

**BOARD OF TRUSTEES  
THE CITY UNIVERSITY OF NEW YORK  
535 EAST 80TH STREET  
NEW YORK, NEW YORK 10075**

**REVISED  
CALENDAR**

**SEPTEMBER 29, 2009**

**NO. 1. CHANCELLOR'S UNIVERSITY REPORT:** RESOLVED, That the Chancellor's University Report for September 29, 2009 (including Addendum and Errata Items) be approved:

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

**NO. 2. APPROVAL OF MINUTES:** RESOLVED, That the minutes of the regular Board meetings and Executive Session of June 22, 2009 be approved.

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

**A. LAGUARDIA COMMUNITY COLLEGE - MAINTENANCE CONTRACT:**

RESOLVED, That the Board of Trustees of The City University of New York authorize the General Counsel to execute a contract on behalf of LaGuardia Community College to purchase maintenance services. The contract shall be awarded to the lowest responsive and responsible bidder after public advertisement and sealed bidding by the College pursuant to law and University regulations. Such purchase shall not exceed a total estimated cost of \$3,150,000 for the initial one-year term, chargeable to FAS Code 217801400, during the fiscal year ending June 30, 2010. The contract shall include up to four one-year options for the University to review in its best interest. The contract shall be subject to approval as to form by the University Office of the General Counsel.

EXPLANATION: The College will use these services to provide maintenance of its buildings and grounds.

**B. LAGUARDIA COMMUNITY COLLEGE - JANITORIAL SERVICES CONTRACT:**

RESOLVED, That the Board of Trustees of The City University of New York authorize the General Counsel to execute a contract on behalf of LaGuardia Community College to purchase janitorial services. The contract shall be awarded to New York State Industries of the Disabled without competitive bidding and pursuant to law and University regulations. Such purchase shall not exceed a total estimated cost of \$2,330,000 chargeable to FAS Code 217801404, during the fiscal year ending June 30, 2010. The contract shall include up to four one-year options for the University to renew in its best interest. The contract shall be subject to approval as to form by the University Office of the General Counsel.

EXPLANATION: The College will use these services to provide janitorial services for its buildings and grounds. The College is making this procurement through New York State Finance Law Section 162; New York State Industries of the Disabled is a preferred source.

**C. THE CITY UNIVERSITY OF NEW YORK - MEMORANDUM OF UNDERSTANDING WITH THE STATE UNIVERSITY OF NEW YORK, NYLINK:**

RESOLVED, That the Board of Trustees of The City University of New York authorize the General Counsel to execute a memorandum of understanding (MOU) on behalf of The City University of New York and the State University of New York (SUNY), NYLINK. NYLINK is a nonprofit membership organization of all types of libraries and

cultural heritage organizations throughout New York State and surrounding areas. The MOU shall be awarded as an intergovernmental agreement pursuant to University regulations and applicable law for a term of one year. The total amount of the services shall not exceed \$1,850,000 for the term, chargeable to FAS Code 204301400 and the appropriate colleges' FAS Codes. The MOU shall be subject to approval as to form by the University Office of the General Counsel.

**EXPLANATION:** This MOU formalizes and extends CUNY's on-going relationship with NYLINK to receive critical library services for 20 CUNY college libraries and the CUNY Central Office, including Internet-based on-line cataloging, collection management and authorities services and participation in LAND, a statewide ground delivery service. The state-of-the-art services received enable CUNY's libraries to function more efficiently and collaborate more effectively across CUNY, as well as within the broader academic community.

#### **D. THE CITY UNIVERSITY OF NEW YORK - IDENTITY THEFT PREVENTION PROGRAM:**

RESOLVED, That the Board of Trustees hereby approve the CUNY Identity Theft Prevention Program set forth below, effective October 1, 2009.

##### THE CITY UNIVERSITY OF NEW YORK IDENTITY THEFT PREVENTION PROGRAM

#### 1. Program Adoption

The City University of New York (the "University") developed this Identity Theft Prevention Program (the "Program") pursuant to the Federal Trade Commission's Red Flags Rule (the "Rule"), which implements Sections 114 and 315 of the Fair and Accurate Credit Transactions Act of 2003. On November 9, 2007, a joint notice of final rulemaking was published in the Federal Register (72 FR 63718) finalizing the Rule. The Rule requires each creditor that offers or maintains one or more "covered accounts", as defined below, to develop and provide for the continuing administration of a written program to detect, prevent, and mitigate identity theft in connection with the opening of a covered account or with any existing covered account.

This Program was developed with oversight and approval of the University's Board of Trustees. After consideration of the size and complexity of the University's operations and account systems, and the nature and scope of the University's activities, the University's Board of Trustees determined that the Program was appropriate for the University and therefore approved the Program, to be effective as of October 1, 2009.

#### 2. Definitions

2.1 "Covered Account" means: (1) An account that a Creditor offers or maintains, primarily for personal, family, or household purposes, that involves or is designed to permit multiple payments or transactions; and (2) any other account that the Creditor offers or maintains for which there is a reasonably foreseeable risk to Customers or to the safety and soundness of the Creditor from Identity Theft, including financial, operational, compliance, reputation, or litigation risks. Examples of Covered Accounts at the University include Perkins loan accounts, tuition payment plan accounts, and accounts established for the repayment of loans provided to students by the University's college associations, which, for the purpose of the Program, will be considered to be part of the University.

2.2 "Creditor" means any person who regularly extends, renews, or continues credit; any person who regularly arranges for the extension, renewal, or continuation of credit; or any assignee of an original creditor who participates in the decision to extend, renew, or continue credit.

2.3 "Customer" means any person who has a Covered Account with the University.

2.4 "Identity Theft" means a fraud committed or attempted using the Identifying Information of another person without authority.

2.5 "Identifying Information" means any name or number that may be used, alone or in conjunction with any other information, to identify a specific person, including but not limited to any name, social security number, date of birth, government issued driver's license or identification number, alien registration number, government passport number, and employer or taxpayer identification number.

2.6 "Program Administrator" means the individual designated with primary responsibility for oversight of the Program, as described in Section 7.1 below.

2.7 "Red Flag" means a pattern, practice, or specific activity that indicates the possible existence of Identity Theft.

### 3. Identification of Red Flags

In order to identify relevant Red Flags, the University has considered the types of Covered Accounts that it offers and maintains, the methods it provides to open and to access these accounts, and its previous experiences with Identity Theft. The University has identified the following Red Flags in each of the five listed categories:

#### 3.1 Suspicious Documents

- Documents provided for identification appear to have been altered or forged.
- The photograph or physical description on the identification is not consistent with the appearance of the Customer presenting the identification.
- Other information on the identification is not consistent with information provided by the person opening a new Covered Account or the Customer presenting the identification.
- Other information on the identification is not consistent with readily accessible information that is on file with the University.
- An application appears to have been altered or forged, or gives the appearance of having been destroyed and reassembled.

#### 3.2 Suspicious Personal Identifying Information

- Personal Identifying Information provided is not consistent with personal Identifying Information that is on file with the University.
- Personal Identifying Information provided is not consistent with external information sources used by the University.
- Personal Identifying Information provided by the Customer is not consistent with other personal Identifying Information provided by the Customer.
- Personal Identifying Information provided is associated with known fraudulent activity, as indicated by internal or third-party sources used by the University.
- Personal Identifying Information provided is of a type commonly associated with fraudulent activity, as indicated by internal or third-party sources used by the University.
- The social security number provided is the same as that submitted by other persons opening an account or other Customers.

- The address or telephone number provided is the same as or similar to the account number or telephone number submitted by an unusually large number of other persons opening accounts or other Customers.
- The person opening the Covered Account or the Customer fails to provide all required personal Identifying Information on an application or in response to notification that the application is incomplete.
- If the University uses a challenge question for the purpose of authentication, the person opening the Covered Account or the Customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.

### 3.3 Unusual Use of, or Suspicious Activity Related to, the Covered Account

- Shortly following the notice of a change of address for a Covered Account, the University receives a request for a new, additional, or replacement card or for the addition of authorized users on the account.
- A new revolving credit account is used in a manner commonly associated with known patterns of fraud.
- A Covered Account is used in a manner that is not consistent with established patterns of activity on the account.
- A Covered Account that has been inactive for a reasonably lengthy period of time is used.
- Mail sent to the Customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the Customer's Covered Account.
- The University is notified that the Customer is not receiving paper account statements.
- The University is notified of unauthorized charges or transactions in connection with a Covered Account.
- Unauthorized access to or inappropriate disclosure of Identifying Information occurs in connection with a Covered Account.

### 3.4 Notice from Customers, Victims of Identity Theft, Law Enforcement Authorities, or Other Persons regarding Possible Identity Theft in Connection with Covered Accounts

- The University is notified by a Customer, a victim of Identity Theft, a law enforcement authority, or any other person that the University has opened a fraudulent account for a person engaged in Identity Theft.

### 3.5 Alerts, Notifications, or Warnings from a Consumer Reporting Agency

- A fraud or credit alert is included with a consumer report.
- A notice of credit freeze on a consumer report is provided from a consumer reporting agency.
- A consumer reporting agency provides a notice of address discrepancy.

- A consumer report indicates a pattern of activity inconsistent with the history and usual pattern of activity of a Customer.

#### 4. Detecting Red Flags

##### 4.1 Student Enrollment

In order to detect any of the Red Flags identified in Section 3 above associated with the enrollment of a student, University personnel will take the following steps to obtain and verify the identity of the person opening the account:

- Require certain Identifying Information such as name, date of birth, academic records, home address, or other identification; and
- Verify the student's identity at time of issuance of a student identification card, including review of a driver's license or other government-issued photo identification.

##### 4.2 Existing Accounts

In order to detect any of the Red Flags identified in Section 3 above for an existing Covered Account, University personnel will take the following steps to monitor transactions on an account:

- Verify the identification of a student in person or via telephone if he or she requests information related to the Covered Account by asking questions with readily accessible information that is on file with the University;
- Verify the validity of a student request by mail or e-mail to change an address or banking information in connection with the Covered Account by asking questions with readily accessible information that is on file with the University; and
- Provide students a reasonable means of promptly reporting incorrect changes in addresses or banking information in connection with Covered Accounts.

##### 4.3 Consumer Report Requests

In order to detect any of the Red Flags identified in Section 3 above in a case in which the University seeks a consumer report, University personnel will take the following steps to assist in identifying address discrepancies:

- Require written verification from the subject of the consumer report that the address provided by him or her is accurate at the time the request for the consumer report is made to the consumer reporting agency; and
- In the event that notice of an address discrepancy is received, verify that the consumer report pertains to the subject of the requested report and report to the consumer reporting agency an address for the applicant that the University has reasonably confirmed is accurate.

#### 5. Preventing and Mitigating Identity Theft

In the event any University personnel detects any of the Red Flags identified in Section 3 above, he or she will take one or more of the following steps, depending on the degree of risk posed by the Red Flag:

- Not open a new Covered Account;
- Change any passwords or other security devices that permit access to the Covered Account;

- Contact the student or the applicant for which a consumer report was run;
- Notify the Program Administrator or his or her designee to determine the appropriate step(s) to take;
- Continue to monitor the Covered Account for evidence of Identity Theft;
- Notify law enforcement; and/or
- Determine that no response is warranted under the particular circumstances.

## 6. Protecting Identifying Information

In order to further prevent the likelihood of Identity Theft occurring with respect to Covered Accounts, the University has established and disseminated Information Technology Security Procedures to limit access and disclosure of Identifying Information and require that all individuals permitted access to such information in University files and systems, whether in computerized or printed form, are continually responsible for maintaining the integrity, accuracy, and privacy of such information. These Information Technology Security Procedures are available online at <http://portal.cuny.edu/cms/id/cuny/documents/INFOSEC/Policies/PDFs/policy8.pdf>

## 7. Program Administration

### 7.1 Oversight

The development, implementation, and updating of the Program are the responsibility of the University's Identity Theft Prevention Committee (the "Committee") established under the Program. The Committee will be headed by the Program Administrator, who will be the University Controller or his or her designee. Two or more other individuals who represent functional departments within the University that are responsible for opening and/or maintaining Covered Accounts and who are appointed by the Program Administrator will comprise the remainder of the Committee's membership. The Committee will be responsible for ensuring appropriate training of University personnel with respect to the Program, reviewing any reports concerning the detection of Red Flags and the steps for preventing and mitigating Identity Theft, determining which steps of prevention and mitigation should be taken in particular circumstances, and considering periodic changes in the Program.

### 7.2 Staff Training and Reports

University personnel responsible for implementing the Program will be trained under the direction of the Committee to detect Red Flags and determine the responsive steps to be taken when a Red Flag is detected. University personnel will be trained, as necessary, to carry out the Program effectively. University personnel are expected to notify the Committee once they become aware of an incident of Identity Theft or the University's failure to comply with the Program. At least annually or as otherwise requested by the Committee, University personnel responsible for the development, implementation, and administration of the Program will report to the Committee on compliance with the Program. The report will cover such issues as effectiveness of the University's policies and procedures in addressing the risk of Identity Theft in connection with the opening and maintenance of Covered Accounts, the effectiveness of the University's service provider arrangements in complying with the Program, significant incidents involving Identity Theft at the University and the University's response, and recommendations for changes in the Program.

### 7.3 Service Provider Arrangements

In the event the University has engaged or engages in the future any service provider to perform an activity in connection with any Covered Accounts, the University will take the following steps to ensure the service provider

performs its activity in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of Identity Theft:

- Require, by contract, that the service provider have its own similar policies and procedures in place; and
- Require, by contract, that the service provider review the University's Program and report any Red Flags to the Program Administrator or the University employee with primary oversight of the relationship with the service provider.

#### 7.4 Program Updates

The Committee will periodically review and update the Program to reflect changes in risks to Customers or to the safety and soundness of the University from Identity Theft. In doing so, the Committee will consider the University's experiences with Identity Theft, changes in methods of Identity Theft, changes in methods to detect, prevent, and mitigate Identity Theft, and changes in the University's business arrangements with other entities. After considering these factors, the Committee will determine whether changes in the Program, including the list of Red Flags, are warranted. If warranted, the Committee will update the Program.

**EXPLANATION:** This new Program provides for policies and procedures to help reduce the risk of the theft of identities of students and other members of the University community. The Program is based on the Federal Trade Commission's regulation known as the Red Flags Rule, which was issued on November 9, 2007, and which implements sections of the Fair and Accurate Credit Transactions Act of 2003. The Rule requires certain creditors to develop and implement an identity theft prevention program for accounts that are designed to permit multiple payments or transactions. Among the University accounts covered by the Rule are Perkins loan accounts, tuition payment plan accounts, and accounts established for the repayment of loans to students. The Program was developed by a task force representing departments within the University that are responsible for opening and/or maintaining these covered accounts.

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

#### **A. KINGSBOROUGH COMMUNITY COLLEGE - AMENDMENTS TO THE GOVERNANCE PLAN:**

RESOLVED, That the proposed amendments to the Governance Plan of Kingsborough Community College be adopted, effective October 1, 2009.

### **COLLEGE COUNCIL CONSTITUTION**

#### **ARTICLE I - FUNCTION**

##### **Section I**

The College Council shall be responsible, subject to guidelines, if any, as established by the Board of Trustees of The City University of New York for the formulation of policy relating to the admission and retention of students including health and scholarship standards therefore, student attendance including leaves of absence, curricula, and the award of college credit. The Faculty, however, shall reserve the right to confer degrees. The Council shall make its own bylaws, consistent with the policies and regulations of the Board of Trustees, and conduct the educational affairs customarily cared for by a college faculty. The Council may also make recommendations on policy with respect to the facilities, budgetary matters and faculty personnel matters of the College within the framework of the Bylaws of the Board of Trustees.

##### **Section II**

Upon petition of twenty (20) percent of the membership of the Faculty or the Student Body, and the presentation of such petition to the President, a referendum must be held in order to determine if the Faculty and the Student Body

both desire to reverse (repeal) any Council decision. Petition for reversal (repeal) must be filed within four (4) weeks after publication of the action in the minutes of the Council. A decision shall be reversed (repealed) by a two-thirds vote of the Faculty and a two-thirds vote of the Student Body in which at least twenty percent of each constituency must participate.

### Section III

All actions of the College Council that have been duly presented and passed by the Council for consideration by the Board of Trustees shall be presented to the Board by the President, together with his/her own recommendations.

## ARTICLE II - MEETINGS

### Section I

The College Council shall meet at least twice each semester as determined by the Steering Committee of the Council. Such meetings shall be incorporated into the College calendar.

### Section II

Upon petition of twenty (20) percent of the membership of the Council, a meeting must be called in order to deal with matters of Council concern.

### Section III

Meetings of the College Council and committees of the Council shall follow Robert's Rules of Order.

### Section IV

The College Council may make bylaws for its own operations consistent with its Constitution and the policies and regulations of the Board of Trustees.

## ARTICLE III - COMPOSITION

### Section I

The College Council shall be composed of the President of the College, who shall be Chairperson, the Chief Academic Officer of the College, the Registrar, the Chief Administrative Officer of the College, the Chairperson of each instructional department, one departmental delegate from each instructional department, faculty delegates-at-large equal to the number of departments, twenty student delegates, one alumni delegate, and two delegates elected by the full-time regularly appointed non-probationary supporting staff.

### Section II

a) Department delegates shall be elected following the election of department chairpersons by the full-time members of the department having faculty rank or faculty status and shall serve a term on the Council equal to that of the department chairpersons.

b) Persons eligible to vote for department delegates shall be eligible to nominate candidates and be nominated for the position of department delegate.

c) Vacancies shall be filled by the Department for the unexpired portion of the term.

d) Elections for department delegates shall be conducted by secret ballot. Mail ballots shall not be used.

### Section III

a) Delegates-at-large shall be elected by members of the full-time instructional staff who have faculty rank, faculty status or who have received notification of reappointment for the third or succeeding years of full-time service. Persons who have tendered their resignation or who have received notice of non-reappointment shall not be eligible to vote. Adjunct faculty shall be eligible to vote for delegates-at-large during their third (and successive) year of continuous service. The term of office for delegates-at-large shall be three years, with elections staggered so that approximately one-third shall be elected each year.

b) Persons eligible to vote for delegates-at-large shall be eligible to nominate candidates and be nominated for the position of delegate-at-large.

c) Nominations for delegates-at-large shall be conducted by secret ballot provided that nominees shall have the opportunity to decline nomination before preparation of the final ballot.

Each person eligible to nominate may cast a secret nominating ballot containing no more than two (2) persons.

~~Those eighteen (18) eligibles who receive the highest number of nominations, plus ties, shall appear as candidates on the final ballot.~~

**Up to eighteen (18) eligibles who receive the highest number of nominations, plus ties, shall appear as candidates on the final ballot.**

d) Eligible voters shall be entitled to vote for as many candidates as there are vacant positions to be filled. Election shall be by plurality with ties determined by the President of the College.

e) Vacancies shall be filled from the list of unsuccessful candidates of the previous election with the person having the greatest number of votes among the unsuccessful candidates designated to fill the vacancy until the next scheduled election. Where vacancies for unexpired terms are to be filled at a regular election, the candidates receiving the next highest number of votes after filling the regular three-year term vacancies shall be declared elected for the unexpired term. The longer terms shall be assigned to those with the highest number of votes.

f) Elections for delegates-at-large shall be conducted in May of each year following the elections of department chairmen and departmental delegates.

g) Elections for delegates-at-large shall be conducted by secret ballot. Mail ballots shall not be used.

#### Section IV

a) Student delegates shall be elected for one year terms as follows: two student delegates elected by each Constituency Council; with the balance to be elected by the general student body. Candidates must be students in good standing at the College and shall not be on academic or disciplinary probation.

b) The alumni delegate shall be elected by the Alumni Association to serve a term of three years.

c) Two delegates shall be elected from the regularly appointed non-probationary supporting staff to serve two year terms so arranged that the terms expire in successive years.

d) Vacancies shall be filled according to the provisions of this article, Section III e.

e) Those elected shall be selected on the basis of a plurality vote with ties to be broken by the President of the College.

f) Elections shall be held in May of each year.

g) All elections shall be conducted by secret ballot. Mail ballots shall not be used.

#### Section V

All elections shall be supervised by the Faculty-Student Committee on Elections. This shall also apply to faculty voting under Article I, Section II and Article VI. The committee shall be selected by the Legislative Committee.

## ARTICLE IV - ORGANIZATION OF COUNCIL

### Section I

a) The President of the College shall preside as chairperson of the Council. In his/her absence, a designee shall preside over meetings.

b) The President or a designated Dean shall be a member ex-officio of all College Council standing committees.

### Section II

The Secretary of the Council shall be chosen by the College Council by a majority vote of the Council. He/she shall also serve as Secretary of the Steering Committee with voting privileges only if he/she is a member.

### Section III

The Council shall elect a Parliamentarian, who need not be a member of the Council. If he/she is not a member, he/she shall have all rights and privileges of Council membership, except the right to vote.

### Section IV

a) The College Council shall be divided into ~~nine~~ **seven** standing committees: Steering, Committees, ~~Personnel,~~ Curriculum, Instructional, Legislative, ~~Budget,~~ **Strategic Planning and Budget** and Students. ~~and Campus Facilities.~~ The number of members and the membership of each committee shall be determined by the Committee on Committees and shall include student representation.

b) Committee members shall serve for the duration of their respective terms as delegates to the College Council. Committee chairpersons and secretaries shall be elected annually, by members of each committee.

The Steering Committee shall be composed of the President or a designated Dean, the Secretary of the College Council, and the chairpersons of the standing committees. A chairperson of a standing committee may be represented by a member of the same committee who shall enjoy the same privileges as the chairperson.

The President of the College shall serve as the chairperson of the Steering Committee.

The Steering Committee shall meet regularly during the academic year and shall meet by call of the chairperson

### Section V

a) The College Council Committee on Committees shall be elected from among the members of the College Council. The committee shall be comprised of ten members elected by plurality vote after nominations from the floor, three of whom shall be student members.

b) Voting shall be by secret ballot. If more than one vacancy needs to be filled, members shall vote for no more than two-thirds of the faculty vacancies and two-thirds of the student vacancies from the list of nominees. Tie votes shall be resolved by the College Council chairperson.

c) The Committee shall meet immediately after election to elect a chairperson.

## ARTICLE V - POWERS AND DUTIES OF COMMITTEES

### Section I

The duties of the committees follow:

b) **a) Steering Committee**: shall prepare the agenda for the College Council meetings.

The committee shall refer matters brought to its attention to the appropriate committee. It shall receive all recommendations and resolutions from all standing and ad hoc committees prior to submission to the College Council.

The committee shall submit such recommendations and resolutions to the full College Council or shall return them to the appropriate committee with comments. If a recommendation or resolution is returned to a committee and the

committee passes it for a second time and returns it to the Steering Committee, it must be placed on the agenda of the next Council meeting. By submission of a petition signed by one-third of the members of the College Council, the Steering Committee must send to the full Council any recommendations and resolutions submitted to it at the next scheduled meeting.

The Steering Committee shall in addition have power to call the College Council into session, to coordinate the activities of all committees, and shall be responsible **for informing the instructional staff regarding its activities each semester (e.g., through the College website).** ~~submission of a report of its activities to the instructional staff at each end of semester meeting.~~

~~a )~~ **b). Committee on Committees:** shall name the members of each of the other standing committees and determine the number of members, with the exception of the Steering Committee, from a list of preferences (a minimum of three) obtained from each member of the Council. It shall schedule a date and place for each committee to meet to elect a chairperson and a secretary and to determine its permanent organization.

The committee shall name replacements to standing committees, with the exception of the Steering Committee, from the list of preferences of each member, which it shall maintain.

**The committee shall consider written petitions from any member requesting reassignment to an alternative standing committee for the duration of his/her term, and shall make such decisions at its discretion.**

~~e) Personnel Committee: shall be concerned with personnel policies as they affect employees of the College. It shall present recommendations to the Council, but in no way shall it supersede the Personnel and Budget Committees.~~

e) **c) Curriculum Committee:** shall be concerned with the formulation, and development, **modification, and evaluation** of curricula. ~~, evaluation of curricula, and review of proposals for modification of curricula.~~

The committee shall receive proposals from any member of the instructional staff. ~~or the student body.~~ **Such proposals (in approved, standard format) shall be submitted through and approved by appropriate department curriculum committees (and/or other such approval required by the department), forwarded to the Provost for review, and then referred to the chairperson of the committee for purposes of recommendation and evaluation by the committee. Proposals may also be forwarded to the Provost from the Program Director of Liberal Arts or the Chairs of duly appointed college task forces (e.g., General Education).** ~~through the chairperson of the committee who shall refer such proposals to the appropriate departments and the Dean of Faculty for purposes of recommendation and evaluation.~~

The **chair of the** committee shall establish a curriculum **proposal submission** calendar **for each semester in consultation with the Provost, who shall distribute the calendar to department chairpersons.** ~~subject to approval of the College Council.~~

**The committee shall consider proposals for new or modified degrees, certificates, and courses (including “experimental” 82 courses) with regard to such factors as their relation to the college’s mission and existing curriculum, as well as their hours, credits, content, learning outcomes, evaluation criteria, and expected articulation.**

**The committee shall report its recommendations to the College Council for review and approval. (minor changes – such as course numbering, modifications of course names - shall be reported to the College Council as informational items.)**

~~The committee shall not be concerned with minor changes, such as course numbering, modifications of course names, which will be reported to the College Council by the Secretary of the College Council.~~

~~The committee shall not reconsider a proposal that was acted upon by the College Council, either positively or negatively, for one academic year unless one third of the members of the College Council request its reconsideration within six months. This does not preclude the determination of stated periods of time for experimental proposals.~~

d) ~~Committee on Instruction~~ **Instructional Committee**: shall develop and periodically review and revise instruments and procedures to provide evaluative data on instruction and instructional effectiveness, including student evaluation of instruction **and peer review of instruction**. The data provided by the instruments shall be considered confidential and made available only to the faculty member directly concerned and departmental and college-wide committees and college officers responsible for the evaluation of instructional effectiveness.

The committee shall receive proposals from any member of the instructional staff or the student body through the chairperson of the committee, who shall refer such proposals to the appropriate departments and the **Chief Academic Officer** ~~Dean of Faculty~~ for purposes of recommendation and evaluation.

f) ~~e) Legislative Committee~~: shall be concerned with the **Governance of the College, including the** constitution and amendments, election procedures, **governance-related assessment**, Bylaws of the College Council, Governance, initiation and review of all outside legislation concerning the College.

f) **Strategic Planning and Budget Committee**: shall review the strategic and financial plans for the College for the purpose of ensuring that assessment results affect planning; planning is evidence-based; strategic plans affect fiscal decisions; and these fiscal decisions support academic priorities, staff and organizational development, facilities plans, and other institutional priorities.

**The Committee will approve and/or recommend strategic plans and budget priorities to the College Council. It will not deal with specific budget allocations or monitoring of expenditures. To enable the Committee to serve as a vehicle for budgetary transparency, the Chief Administrative Officer shall designate an administrator to appear before the Committee at the beginning of each semester to report on the College budget. Based on the report of the budget, the Committee may seek additional related information or available institutional data. The Committee will review the information presented and report to the College Council on its review.**

g) ~~Committee on Students~~ **Students Committee**: shall be concerned with policy pertaining to student recruitment, admission, attendance, discharge, discipline, counseling, academic standards, **graduation**, ~~granting of degrees~~; ceremonies, **student** health and other services; extra-curricular activities including athletics, as well as other activities relating to the students.

~~The committee shall not reconsider a proposal that was acted upon by College Council, either positively or negatively, for one academic year unless one third of the members of the College Council request its reconsideration within six months. This does not preclude the determination of stated periods of time for experimental or other proposals.~~

h) ~~Committee on Budget~~: shall be concerned with recommendations on policy relating to the financial and budgetary affairs of the College. The committee shall periodically hold open hearings to assure the participation of the college community.

i) ~~Committee on Campus Facilities~~: shall be concerned with the physical facilities and master planning of the College. The committee shall periodically hold open hearings to assure the participation of the college community.

## Section II

a) Each standing committee shall elect its own Chairperson and Secretary.

b) Each standing committee shall meet regularly and keep minutes of its meetings.

N.B. Consistent with the Governance Charter, standing committees shall be empowered to create sub-committees in order to discharge their responsibilities. Membership on sub-committees need not be restricted to members of the College Council. Sub-committee membership can be utilized as a means of involving a wider range of expertise, a diversity of views on the issues at hand and individuals and groups directly concerned with the subject matter under consideration.

#### ARTICLE VI-AMENDMENTS (Proposed Amendments)

a) Amendments to the Constitution may be initiated by the College Council, any standing committee, a member of the Council, or by petition of ten percent of the full-time Instructional Staff or any ten percent of the student body. Proposed amendments shall then be submitted to the Legislative Committee for its consideration.

b) Amendments shall be incorporated into the Constitution after ratification by a two-thirds vote of the Council and after approval by the Board of Trustees.

c) Twenty percent of either the Instructional Staff or the Student Body may petition for the repeal of an amendment, if such appeal is filed within two months of ratification by the Council and approval by the Board of Trustees.

d) All petitions for repeal of an amendment shall be considered in referendum once a year. At such referendums, an amendment shall be considered repealed by a two-thirds vote of the instructional staff and a two-thirds vote of the student body. The two-thirds majority shall be determined by the number who participate in each referendum.

e) All proposed amendments or repeal of amendments must be approved by the Board of Trustees.

#### **B. Kingsborough Community College Student Constituency Councils**

#### CONSTITUTION OF THE CONSTITUENCY COUNCILS

##### ARTICLE I - NAME

In accordance with the rules designated by the Governance Plan, there shall be five (5) academic constituencies:

1. Business Constituency
2. Mathematics and Science Constituency
3. Liberal Arts Constituency
4. Public and Health Services Constituency
5. Evening Constituency

##### ARTICLE II - FUNCTION

In order to promote the interest and welfare of the students, these councils shall:

1. aid in freshman orientation with instructional programs;
2. be empowered to conduct student activities;
3. compose newsletters for instructional programs;
4. elect representatives to other bodies of the College;

5. authorize and regulate the expenditure of funds;
6. serve to receive complaints concerning instructional programs;
7. act as a liaison with the faculty;
8. increase communication between students and faculty on curriculum;
9. hold special events for instructional program;
10. charter student clubs and organizations.

These councils may make bylaws for their own operations consistent with this Constitution and the policies and regulations of the Board of Trustees.

### ARTICLE III - MEMBERSHIP

Day Session students shall be assigned to student constituencies based upon curricular affinity. Evening Session students and students taking the majority of their classes at night, shall be assigned to the Evening Constituency.

### ARTICLE IV - ELIGIBILITY

#### A. General Participation

To be eligible for participation in student activities, a student must be officially registered in the College.

Membership in student organizations is open to both full-time and part-time members of the College. Membership is open to both matriculated and non-matriculated students.

#### B. Officership

1. An individual shall have a cumulative index of 2.0 to be to hold office in his/her first year. A student in his/her second year shall have a cumulative index of 2.0.
2. At the time of nomination the individual is to be clear of probationary status.
3. Appeal of disciplinary probation will be to the Faculty-Student Committee on Discipline.
4. Faculty advisers have the responsibility of checking to see if academic credentials have been upheld. At this point there is a mandated meeting of the student and faculty adviser to access the advisability of his/her remaining in office. The decision shall rest with the student.

### ARTICLE V - ELECTIONS

A. All students will participate in elections according to their curriculum affiliations.

B. Elections shall be for the Executive Committee - President, Vice-President, Secretary, Treasurer.

C. Elections will take place the first week in May.

D. Representatives will be appointed. A minimum of twenty-five (25) signatures of voters of the respective constituency on a petition is necessary to qualify for the position of constituency representative.

E. The credentials will be presented at the first council meeting following their submission of credentials.

F. The number of representatives shall be determined by the constituency.

#### ARTICLE VI - DUTIES OF OFFICERS

A. President - The President shall preside at all council meetings. He may appoint members of that constituency to fill vacancies within the council. The President is empowered to sign all transfer of funds forms with the accompanying signature of the faculty adviser.

B. Vice-President - The Vice-President shall act as an assistant to the President. He/she shall perform the duties of the President in the case that the President is absent. In the case of an extended absence of the President, the Vice-President shall assume all the duties of the President until his/her return.

C. Secretary - The Secretary shall be required to notify all council members of meetings. He/she shall keep an accurate report of all meetings of the council and shall attend to all correspondence.

D. Treasurer - The Treasurer shall have custody of all the funds and monies of the council. He/she shall keep an accurate record of all receipts and expenditures. He/she shall, together with the President, be empowered to sign for the transfer of funds.

E. Representatives - Sophomore and freshman representatives shall act as a liaison between the students and the council.

F. All officers of constituencies shall elect a person if a vacancy occurs.

#### ARTICLE VII - IMPEACHMENT

Impeachment procedures may be taken against any member of the council who neglects his/her appointed duties.

1. Impeachment proceedings may be initiated at any regular meeting of the council, by any member of the council.
2. These proceedings shall extend over two (2) meetings, the first beginning with the presentation of a written bill of particulars to the group. Discussion shall take place at the following meeting. The member in question shall be notified in writing, at least five (5) days previous to the discussion. Notification shall include the date of the discussion and the bill of particulars.
3. Impeachment shall be by a 2/3 vote of not less than 2/3 of the members of the organization. In case of a tie, voting shall be postponed for at least one week. The outcome of this vote shall be considered final.

#### ARTICLE VIII - MEETINGS

Meetings may be called by the President or at the request of a member or members of that council.

#### ARTICLE IX - PARLIAMENTARY AUTHORITY

All points not covered in this constitution shall be guided by Robert's Rules of Order (revised) and by the guidelines set forth by the Governance plan for Kingsborough Community College of The City University of New York.

This Constitution may be amended at any meeting of all the council by a 2/3 vote of those voting. Each council must have at least two members attending, each having one vote. The amendments must be sent in writing to all members and must be presented to the council at the previous regular business meeting. All proposed amendments must be approved by the Board of Trustees.

N.B. Consistent with the governance charter, there shall be organized a Student Activities Coordinating Board to facilitate and coordinate the activities of the Student Constituency Councils on student matters that are of a college-wide nature (e.g., chartering college-wide clubs, sponsoring inter-constituency activities). The coordinating Board shall consist of two representatives from each Constituency Council. Bylaws developed by each Student Constituency and the Student Activities Coordinating Board shall be submitted to the President of the College who shall consult with the Governance Commission before promulgating the bylaws.

### **C. Faculty Review Committees**

#### **I. Organization of Faculty Review Committees**

A. The qualifications of candidates recommended for appointment, reappointment, tenure and advancement to the various ranks are considered and reviewed by the College Committee on Faculty Personnel and Budget. This committee receives recommendations from the Departmental Personnel and Budget committees. Recommendations of the review committees are made to the President and reported to the College Committee on Faculty Personnel and Budget.

B. There are five faculty review committees:

1. The Committee on Reappointment and Tenure
2. The Committee on Advancement to Associate Professor
3. The Committee on Advancement to Professor
4. The Committee on Reclassification and CLT Series
5. The Committee on Fellowship Leaves of Absence

C. These committees are each composed of five members - three members of the faculty and two department chairpersons.

Each Department Personnel and Budget Committee shall nominate three members of their respective faculties, regardless of rank.

All faculty members who are nominated must hold faculty rank.

All nominations shall be submitted to the President.

D. The President designates the chairman of each committee under leadership, guidance and coordination of the Dean of Faculty.

E. The following criteria govern the nomination and selection of at-large members to each of the faculty review committees:

- they must be tenured
- they must be of equal or higher rank than that rank to which advancement is sought; or, in the case of the Committee on Reappointment and Tenure, they must hold one of the professorial titles
- there must be no more than one member of a single department on any single committee

F. Each faculty review committee shall be constituted for one year. To provide continuity of experience and perspective, wherever practicable, at least two members of each committee shall be appointed for a second year.

G. Candidates are notified by the Department Chairperson as to whether or not they are recommended by the Departmental Personnel and Budget Committee. The recommendations of the faculty review committees are transmitted to the President. He/she then reports those recommendations to the College Committee on Faculty Personnel and Budget.

H. Departmental Personnel and Budget committees, and faculty review committees, will prepare written reports concerning their recommendations for appointment, reappointment, tenure and advancement.

I. Members of faculty review committees will not vote on candidates under consideration by their committee who are members of their own departments.

## II. Criteria for Evaluation

A. In accordance with the policy of the Board of Trustees, the evaluation of classroom teaching effectiveness is a basic element in the procedure for recommending reappointment, tenure and advancement of teachers. This procedure is the legal equivalent of an unassembled civil service examination. Consideration is given to such matters as:

- command of subject matter and distinctive methods of the discipline
- ability to communicate with students and colleagues
- effectiveness in stimulating thought
- ability to foster active student participation in the learning process
- ability to develop a conscious sense of a learning experience for the students

In addition, major consideration is given to such areas of performance as:

- service to the students
- service to the instructional department
- service to the College
- professional development
- scholarly and creative achievement

For Library and Student Development personnel as well as for College Technicians, service to students, service to the department, service to the College, relations with other members of the department, and other appropriate criteria shall be primary foci of evaluation.

B. With respect to initial appointment, the criteria described in paragraph (A) above are applied to the candidate's experience, education and character in terms of the apparent potential and/or achievement described or reflected in interviews, submitted credentials and references.

## III. Verification of Data

A. Candidates having their qualifications evaluated will submit forms supplied, on request, by the Office of the Dean of Faculty), together with all pertinent supporting materials, to both the Departmental Personnel and Budget Committee and the appropriate faculty review committee.

B. Each committee will have the responsibility for verification of the data submitted to it by the candidates; written submissions, interviews, etc., may be required as the committees deem necessary.

C. Quantitative and qualitative evaluations will be made.

D. Greatest consideration by the committees will be given to a candidate's achievements since promoted last.

E. In the evaluation of teaching effectiveness, classroom observation will be supplemented by review of materials used in the classroom (e.g. examinations, reprints, et al.) and other standard instruments employed for the evaluation

of teaching effectiveness; classroom observation will be scheduled, in advance, in conformity with the spirit of and letter of the contract between the Board of Trustees and faculty bargaining agents.

#### IV. Committee on Equivalency and Waivers

In accordance with the provisions of the Bylaws of the Board of Trustees, equivalencies may be granted in technical, creative and career areas. In order to review equivalency criteria, and to determine and recommend to the President those candidates who meet the established criteria, an equivalency committee shall be appointed by the President.

The President is authorized by the Board of Trustees to approve individual petitions for waivers of the Bylaws. He/she may consult with the departmental committee on Personnel and Budget and the College Committee on Faculty Personnel and Budget. It should be noted that a presidential recommendation for a waiver of the Bylaws is subject to the approval of the Board of Trustees and is not tantamount to approval.

#### **D. The President's Advisory Commission**

In accordance with the Board of Trustees policy on governance the President may establish an advisory commission. The President's advisory commission shall be a source of the widest range of views, expertise, advice and assistance in consideration of college policy formulation.

The President shall nominate for Board of Trustees appointment in accordance with the statement of policy on the Organization and Governance of The City University of New York persons to serve on the President's advisory commission.

The President's advisory commission will meet upon call of the President.

#### **E. Voting Eligibility for Lecturers**

Persons holding the rank of Lecturer at the College who have been awarded the Certificate of Continuous Employment shall be enfranchised to vote for Department Chairperson and for members of the Department Personnel and Budget Committee.

#### **F. Amendment Procedure**

Each constitution promulgated in conformity with this Governance Plan has provisions for its amendment. The provisions insure that wide participation and more than a simple majority are involved in validating changes recommended. The College Council has the primary responsibility and control over amendments to its Constitution, and likewise, the Student Constituency Councils have primary responsibility and control over amendments to their Constitution all such amendments, however, require the approval of the Board of Trustees.

### **APPENDIX**

#### Appendix I. College Committees

There shall be the College Committee on Admissions and Academic Standing, the College Committee on Academic Review, and the College Student Discipline Committee.

The College Committee on Admissions and Academic Standing shall be concerned with reviewing requests from students for exceptions and waivers concerning admission, loss of matriculation, dismissal, and probation.

The College Committee on Academic Review shall be concerned with hearing appeals of students of the rulings of the Committee on Admissions and Academic Standing, appeals of students on grades and appeals on waivers of College academic requirements.

The College Student Discipline Committee shall be concerned with hearing allegations against students by members of the instructional staff, employees of the College, or other students; conducting hearings; making judgments and recommending penalties to the Dean of Students.

The duty, composition and method of operation of the above mentioned college committees shall be established in the manner in which these committees functioned prior to the implementation of the College Governance Plan.

The above mentioned committees shall become Committees of the College reporting their decisions to the appropriate College officer.

The college committees established above shall implement policy established by the College Council.

Those subcommittees established by the Committee on Students to examine the operations and evaluate the performance of the various above mentioned College Committees will continue to make appropriate policy recommendations with respect to their areas of concern.

#### Appendix II. Constitution and Bylaws of Student Activities Committee

Purpose - To provide a vehicle to charter student organizations, assist those organizations in existence, and to initiate and encourage inter-constituency activities and programs between student councils, clubs and the general student population, through their related councils.

#### Bylaws -

1. Membership - Three (3) representatives from each student council to be appointed or elected by that council, representing their council to SAC. Their names shall be submitted in writing to the faculty advisor of SAC prior to the first general meeting.

2. Voting - Each council shall have three (3) votes, said votes being cast by the three (3) representatives. All votes must be cast in person (No proxies). Substitute representatives may be assigned by the councils, with their names being submitted in advance to the Chairperson. The Chairperson only votes in the event of a tie. No less than 51% of those present and voting shall carry any issue except impeachment and amendments, which require a 2/3 vote.

3. Quorum - A minimum of seven (7) people shall constitute a quorum. The Chairperson is not counted in the consideration of the quorum. The council which the Chairperson represents may choose another representative for their council. There shall be no more than three (3) representatives from each Council.

#### 4. Powers -

a) SAC shall review all proposed organizations and make recommendations to the Kingsborough Association.

b) Clubs seeking charter must go to their related councils for review and recommendation to SAC. Any club not recommended by SAC for a charter may come before SAC (through the councils) repeatedly so long as they make an effort to conform to requirements for chartered organizations. c) SAC shall have the power to revoke any club charter.

5. Meetings - Meetings will be called as required. Regular meetings shall be held once each month. Members of SAC must be notified at least one (1) week in advance, of all meetings in writing, except in special emergency circumstances. The Secretary will be responsible for this notification. Meetings will be called by the Chairperson.

#### 6. Officers -

A. Duties of Officers: (All officers shall be voted on by SAC representatives)

1. Chairperson –

- a. Shall cause meetings to be called when appropriate.
- b. Shall chair all meetings.
- c. Shall encourage activities among councils, for clubs and for the general student population.
- d. Shall maintain a communication link to all organizations on campus.

2. Vice Chairperson –

- a. Shall chair all meetings when Chairperson is not present.
- b. Shall carry out those duties specifically assigned by Chairperson.

3. Secretary –

- a. Shall take minutes of all meetings.
- b. Shall maintain records of all chartered organizations and their memberships as well as their officers, faculty advisors and time and place of meetings.

4. Treasurer –

- a. Shall keep accurate records of all expenditures of SAC and divide costs among all councils when appropriate.

B. Term of Office - One full school year commencing in September. In the event an office becomes vacant, a replacement will be elected for the remainder of the term of office.

7. Parliamentarian - Faculty advisor shall act as parliamentarian.

8. Amendments - These Bylaws may be amended at a meeting consisting of a quorum consisting of at least one (1) voting member of each council. Any amendment must be submitted in writing to SAC at a meeting, discussed at that meeting and may not be voted on until the next regularly scheduled meeting and discussed again at that meeting. A 2/3 vote of those voting is needed to pass the amendment.

9. In the event that the body of SAC sees the necessity for an emergency meeting, they may petition such a meeting with a 51% vote of voting members.

10. All meetings, except executive sessions, are open to all spectators.

EXPLANATION: The proposed amendments to the College Council Constitution (“the Constitution”), the Governance Plan of Kingsborough Community College (“Kingsborough”), are recommended by the College President and were adopted by the Kingsborough College Council on June 2, 2009. The amendments are the result of a lengthy assessment process initiated after Kingsborough’s most recent Middle States Review, which was completed in 2006. Prior amendments to the Constitution, also the result of assessment after Middle States Review, were adopted by the Board on February 23, 2009.

The proposed changes are primarily designed to revise the goals and functions of standing committees to make them more effective and to reflect current practices. Specifically, the committees on Budget, Campus Facilities and Personnel, which had become relatively small and inactive, would be combined into a single Strategic Planning and

Budget Committee. The new committee's mission would incorporate institutional planning and assessment as part of governance, while still encompassing the functions of its previous component committees.

The other standing committees described in the Constitution would also be modified to include updated mission statements and descriptions. The Curriculum Committee description would include the most significant revisions, including new authority to make recommendations to the full College Council on proposals for new or modified degrees, certificates and courses.

In addition, a minor revision of the election procedure for Delegates-at-Large is proposed. Currently, the Constitution contemplates that eighteen (18) candidates would appear on the ballot for these positions; the revision would allow for fewer than eighteen candidates, if fewer than eighteen are interested in running for office.

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

**A. CITY COLLEGE - DESIGN/BUILD CONTRACT UNDER ENERGY PERFORMANCE PROGRAM - NORTH CAMPUS HIGH-TEMPERATURE HOT WATER (HTHW) PIPING DISTRIBUTION SYSTEM:**

RESOLVED, That the Board of Trustees of The City University of New York approve the firm of Genesys Engineering, P.C., to provide design and construction services as required for the Design/Build contract under the Energy Performance Program to repair or replace the North Campus High-Temperature Hot Water (HTHW) Piping Distribution System at the City College of New York (CCNY). The contract cost shall be chargeable to CCNY Central Expansion funds (Funding Code 2800909999) for an amount not to exceed \$14 million; and be it further

RESOLVED, That the City University Construction Fund is requested to authorize the Dormitory Authority of the State of New York to authorize the firm of Genesys Engineering, P.C., to complete the contract documents, to bid and award contracts, and to supervise the construction project.

EXPLANATION: Genesys Engineering, P.C., as design/build contractor, will repair and replace the entire North Campus High Temperature Hot Water (HTHW) Piping Distribution System at City College. The existing piping system is in deteriorated condition and major recurring leaks have caused shutting down the entire North Campus heating system to complete repairs.

**B. THE CITY UNIVERSITY OF NEW YORK – CUNY REAL ESTATE DEVELOPMENT CORPORATION:**

RESOLVED, That the Board of Trustees hereby authorize the incorporation of a New York not-for-profit corporation to be named the “CUNY Real Estate Development Corporation” or such other name using the word “CUNY” as may be approved by the New York Department of State (the “Corporation”); and be it further

RESOLVED, That the Corporation is formed for the purpose of qualifying to issue bonds on behalf of The City University of New York (“CUNY”) and as such, its purposes shall be:

“to acquire, develop, renovate, equip, and lease to CUNY, the City University Construction Fund, or a CUNY affiliate organization, property located in the City of New York, New York, at which CUNY will operate its law school program (the “Project”); and to issue bonds on behalf of CUNY to finance the acquisition, development, renovation, and equipping of the Project and to repay such bonds solely with monies paid to the Corporation as rent for the Project”; and it is further

RESOLVED, That CUNY, acting through its Senior Vice Chancellor for Legal Affairs, shall serve as the sole corporate member of the Corporation; and be it further

RESOLVED, That the following shall serve as the initial Board of Directors of the Corporation, to serve until their successors are elected and qualified: Allan Dobrin, Frederick Schaffer, Iris Weinshall; and be it further

RESOLVED, That the Corporation shall apply for recognition as a charitable corporation under Code Section 501(c)(3) and as a public charity, supporting organization, under Code Section 509(a)(3); and be it further

RESOLVED, That CUNY shall require the Corporation to provide quarterly reports to CUNY's Board of Trustees that shall include a summary of the Corporation's activities; and be it further

RESOLVED, That CUNY shall have access to the Corporation's Board meeting minutes as well as all financial information compiled and maintained by the Corporation; and be it further

RESOLVED, That Iris Weinshall is hereby authorized to execute and deliver such documents necessary to effectuate the foregoing resolutions.

**C. HOSTOS COMMUNITY COLLEGE - NEW SOUND STUDIO:**

RESOLVED, That the Board of Trustees of The City University of New York authorize the General Counsel to execute a construction contract on behalf of Hostos Community College to create a Sound Studio that will consist of a sound room, several mixing suites, and a recording classroom in Room 418 - an area that previously served as a photo lab. The contract shall be awarded to the lowest responsive and responsible bidder after public advertisement and sealed bidding pursuant to law and University regulations. The contract cost shall be chargeable to the City Capital Budget, Project No. 042 HS040-009, for an amount not to exceed \$1,050,000. The contract shall be subject to approval as to form by the University Office of the General Counsel.

**NOTE:** Hostos Community College approved the selection of the design/engineering firm of Graf & Lewent Architects and provided funding for such services from the College's tax levy operating funds.

EXPLANATION: Hostos Community College will renovate the existing room 418 in the 450 Grand Concourse Building into a Sound Studio.

**D. HOSTOS COMMUNITY COLLEGE - RENOVATIONS AT 500 GRAND CONCOURSE BUILDING:**

RESOLVED, That the Board of Trustees of The City University of New York accept the design for renovations at 500 Grand Concourse, 5<sup>th</sup> Floor, Roof, and Restrooms at Hostos Community College, as prepared by Goshow Architects, LLP with a construction budget of \$9,154,000. The Board approved the selection of the design/engineering firm of Goshow Architects, LLP, by resolution adopted June 26, 2000, Cal. No. 6.C.; and be it further

RESOLVED, That the City University Construction Fund is requested to authorize the Dormitory Authority of the State of New York to complete the contract documents, to bid and award contracts, and to supervise the construction of this project.

EXPLANATION: Hostos Community College will renovate the 5<sup>th</sup> Floor, Roof, and Restrooms (of all floors except the First Floor) of the 500 Grand Concourse Building in order to bring these areas into compliance with applicable codes and standards.

**E. HUNTER COLLEGE CAMPUS SCHOOL - PUBLIC ADDRESS AND CLOCK SYSTEM:**

RESOLVED, That the Board of Trustees of The City University of New York authorize the General Counsel to execute a construction contract on behalf of the Hunter College Campus School to build a new code-compliant Public Address and Clock system to service all portions of the School. The contract shall be awarded to the lowest responsive and responsible bidder after public advertisement and sealed bidding pursuant to law and University regulations. The contract cost shall be chargeable to the City Capital Budget, Project No. HC011-009, for an amount not to exceed \$880,000. The contract shall be subject to approval as to form by the University Office of the General Counsel.

EXPLANATION: Hunter College Campus School will build a new code-compliant Public Address and Clock system to service all portions of the School.

The Board approved the selection of the design/engineering firm of STV Architects through the CUNY Architect/Engineer Requirements Contracts resolution, adopted November 27, 2006, Cal. No. 7.L.

**F. HUNTER COLLEGE - EXPERIMENTAL PSYCHOLOGY LAB RENOVATION:**

RESOLVED, That the Board of Trustees of The City University of New York authorize the General Counsel to execute a construction contract on behalf of Hunter College to renovate the existing Experimental Psychology Lab. The contract shall be awarded to the lowest responsive and responsible bidder after public advertisement and sealed bidding pursuant to law and University regulations. The contract cost shall be chargeable to the City Capital Budget, Project No. HU022-009, for an amount not to exceed \$732,000. The contract shall be subject to approval as to form by the University Office of the General Counsel.

EXPLANATION: Hunter College will renovate the existing Experimental Psychology Lab.

The Board approved the selection of the design/engineering firm of Gertler Wentz Kerbeykjan Architects through the CUNY Architect/Engineer Requirements Contracts resolution approved November 27, 2006, Cal. No. 7.L.

**G. HUNTER COLLEGE - THOMAS HUNTER HALL RESTORATION:**

RESOLVED, That the Board of Trustees of The City University of New York approve and accept the selection and design of Thomas Hunter Hall Façade Restoration, Roof Replacement, Window Restoration, and Asbestos Abatement at Hunter College, as prepared by Superstructures Engineers + Architects, PLLC, engaged by the Dormitory Authority of the State of New York, with a construction budget of \$11,473,250; and be it further

RESOLVED, That the City University Construction Fund is requested to authorize the Dormitory Authority of the State of New York to complete the contract documents, to bid and award contracts, and to supervise the construction of this project.

EXPLANATION: Thomas Hunter Hall is in critical need of façade restoration, roof replacement, window restoration, and asbestos abatement.

**H. JOHN JAY COLLEGE OF CRIMINAL JUSTICE - HAAREN HALL ROOF REPLACEMENT RESOLUTION AMENDMENT:**

RESOLVED, That the Board of Trustees of The City University of New York authorize the General Counsel to amend the resolution adopted at the meeting of February 25, 2008, Cal. No. 5.B., for the John Jay College of Criminal Justice Haaren Hall Roof Replacement. This amendment is to authorize an increase in the approved amount from \$1,854,200 to \$3,527,598. The total contract cost shall be chargeable to the NYS CUCF funding Code 2870509999.

EXPLANATION: John Jay College of Criminal Justice obtained funds for Haaren Hall Roof Replacement – Phase II, which covers the cost of resurfacing the running track and the tennis court.

**I. LEHMAN COLLEGE - STUDENT LIFE BUILDING RENOVATION:**

RESOLVED, That the Board of Trustees of The City University of New York authorize the City University Construction Fund (CUCF) to execute a construction contract on behalf of Lehman College to renovate Student Life Building. The contract shall be awarded to the lowest responsive and responsible bidder after public advertisement and sealed bidding pursuant to law and University regulations. The total contract cost is \$1,900,000. \$950,000 is being transferred into the Construction Fund from the Lehman College Student Activities Fund. The net cost that shall be chargeable to the State Capital Construction Fund Project No. LM007-001 is for an amount not to exceed \$950,000. The contract shall be subject to approval as to form by the University Office of the General Counsel.

EXPLANATION: Lehman College will renovate the Student Life Building.

The Board approved the selection of the architectural design firm of WASA through the CUNY Architect/Engineer Requirements Contracts resolution adopted November 27, 2006, Cal. No. 7.L.

**J. MEDGAR EVERS COLLEGE - LIBRARY EXPANSION - AMENDMENT:**

RESOLVED, That the Board of Trustees of The City University of New York authorize the General Counsel to amend the resolution approved June 26, 2006 (Addendum to University Report, Cal. No. 1) for execution of a consultant contract with the firm of Ikon.5 Architects for professional design and construction-related services as required for the Library Expansion Project at Medgar Evers College, CUNY Project No. ME 018-005. The amendment is to authorize an increase in the approved amount from \$360,000 to \$1,584,000. The total contract cost shall be chargeable to the State and City Capital Budget, Project No. ME 018-005.

EXPLANATION: Medgar Evers College obtained additional funding in order to proceed with the complete project program as identified in the schematic phase of design. The project scope includes the renovation of approximately 42,000 gross square feet of existing space for the Charles Evans Inness Memorial Library, and a new 2,200 GSF addition for a cyber café in the Bedford Avenue Building.

**K. YORK COLLEGE - SCIENCE BUILDING UPGRADES FOR NEW NURSING PROGRAM:**

RESOLVED, That the Board of Trustees of The City University of New York authorize the General Counsel to execute a construction contract on behalf of The City University of New York for the upgrade of the Nursing Program facilities in the Science Building at York College. The contract shall be awarded to the lowest responsive and responsible bidder after public advertisement and sealed bidding pursuant to law and University regulations. The contract cost shall be chargeable to the Dormitory Authority of the State of New York - Science Laboratory Upgrades Fund #2809609999 for an amount not to exceed \$1,500,000; and be it further

RESOLVED, That the City University Construction Fund be and hereby is authorized to enter into a contract with the selected bidder for construction services.

EXPLANATION: The City University Construction Fund will, for the benefit of York College, build a Nursing Program upgrade in the Science Building, to accommodate the introduction of a new four-year Nursing Program at the College.

The consultant for the design of this project, Gertler Wentz Architects, is being funded by private York College funds.

**L. THE CITY UNIVERSITY OF NEW YORK - SALE OF THE RESIDENCE AT 169 EAST 79TH STREET:**

RESOLVED, That the Board of Trustees of The City University of New York authorize the Dormitory Authority of the State of New York to sell 169 East 79<sup>th</sup> Street, New York, New York. The Contract of Sale and related documents shall be subject to approval as to form by the University Office of the General Counsel. The General Counsel is authorized to sign any documents necessary to effectuate the sale.

EXPLANATION: This property served as a residence for chancellors and college presidents of the University for many years. Several months ago, the University put the property up for sale. An agreement has now been reached with the buyer for a sale price of \$3,400,000. This resolution will authorize the Dormitory Authority to proceed with the sale.

**M. THE CITY UNIVERSITY OF NEW YORK - GRADUATE SCHOOL AND UNIVERSITY CENTER RESIDENCE HALL:**

RESOLVED, That the Board of Trustees of The City University of New York request the City University Construction Fund ("CUCF") to enter into a ground lease with the Graduate Center Foundation Housing Corporation for the leasing of a parcel of property in East Harlem for the construction of a student and faculty residence facility containing approximately 110 beds thereon (the "Project"); and be it further

RESOLVED, That the Board of Trustees of The City University of New York authorize the General Counsel and Senior Vice Chancellor for Legal Affairs to negotiate, approve as to form, and execute agreements (including a ground lease, a development agreement, and a management agreement) among Graduate Center Foundation Housing Corporation, The Brodsky Organization, and any other necessary parties, and the City University Construction Fund and The City University of New York, related to the construction, leasing, and management of the Project.

EXPLANATION: The Chancellor and the College President have determined that providing a residence facility in East Harlem would promote and enhance the educational mission of the College and University. The proposed facility will be located on East 118<sup>th</sup> Street between Lexington and Third Avenues, immediately adjacent to a new campus for CUNY's Hunter College School of Social Work, and will offer housing primarily for graduate students and faculty of CUNY.

The Graduate Center Foundation Housing Corporation is a single-purpose entity created by the Graduate Center Foundation, Inc., for the sole purpose of developing, owning, leasing, and operating the Project. The Graduate Center Foundation, Inc., was established in 1983 as an independent not-for-profit entity that is committed to promoting and safeguarding the success of The Graduate Center.

The deal structure is as follows: The CUCF, as owner of the property, will lease the proposed site to the Graduate Center Foundation Housing Corporation, as Project owner/borrower, which, in turn, will enter into a master lease with CUNY. The Graduate Center Foundation Housing Corporation will enter into a loan agreement with the New York City Housing Development Corporation which will issue long-term tax-exempt bonds to finance the project. The total project cost is estimated at approximately \$29 million. The Graduate Center Foundation, Inc., will provide at least a \$10 million equity contribution. The Brodsky Organization and its related entities (pursuant to its development agreement with the Graduate Center Foundation Housing Corporation) will use the equity contribution and the bond proceeds to engage architects, contractors, furniture suppliers, etc. to design, construct, and furnish the building. When construction of the building is completed, a management firm (pursuant to a management agreement) will operate the facility and will accrue reserves for future repairs.

It is currently estimated that the Project will provide approximately 77 studios, one-bedroom, two-bedroom, three-bedroom, and four-bedroom apartments in an eight-story building of about 65,000 gross square feet, and common spaces such as laundry and mail rooms, recreation space, and bike storage. It is anticipated that construction will be completed for a Fall 2011 opening.

**NO. 6. BOARD OF TRUSTEES EXECUTIVE COMMITTEE:** Notice of Actions Taken (August 18, 2009), for informational purposes:

**A. BARUCH COLLEGE – DESIGNATION OF INTERIM PRESIDENT:**

RESOLVED, That Stan Altman be designated Interim President of Baruch College effective immediately at a compensation to be recommended by the Chancellor to the Board, subject to financial ability.

EXPLANATION: President Kathleen Waldron has resigned effective August 31, 2009 and will be on study leave effective immediately. Stan Altman served as Dean of the School of Public Affairs at Baruch College from 1999-2005. He received his bachelor's degree in electrical engineering from City College, and his doctorate in system

science from Polytechnic Institute in Brooklyn. Dr. Altman has extensive academic and administrative experience in higher education.

**B. THE CITY UNIVERSITY OF NEW YORK – APPOINTMENT OF UNIVERSITY PROFESSOR:**

RESOLVED, That Dr. Kathleen Waldron, having resigned as President of Baruch College effective August 31, 2009, be appointed University Professor effective September 1, 2009.

EXPLANATION: After five years of distinguished service, President Waldron has resigned and, with the Chancellor's approval, wishes to continue to contribute to the University as a University Professor.