I. ACTION ITEMS:

A. Approval of the Minutes of the meeting of January 4, 2016

B. Policy Calendar:

1. The City University of New York – Designation of each of the Community and Comprehensive Colleges as the Authorized Representative of the Board of Trustees for Purposes of Conducting Audits or evaluations necessary to Effectuate Reverse Transfers
THE CITY UNIVERSITY OF NEW YORK—DESIGNATION OF EACH OF THE COMMUNITY AND COMPREHENSIVE COLLEGES AS THE AUTHORIZED REPRESENTATIVE OF THE BOARD OF TRUSTEES FOR PURPOSES OF CONDUCTING AUDITS OR EVALUATIONS NECESSARY TO EFFECTUATE REVERSE TRANSFERS:

RESOLVED, That the Executive Committee of the Board of Trustees hereby designates each of the University’s community and comprehensive colleges as the authorized representative of the Board of Trustees for the purpose of conducting such audits or evaluations necessary to determine the eligibility of CUNY senior college students to receive associate’s degrees from the community and comprehensive colleges they earlier attended; and be it further

RESOLVED, That the General Counsel is authorized to enter into agreements on behalf of the Board of Trustees with each community and comprehensive college consistent with federal regulations.

EXPLANATION: The City University of New York is undertaking an initiative to give students who transferred from a community or comprehensive college to a senior college without having obtained an associate’s degrees, the opportunity to obtain an associate’s degree from the college they previously attended based on the additional credits earned at the senior college (“reverse transfers”). Reverse transfers are beneficial because they allow students who have transferred without an associate’s degree but have not yet finished a bachelor’s degree to obtain their associate’s degree, thus providing those students opportunities for employment or advancement in their careers and studies. This is consistent with one of the critical purposes of CUNY, as set forth in Section 6201(2) of the Education Law, which provides: “The university must remain responsive to the needs of its urban setting and maintain its close articulation between senior and community college units.”

Determining a student’s eligibility for an associate’s degree from the community or comprehensive college requires an audit or evaluation of the student’s senior college transcript to determine whether the student has met all of the requirements of the community or comprehensive college for an associate’s degree. The Family Educational Rights and Privacy Act (“FERPA”) protects the confidentiality of student records. In a letter to SUNY dated January 20, 2016 (the “USDOE Letter”), the U.S. Department of Education advised that it did not regard SUNY as a single institution for purposes of FERPA and that in order for a senior college to share a student’s transcript with a community college for the purpose of evaluating the student’s eligibility for reverse transfer, SUNY would have to rely on certain exceptions within FERPA. The analysis in that letter may be applicable to CUNY as well.

One of the exceptions referred to in the USDOE letter is the provision permitting a “state or local educational authority” to access student records without the student’s consent for the purpose of auditing or evaluating an educational program. The Office of the General Counsel of CUNY has determined that the Board of Trustees is such a state or local educational authority within the meaning of FERPA. Pursuant to the advice contained in USDOE Letter and FERPA regulations, the Board may designate its community and comprehensive colleges as its authorized representatives to conduct the necessary audits or evaluations of student education records that are necessary to implement the reverse transfer initiative and must enter into written agreements with them for this purpose containing terms prescribed by federal regulations.

This resolution is being presented to the Executive Committee in order to expedite the evaluation process for reverse transfers so that associate’s degrees can be awarded to eligible students at the upcoming spring 2016 commencements.