harassment, gender-based harassment or sexual violence, including all relevant details, to the Title IX Coordinator. Such employees are not permitted under any circumstances to maintain a complainant’s confidentiality. To the extent possible, information reported to responsible employees will be shared only with the Title IX Coordinator, the “responsible” employee’s supervisor, and other people responsible for handling the college’s response to the report.

Before a complainant reveals any information to a responsible employee, the employee shall advise the complainant of the employee’s reporting obligations—and if the complainant wants to maintain confidentiality, direct the complainant to confidential resources.

CUNY has designated the following individuals as “responsible” employees:

(i) Title IX Coordinator and her/his staff
(ii) Office of Public Safety employees (all)
(iii) Vice President for Student Affairs and Dean of Students and all staff housed in those offices
(iv) Residence Life staff in CUNY owned or operated housing, including Resident Assistants (all)
(v) College President, Vice Presidents and Deans
(vi) Athletics Staff (all)
(vii) Department Chairpersons/Executive Officers
(viii) Human Resources staff (all)
(ix) University Office of the General Counsel employees (all)
(x) College/unit attorney and her/his staff
(xi) College/unit labor designee and her/his staff
(xii) Faculty members at times when they are leading off-campus trips
(xiii) Faculty or staff advisors to student groups
(xiv) Employees who are Managers (all)
C.  **All Other Employees**

Employees other than those identified in subsections “A” and “B” above are permitted but not required to report any possible sexual harassment, gender-based harassment or sexual violence; however, they are encouraged by CUNY to make such a report.

It is important to emphasize that faculty members other than those specifically identified in subsection “B” above have not been designated as “responsible” employees and do not have an obligation to report the matter to the Title IX Coordinator, although they are encouraged to do so.

VII.  **Interim and Supportive Measures**

The college will take immediate steps to protect the complainant and other affected parties, as well as the college community at large, following an allegation of sexual harassment, gender-based harassment or sexual violence. In general, when taking such interim and supportive measures, the college will seek to minimize the burden on the complainant.

Interim and supportive measures may include, among other things:

(i)  Making necessary changes to academic programs, including a change in class schedule, making appropriate accommodations to permit the complainant to take an incomplete or drop a course or courses without penalty, permitting the complainant to attend a class via skype or other alternative means where appropriate, providing an academic tutor, or extending deadlines for assignments;

(ii)  Making necessary changes to residential housing situations or providing assistance in finding alternate housing;

(iii)  Changing an employee’s work assignment or schedule;

(iv)  Providing the complainant with an escort to and from class or campus work location;

(v)  Arranging appropriate transportation services to ensure safety;

(vi)  Prohibiting contact between the complainant and the respondent (“no contact” orders);

(vii)  Offering counseling services to the complainant, to the respondent, and, where appropriate, to witnesses, through the college Counseling Center or other appropriate college office, or a referral to an off-campus agency;

(viii)  Providing the complainant assistance in obtaining medical and other services, including access to rape crisis centers;

(ix)  Providing the complainant assistance with filing a criminal complaint and seeking an order of protection;

(x)  Enforcing an order of protection;

(xi)  Addressing situations in which it appears that a complainant’s academic progress is affected by the alleged incident;

(xii)  In exceptional circumstances, seeking an emergency suspension of a student or an employee under applicable CUNY Bylaws, rules, policies and collective bargaining agreements.

VIII.  **Investigating Complaints of Sexual Harassment, Gender-Based Harassment or Sexual Violence**

The college will conduct an investigation when it becomes aware, from any source (including third-parties not connected to the college or university), that sexual harassment, gender-based harassment or sexual violence may have been committed against a student, employee or visitor, unless the complainant has requested that the college refrain from such an investigation and the college has determined that it may do so.

A.  **The Investigation**

The college Title IX Coordinator is responsible for conducting the investigation in a prompt, thorough, and impartial manner. The college Title IX Coordinator shall inform the respondent that an investigation is being commenced and shall inform the respondent of the allegations of the complainant. If there is a
written complaint, the respondent shall be provided with a copy of the complaint unless circumstances warrant otherwise. The Title IX Coordinator shall coordinate investigative efforts with other college offices, and may designate another trained individual to conduct all or part of the investigation. A respondent employee who is covered by a collective bargaining agreement may consult with and have a union representative present at any interview conducted as part of such investigation.

The college Title IX Coordinator shall take prompt and effective steps reasonably calculated to end any sexual harassment, gender-based harassment or sexual violence, including: (i) taking interim measures; (ii) preventing retaliation; (iii) providing the complainant and the respondent with periodic status updates of the investigation and notice of outcome of the investigation; (iv) informing the complainant of her/his right to file a criminal complaint; (v) coordinating with law enforcement agencies, as appropriate, after consultation with Public Safety; (vi) maintaining all documents of the investigation; and (vii) drafting a report of findings, which is to be submitted to the College President.

B. Conflicts

If any administrator designated by this policy to participate in the investigation or resolution of a complaint (including but not limited to the Title IX Coordinator) is the respondent, the College President will appoint another college administrator to perform such person’s duties under this policy. If the President is the respondent, the investigation will be handled by the University Title IX Coordinator or her/his designee.

C. Mediation

While mediation is not permitted in cases where sexual violence is alleged, it may be appropriate where sexual harassment or gender-based harassment allegations have been made by a student or employee but there is no allegation of sexual violence. Mediation is a process whereby the parties can participate in a search for fair and workable solutions. Mediation requires the consent of both the complainant and the respondent, but does not require the complainant and respondent to meet face-to-face. Either party, however, has the right to end the mediation at any time and proceed with the investigation process. A respondent who is covered by a collective bargaining agreement may consult with and have a union representative present at any mediation session.

D. Timing

The college shall make every reasonable effort to ensure that the investigation and resolution of a complaint are carried out as timely and efficiently as possible. However, the college may need to delay the fact-finding portion of its investigation during the evidence-gathering phase of a law enforcement investigation. While some complaints may require extensive investigation, whenever possible, the investigation of complaints should be completed within sixty (60) calendar days of the receipt of the complaint. If there is a delay in completing the investigation, the Title IX Coordinator shall notify the complainant and the respondent in writing.

E. Report of Findings

Following the completion of the investigation, the Title IX Coordinator shall report her/his findings to the College President in writing. Following such report, the College President shall review the complaint investigation report and authorize such action as she/he deems necessary to address the issues raised by the findings. In the event the complainant or the respondent is a student, the report shall also be sent to the Chief Student Affairs Officer. A copy of the report shall be maintained in the files of the Title IX Coordinator.

F. Disciplinary Action

Following an investigation, the College President may recommend that disciplinary action be commenced against the respondent student or employee.
(i) **Discipline against students.** In cases where a student is accused of a violation of this policy, including retaliation, the matter shall be referred to the college’s Office of Student Affairs and action shall be taken in accordance with Article XV of the CUNY Bylaws [link], which contains the student disciplinary process at CUNY. Under the student disciplinary process, complainants have the same right as respondents to receive notice of the charges, to attend and participate fully in a disciplinary hearing, to appear through a representative of their choice, including an attorney, to receive notice of the decision of the faculty-student disciplinary committee, and to appeal. Penalties for students instituted after a hearing before the faculty-student disciplinary committee range from a warning to suspension or expulsion from the University.

(ii) **Discipline against employees.** In cases where an employee is accused of a violation of this policy, including retaliation, the matter shall be referred for disciplinary action in accordance with the applicable CUNY policies, rules and collective bargaining agreements. Penalties for employees include reprimand, suspension or termination of employment following applicable disciplinary procedures. For many respondent employees, these procedures may include a hearing before a non-CUNY fact-finder, as required by collective bargaining agreements.

(iii) **Action against visitors.** In cases where the person accused of sexual harassment, gender-based harassment or sexual violence is neither a CUNY student nor a CUNY employee, the college’s ability to take action against the accused is extremely limited. However, the college shall take all appropriate actions within its control, such as restricting the visitor’s access to campus. In addition, the matter shall be referred to local law enforcement for legal action where appropriate.

(iv) **No disciplinary action.** In cases where a determination is made not to bring disciplinary action, the Title IX Coordinator shall inform the complainant and the respondent of that decision contemporaneously, in writing, and shall offer counseling or other support services to both the complainant and the respondent.

**G. False and Malicious Allegations**

Members of the CUNY community who make false and malicious complaints of sexual harassment, gender-based harassment or sexual violence, as opposed to complaints which, even if erroneous, are made in good faith, may be subject to disciplinary action.

**H. Relationship of CUNY’s Investigation to the Actions of Outside Law Enforcement**

In cases where the complainant files a complaint with outside law enforcement authorities as well as with the college, the college shall determine what actions to take based on its own investigation. The college may coordinate with outside law enforcement authorities in order to avoid interfering with their activities and, where possible, to obtain information regarding their investigation. Neither a law enforcement determination whether to prosecute a respondent, nor the outcome of any criminal prosecution, is dispositive of whether the respondent has committed a violation of this policy.

**I. Filing External Complaints**

Complainants have the right at any time to file complaints with the Office for Civil Rights (“OCR”) of the U.S. Department of Education, alleging violations of Title IX, and to file complaints with other appropriate agencies alleging violations of other federal, state or local laws. Contact information for OCR and other relevant agencies is set forth on the CUNY Title IX web page. [link]

**IX. College Obligations under this Policy**

In addition to addressing possible violations of this policy, colleges/units of CUNY have the following obligations:
A. Dissemination of Policies, Procedures and Notices

The college Title IX Coordinator, in coordination with the Office of Student Affairs, Office of Public Safety, Human Resources Department and other appropriate offices, is responsible for the wide dissemination of the following on her/his campus: (i) this Policy; (ii) CUNY’s Notice of Non-Discrimination; (iii) the Title IX Coordinator’s name, phone number, office location, and email address; and (iv) contact information for the campus Public Safety Office. Such dissemination shall include posting the documents and information on the college website and including it in any student or faculty handbooks and in residence life materials. The CUNY offices of Student Affairs, Human Resources Management and Legal Affairs shall assist in such training and educational programming.

B. Training and Educational Programming

The college Title IX Coordinator, in coordination with other applicable offices, is responsible for training all employees who are required to report incidents of sexual harassment, gender-based harassment or sexual violence under this policy, for ensuring that designated offices are offering and administering the appropriate educational programming to all incoming and transfer students, residence hall students, athletes, fraternity/sorority groups, student leaders, and/or any other student groups which the college determines could benefit from education in the area of sexual harassment, gender-based harassment and sexual violence, and ensuring that designated offices promote awareness and prevention of sexual harassment, gender-based harassment and sexual violence among all students and employees.

C. Assessing Campus Attitudes

The college’s Vice President for Student Affairs, Vice President responsible for human resources, Title IX Coordinator and/or such employees designated by the college President, in coordination with other applicable offices, are responsible for obtaining current information regarding student experiences with sexual harassment, gender-based harassment and sexual violence. Any survey or assessment instrument shall be structured to be in compliance with any requirements set forth in applicable law and shall be reviewed and approved in advance by the University Title IX Coordinator.

D. Dating, Domestic and Intimate Partner Violence

As noted above, CUNY’s Domestic Violence in the Workplace policy provides that colleges shall assist employees who are victims of dating, domestic or intimate partner violence that affects their employment. Similarly, colleges shall assist students who are the victims of dating, domestic or intimate partner violence, including referring them to resources and taking other appropriate supportive measures.

In addition, if a student or employee makes a complaint of dating, domestic or intimate partner violence and the alleged perpetrator is a CUNY student or employee, the college shall investigate the matter if the alleged conduct may constitute a violation of this policy, and take appropriate action based on such investigation, which may include disciplinary action.

X. Rules Regarding Intimate Relationships

A. Relationships between Faculty or Employees and Students

Amorous, dating or sexual activity or relationships (“intimate relationships”), even when apparently consensual, are inappropriate when they occur between a faculty member or employee and any student for whom he or she has a professional responsibility. Those relationships are inappropriate because of the unequal power dynamic between students and faculty members and between students and employees who advise or evaluate them, such as athletic coaches or workplace supervisors. Such relationships necessarily involve issues of student vulnerability and have the potential for coercion. In addition, conflicts of interest or perceived conflicts of interest may arise when a faculty member or employee is required to evaluate the work or make personnel or academic decisions with respect to a student with whom he or she is having an intimate relationship. Finally, if the relationship ends in a way that is not amicable, the relationship may lead to charges of and possible liability for sexual harassment.
Therefore, faculty members and other employees are prohibited from engaging in intimate relationships with students for whom they have a professional responsibility, including undergraduates, graduate and professional students and postdoctoral fellows.

For purposes of this section, professional responsibility for a student means responsibility over academic matters, including teaching, counseling, grading, advising for a formal project such as a thesis or research, evaluating, hiring, supervising, coaching, making decisions or recommendations that confer benefits such as admissions, registration, financial aid, other awards, remuneration, or fellowships, or performing any other function that might affect teaching, research, or other academic opportunities.

B. Relationships between Supervisors and Employees

Many of the concerns about intimate relationships between faculty members or employees and students also apply to relationships between supervisors and employees they supervise. Those relationships therefore are strongly discouraged. Supervisors shall disclose any such relationships to their supervisors in order to avoid or mitigate conflicts of interest in connection with the supervision and evaluation of the employees with whom they have an intimate relationship. Mitigation may involve the transfer of either the supervisor or employee, reassigning the responsibility to evaluate the employee to a different supervisor, or other appropriate action.

For purposes of this section, supervising an employee means supervising in an employment setting, including hiring, evaluating, assigning work, or making decisions or recommendations that confer benefits such as promotions, raises or other remuneration, or performing any other function that might affect employment opportunities.

XI. Definitions of Terms in this Policy

A. Sexual harassment is unwelcome conduct of a sexual nature, including but not limited to unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, graphic and electronic communications or physical conduct of a sexual nature when:

(i) submission to or rejection of such conduct is made either explicitly or implicitly a condition of an individual’s employment or academic standing or is used as the basis for employment decisions or for academic evaluation, grades, or advancement (quid pro quo);

or

(ii) such conduct is sufficiently serious that it alters the conditions of, or has the effect of substantially interfering with, an individual’s educational or work experience by creating an intimidating, hostile, or offensive environment (hostile environment). The effect will be evaluated based on the perspective of a reasonable person in the position of a complainant.

Conduct is considered “unwelcome” if the individual did not request or invite it and considered the conduct to be undesirable or offensive.

While it is not possible to list all circumstances that might constitute sexual harassment, the following are some examples of conduct that might constitute sexual harassment depending on the totality of the circumstances:

(i) Inappropriate or unwelcome physical contact or suggestive body language, such as touching, groping, patting, pinching, hugging, kissing, or brushing against an individual’s body;
(ii) Verbal abuse or offensive comments of a sexual nature, including sexual slurs, persistent or pervasive sexually explicit statements, questions, jokes or anecdotes, degrading words regarding sexuality or gender, suggestive or obscene letters, notes, or invitations;

(iii) Visual displays or distribution of sexually explicit drawings, pictures, or written materials; or

(iv) Undue and unwanted attention, such as repeated inappropriate flirting, staring, or making sexually suggestive gestures.

For purposes of this policy, sexual harassment also includes acts that violate an individual’s right to privacy in connection with her/his body and/or sexual activity such as:

(i) Recording images (e.g. video, photograph) or audio of another person’s sexual activity, intimate body parts, or nakedness without that person’s consent;

(ii) Disseminating images (e.g. video, photograph) or audio of another person’s sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure;

(iii) Viewing another person’s sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person’s consent.

B. **Gender-based harassment** is unwelcome conduct of a nonsexual nature based on an individual’s actual or perceived sex, including conduct based on gender identity, gender expression, and nonconformity with gender stereotypes that is sufficiently serious that it alters the conditions of, or has the effect of substantially interfering with an individual’s educational or work experience by creating an intimidating, hostile, or offensive environment (hostile environment). The effect will be evaluated based on the perspective of a reasonable person in the position of the complainant. An example of gender-based harassment would be persistent mocking or disparagement of a person based on a perceived lack of stereotypical masculinity or femininity.

C. **Sexual violence** is an umbrella term that includes: sexual assault, such as rape/attempted rape, criminal sexual act, forcible touching and sexual abuse, as well as dating, domestic and intimate partner violence. Stalking, while not necessarily sexual in nature, can be a form of sexual violence depending upon the circumstances.

(i) **Sexual assault** is any form of sexual contact (i.e., any touching of the sexual or other intimate parts of a person for the purpose of gratifying sexual desire of either party) that occurs without consent and/or through the use of force, threat of force, intimidation, or coercion. Examples of sexual assault include:

   (a) **Rape and attempted rape** is engaging or attempting to engage in sexual intercourse with another person: (a) without such person’s consent; (b) where such person is incapable of giving consent by reason of being mentally disabled, mentally incapacitated or physically helpless; or (c) where such person is less than seventeen years old. Sexual intercourse includes vaginal or anal penetration, however slight.

   (b) **Criminal sexual act** is engaging in oral or anal sexual conduct with another person without such person’s consent.

   (c) **Forcible touching** is intentionally touching the sexual or other intimate parts of another person without the latter’s consent for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor’s sexual desire.

   (d) **Sexual abuse** is subjecting another person to sexual contact without the latter’s consent.
(ii) **Stalking** is intentionally engaging in a course of conduct directed at a specific person that:

1. is likely to cause reasonable fear of material harm to the physical health, safety or property of such person, a member of such person’s immediate family or a third party with whom such person is acquainted; or

2. causes material harm to the mental or emotional health of such person, where such conduct consists of following, telephoning or initiating communication or contact with such person, a member of such person’s immediate family or a third party with whom such person is acquainted; or

3. is likely to cause such person to reasonably fear that her/his employment, business or career is threatened, where such conduct consists of appearing, telephoning or initiating communication or contact at such person’s place of employment or business, and the actor was previously clearly informed to cease that conduct.

(iii) **Dating, domestic and intimate partner violence** is a pattern of coercive behavior that can include physical, psychological, sexual, economic and emotional abuse, perpetrated by one person against an intimate partner. Such violence may occur in all kinds of intimate relationships, including married couples, people who are dating, couples who live together, people with children in common, same-sex partners, and people who were formerly in a relationship with the person abusing them.

D. **Consent** is a knowing, informed, voluntary and mutual decision to engage in agreed upon sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or failure to resist does not, in and of itself, demonstrate consent. The definition of consent does not vary based upon a participant’s sex, sexual orientation, gender identity or gender expression.

Consent can be withdrawn at any time. Past consent to sexual activity between individuals does not constitute consent to subsequent sexual activity between those individuals, and consent to one form of sexual activity does not necessarily imply consent to other forms of sexual activity. Whether one party to sexual activity is in a position of authority or influence over the other party is a relevant factor in determining consent.

In order to give consent, one must be of legal age (17 years or older) and not mentally or physically incapacitated, physically helpless, unconscious or asleep. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs or other intoxicants may be incapacitated and therefore unable to consent. Consent is not valid if it is the result of coercion, intimidation, force or threat of harm.

E. **Complainant** refers to the individual who alleges that she/he has been the subject of sexual harassment, gender-based harassment or sexual violence, and can be a CUNY student, employee (including all full-time and part-time faculty and staff), or visitor. Under this policy, the alleged incident(s) may have been brought to the college’s attention by someone other than the complainant.

F. **Visitor** is an individual who is present at a CUNY campus or unit but is not a student or an employee.

G. **Respondent** refers to the individual who is alleged to have committed sexual harassment, gender-based harassment or sexual violence against a CUNY student, employee, or visitor.

H. **Complaint** is an allegation of sexual harassment, gender-based harassment or sexual violence made under this policy.
I. **Retaliation** is adverse treatment of an individual as a result of that individual’s reporting sexual harassment, gender-based harassment or sexual violence, assisting someone with a report of sexual harassment, gender-based harassment or sexual violence, or participating in any manner in an investigation or resolution of a sexual harassment, gender-based harassment or sexual violence report. Adverse treatment includes threats, intimidation and reprisals by either a complainant or respondent or by others such as friends or relatives of either a complainant or respondent.

J. **Managers** are employees who have the authority to either (a) make tangible employment decisions with regard to other employees, including the authority to hire, fire, promote, compensate or assign significantly different responsibilities; or (b) make recommendations on tangible employment decisions that are given particular weight. Managers include vice presidents, deans, directors, or other persons with managerial responsibility, including, for purposes of this policy, department chairpersons and executive officers.

Chairperson Schmidt stated that the University staff and the various University constituencies have done an outstanding job in their consideration of this complex issue.

Trustee Peter Pantaleo stated that he would like to join in on commending the individuals responsible for coming up with a very good policy; however, he is a little concerned about the statement, “the right to remain silent” that was just agreed upon by the Board. There is an inconsistency that needs to be a little clear. The notion of remaining silent is fine, but it should come with an admonition. The fact is, silence is not a defense, and when there are situations where it could result in a civil litigation, it could result in a variety of other matters. He added that students who are accused of some degree of misconduct, whether in the sexual sphere or elsewhere, really ought to understand that while being silent is certainly a right that CUNY affords them, they should also understand the full repercussions of being silent. So while I endorse this notion today on this very important topic, it is equally important that the University maintains an informed due process. The whole notion of a constitutional right is totally misapplied. The fact is that these young, inexperienced students are not lawyers, so CUNY needs to ensure that students understand that while exercising their right, there are often consequences beyond the assumption of guilt.

Chairperson Schmidt stated that the Office of General Counsel should take Trustee Pantaleo’s comments into consideration.

Upon motion duly made, seconded and carried, the public meeting was adjourned at 6:09 P.M.

SECRETARY AND SENIOR VICE CHANCELLOR JAY HERSHEYSON

(This is a detailed summary of the Board of Trustees’ meeting. The tapes of the meeting are available in the Office of the Secretary of the Board for a period of three years.)