The meeting was called to order at 5:02 p.m.

There were present:

Committee Members:
Hon. Benno Schmidt, Chair
Hon. Philip A. Berry, Vice Chair
Hon. Valerie Lancaster Beal
Hon. Wellington Z. Chen
Hon. Freida D. Foster
Hon. Carol A. Robles-Roman
Hon. Barry F. Schwartz

Trustee Observer:
Hon. Joseph K. Awadjie

University Staff:
Chancellor James B. Milliken
Executive Vice Chancellor and University Provost Vita Rabinowitz
Executive Vice Chancellor and Chief Operating Officer Allan H. Dobrin
Vice Chancellor Judy Bergtraum
Vice Chancellor Brian Cohen
Vice Chancellor Frank Sánchez
Vice Chancellor Matthew Sapienza
Associate Vice Chancellor Andrea Shapiro Davis

The agenda items were considered and acted upon in the following order:

I. ACTION ITEMS:

A. APPROVAL OF THE MINUTES OF THE MEETING OF JANUARY 4, 2016. The minutes were approved as submitted.

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:

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 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, to implement such audits or evaluations.

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 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 degree but have not yet finished a bachelor’s degree to obtain their associate 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 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 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 degrees can be awarded to eligible students at the upcoming spring 2016 commencements.

Chancellor James Milliken stated that reverse transfer is an innovative and important step in American higher education. Many students across the country begin at one institution, then transfer and finish at a second or third institution. In the case of CUNY, many of the students begin at community colleges, and then transfer to senior colleges. The University wants to continue to encourage students who wish to transfer and seek a baccalaureate degree. In addition, the University wants all of its students to have every advantage in the marketplace to receive every credential that they have earned. This proposal will allow a student to transfer from a community college before he or she attains the credits to be awarded an associate’s degree at that original institution. CUNY senior and community colleges will work together so that community colleges will know what courses are taken, which ones are appropriate for an associate’s degree and what credential thus has been earned, even while the student is continuing to pursue an advanced degree. This will provide the students not only with a bachelor’s degree that they will hopefully ultimately attain, but also the associate’s degree that they have already attained. A couple of years ago, this proposal was piloted by three CUNY colleges in the Bronx. It was then quickly piloted by Queensborough Community College and Queens College, and about 240 students have now received their associate’s degree through this program. Furthermore, all the CUNY presidents are supportive of this proposal. There have been upgrades to the University’s Degree Works software systems.
which will allow this process to work more effectively, putting CUNY in the forefront of institutions that are addressing students' interests and providing every opportunity for them to have the degrees they have earned and be competitive in the marketplace. He added that he would like to thank Executive Vice Chancellor and University Provost Vita Rabinowitz who has been working with the Academic Councils, the provosts and others on every campus to move this along, and General Counsel and Senior Vice Chancellor Frederick Schaffer for his able assistance, as well as his advice on action that needs to be taken to ensure that CUNY is completely compliant with all student privacy laws and regulations to help effectuate this process.

Vice Chairperson Philip Berry stated that he earned his associate's degree at Borough of Manhattan Community College and his bachelor's degree at Queens College, and that he utilizes those endeavors in his career progression. Individuals who do not have the benefit of this journey are not taking advantage of the rich knowledge they have experienced at the community college level. By having this proposal in place, they will be able to capitalize on it, using it in their career path as they are identifying who they are, what they can offer, and where they want to go. He added that he supports this resolution wholeheartedly.

Chancellor Milliken noted that he agrees completely with Vice Chairperson Berry that it gives students one more credential—one that they have earned—to be able to have on their resume and be competitive. There are two sides to this coin. On one hand, there are many students who transfer before they get an associate's degree because they want to get on with what they think is their ultimate career objective that they can get at a 4-year institution. But CUNY is not encouraging everyone to do this. The data would demonstrate that students who persist and earn a degree are more likely to then earn a second and third degree. The Board of Trustees will be presented with information on providing additional scholarships to students who earn an associate's degree at CUNY and then move to a CUNY senior institution. Students should have the choice. They should be recognized for their achievement either way.

Trustee Valerie Beal stated that she strongly supports this initiative. She added that she would like to have a status report on the progress of Degree Works to ensure that students are receiving the appropriate information that facilitates this process.

Chairperson Schmidt stated that he agrees with Trustee Beal that an appropriate committee of the Board should receive a report, once a year, which specifies how many students have taken advantage of this initiative.

Chancellor Milliken stated that the chancellery looks forward to reporting the progress of this initiative every year as it will be a great success. He added that he would like to express the strong support of University Faculty Senate and Chair Terrence Martell for this initiative in his absence. It is important to remember that this institution was established as an integrated University with close connection between community and senior colleges. This is an important step for CUNY.

Trustee Barry Schwartz stated that he supports this resolution.

In response to a question from Trustee Schwartz, Chancellor Milliken stated that with the new upgrade of Degree Works, students will be notified automatically of their eligibility for earning an associate's degree.

In response to another question from Trustee Schwartz, Dr. Rabinowitz stated that which community college should award a student with an associate's degree—if the student has...
attended more than one community college—will be determined based on the student's academic standing, requisite number of credits, and residency at the given college.

Following discussion this item was approved.

The meeting was adjourned at 5:16 p.m.