

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

**REVISED  
C A L E N D A R**

**MAY 2, 2011**

**NO. 1. CHANCELLOR'S UNIVERSITY REPORT:** RESOLVED, That the Chancellor's University Report for May 2, 2011 (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 meeting February 28, 2011 be approved.

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

**A. THE CITY UNIVERSITY OF NEW YORK - PURCHASE OF UNARMED SECURITY GUARD SERVICES:**

RESOLVED, That the Board of Trustees of The City University of New York authorize the General Counsel to execute contracts on behalf of the University to purchase unarmed security guard services from Allied Barton Security Services, Andrews International, FJC Security Services Inc., Securitas Security Services USA, and U.S. Security Associates, Inc. without competitive bidding and pursuant to law and University regulations. Such contracts shall not exceed a total estimated cost of \$12,595,132 for the ten-month term, chargeable to FAS Code 211901409 and the appropriate colleges' FAS Codes, from the period March 2011 through December 2011. The contract shall be subject to approval as to form by the University Office of the General Counsel.

EXPLANATION: The University will use these unarmed security guard services to safeguard CUNY students, faculty, and staff. This single source acquisition will be advertised as required by law.

**B. THE CITY UNIVERSITY OF NEW YORK - PURCHASE OF OCLC SERVICES FOR LIBRARIES:**

RESOLVED, That the Board of Trustees of The City University of New York authorizes the General Counsel to execute a contract on behalf of the University to purchase enterprise library membership and various online database and cataloging services from OCLC Online Computer Library Center, Inc. ("OCLC"). Such purchase shall not exceed a total estimated cost of \$1,781,386, chargeable to FAS Code 204301400 and the appropriate colleges' FAS Codes. The contract shall be awarded as a single source contract pursuant to law and University regulations for the three-year term July 1, 2011 through June 30, 2014. The contract shall be subject to approval as to form by the University Office of the General Counsel.

EXPLANATION: CUNY has previously contracted for these services from NYLINK, a non-profit membership organization that is part of the State University of New York system. NYLINK is phasing out its operations June 2011. This contract between CUNY and OCLC will permit the continuation of these mission-critical, university-wide library services. This single-source acquisition will be advertised as required by law.

**C. CUNY SCHOOL OF LAW - REVISED APPLICATION FEE FOR CUNY SCHOOL OF LAW:**

RESOLVED, That The City University of New York adopt the revised application for admission fee of \$60.00 effective June 1, 2011 for the CUNY School of Law; and be it further

RESOLVED, That the CUNY School of Law be authorized to accept such fee through the processing facility of the Law School Admissions Council (LSAC), subject to the normal LSAC processing fee; and be it further

RESOLVED, That such fee may be waived by the Dean of the Law School for any applicants whose Law School Admissions Test fee was waived by the LSAC or in other case of extreme financial hardship.

EXPLANATION: The increase from \$50.00 to \$60.00 in the application for admission fee at the CUNY School of Law is to be applied to the handling of the on-line application process by the Law School Admissions Council (LSAC). The increased fee is similar to what other Law Schools in the country charge and allows the CUNY School of Law to remain competitive with the market.

#### **D. THE CITY UNIVERSITY OF NEW YORK - AMENDED INVESTMENT POLICY:**

RESOLVED, That the Board of Trustees approve the amended Investment Policy; and be it further

RESOLVED, That the Board of Trustees has determined, in accordance with CUNY's Spending Policy (which is Exhibit B to the Amended Investment Policy), that it is prudent and appropriate for an appropriation of 5% be applied to each of the four groups of similarly situated funds in the Investment Pool for the fiscal year ended June 30, 2012.

**NOTE: A copy of the Amended Investment Policy is on file in the Office of the Secretary of the Board, along with the draft minutes of the meetings of the Fiscal Affairs Committee and the Subcommittee on Investment on 4/4/11.**

EXPLANATION: New York State enacted the New York Prudent Management of Institutional Funds Act ("NYPMIFA") on September 17, 2010. NYPMIFA makes a number of changes to the law governing how CUNY manages and invests its investment assets and spends from its endowment funds. CUNY Management, in consultation with CUNY's outside legal counsel, Skadden, Arps, Slate, Meagher & Flom LLP, and investment consultant, Cambridge Associates, reviewed CUNY's current Investment Policy and has recommended certain amendments to the Investment Policy to bring the Policy into compliance with NYPMIFA. The Subcommittee on Investment and the Fiscal Affairs Committee have both reviewed and approved the proposed amended Investment Policy. In addition, the Subcommittee on Investment has recommended an appropriation of 5% for the fiscal year ended June 30, 2012. The following is a summary of the principal amendments being made to the Policy to bring it into compliance with NYPMIFA.

1. Prudence Standard For Making Investment Management Decisions. Under NYPMIFA, the individuals responsible for managing and investing CUNY's Portfolio must exercise their duties of loyalty and care in carrying out their responsibilities. When making decisions regarding the investment and management of the Portfolio, they also must consider CUNY's purposes, the purposes of the various funds in the Portfolio and eight prudence factors specified in NYPMIFA. A statement of this prudence standard has been added to the Policy.

2. Delegation to External Agents. NYPMIFA sets forth a standard of care that the Subcommittee on Investment, which selects the Portfolio's investment managers, must exercise in delegating investment management authority to external agents. That standard of care requires the Subcommittee to exercise its duty of care in (i) selecting, continuing or terminating external agents, including assessing the agent's independence (including conflicts of interest); (ii) establishing the scope and terms of the delegation, including the payment of compensation; and (iii) monitoring the external agent's performance and compliance with the delegation. A statement of this requirement has been added to the Policy.

3. Spending Policy. NYPMIFA makes significant changes to the rules governing spending from CUNY's endowment funds. In particular, NYPMIFA eliminates the historic dollar value floor on spending from endowments and replaces it with a requirement to act prudently when making decisions to spend endowment fund assets. A Spending Policy reflecting NYPMIFA's requirements with respect to spending from the Portfolio, which includes both endowed and non-endowed assets, is set forth in a new Appendix (Appendix B) to the Policy.

Both the Subcommittee on Investment, in making its recommendations with respect to annual spending from the Portfolio, and the Board, in making its spending decisions, must adhere to NYPMIFA's prudence standard, which requires the Subcommittee and Board to exercise their duty of care and to consider eight prudence factors when making decisions to spend from endowment funds. A statement of this prudence standard is set forth in the Spending Policy.

NYPMIFA's new prudence standard no longer permits the Board to make one decision setting an annual spending rate to be applied to all of the funds in the Portfolio. The Spending Policy sets forth a procedure by which CUNY, which has numerous endowment funds in the Portfolio, may comply with this requirement without making the spending decision process an onerous one. In that regard, the Spending Policy provides that CUNY funds in the Portfolio generally will be classified by purpose into several categories of similarly situated funds for the purpose of determining an appropriate spending rate to be applied to each such group of similarly situated funds. The current 5% cap on spending has been retained as a guideline that the Subcommittee and Board should consider when making spending decisions. The Policy still provides flexibility to exceed the spending rate set for a non-endowed fund in special situations, subject to the approval of the Senior Vice Chancellor of Budget, Finance and Fiscal Policy.

The Policy also notes that because the College Foundation funds invested in the Portfolio are the property of the respective College Foundation, decisions with respect to spending from College Foundation funds must be made by the respective College Foundation Board. However, the 5% spending cap also is stated as a guideline for consideration by College Foundations when making spending decisions.

4. Asset Allocation. Appendix A to the Policy, which sets forth the asset allocation for the Portfolio, has been amended to reflect the change in asset allocation approved by the Subcommittee on Investment at its February 7, 2011 meeting. This change eliminated the allocation to non-marketable assets and increased the equity allocation accordingly.

5. Fiscal Year 2012 Appropriations from the Portfolio. As discussed above, the new Spending Policy, which reflects NYPMIFA's rules governing spending from endowments, allows the Board of Trustees to classify the CUNY funds in the Portfolio by purpose into several categories of similarly situated funds for the purpose of determining a prudent annual spending rate to be applied to each such group of similarly situated funds. The CUNY funds in the Portfolio have been classified by purpose into the following four classes: (i) scholarships and fellowships; (ii) academic support; (iii) institutional support; and (iv) instruction. In conformance with the Spending Policy, the Board has determined a spending rate of 5% that should be applied to each group of similarly situated funds for the fiscal year ended June 30, 2012. The Board has done so in the exercise of its duty of care, considering the eight prudence factors as set forth in the presentation made to the Subcommittee on Investment and the Fiscal Affairs Committee and reflected in the draft minutes of the meetings thereof on 4/4/11.

**NO. 4. COMMITTEE ON ACADEMIC POLICY, PROGRAMS AND RESEARCH:** RESOLVED, That the following items be approved:

**A. KINGSBOROUGH COMMUNITY COLLEGE - AAS IN EMERGENCY MEDICAL SERVICES:**

RESOLVED, That the program in Emergency Medical Services leading to the Associate in Applied Science degree at Kingsborough Community College be approved, effective May 3, 2011, subject to financial ability.

EXPLANATION: The purpose of the proposed registration is to provide Kingsborough Community College students, within the context of an associate degree, with the paramedic training program required of all Emergency Medical Services personnel. The program responds to a clearly established community need: Brooklyn has a population of 2.5 million, yet no college in the borough presently offers this program. The approval of this EMS program will help establish KCC as a center for allied health care education and training in Brooklyn.

**B. THE SCHOOL OF PROFESSIONAL STUDIES AT THE GRADUATE SCHOOL AND UNIVERSITY CENTER - BA PROGRAM IN PSYCHOLOGY:**

RESOLVED, That the program in Psychology leading to the Bachelor of Arts degree at the School of Professional Studies/The Graduate School and University Center be approved, effective May 3, 2011, subject to financial ability.

EXPLANATION: The purpose of the proposed registration is to provide individuals with a minimum of 30 completed undergraduate credits an opportunity to complete the remainder of their degree through an on-line delivery system. The School of Professional Studies is working to expand its on-line degree completion offerings in most popular majors, such as psychology. This program will share resources with the online BA in Sociology program recently approved by this Board.

**C. CUNY SCHOOL OF LAW - REVISED POLICY ON ACADEMIC STANDING:**

RESOLVED, That the CUNY Law School's Academic Standing Policies be adopted as amended, effective May 3, 2011.

EXPLANATION: This amendment to the rule was adopted by the Law School Faculty to remove an anomaly regarding the restart policy. Under the current academic standing rules, a student who has been dismissed may upon a successful appeal to the Academic Standing Committee re-enter the program for a second time. However, a student who did not achieve a 2.0 GPA in the first semester and is required to restart the program, and is then later dismissed, has the option to re-enter the program for a third time. This resolution would end that practice and treat a required restart in the program in the same manner as the rules now treat a re-entry.

**NOTE: New material is underlined.**

**Proposed Amendment to the Law School's  
Academic Standing Policies and Procedures**

4) Any student who fails to achieve a GPA of 2.0 at the end of the first semester and wishes to continue in the program will be required to re-start the program. Any student whose first semester average is between 2.0 and 2.3 will be on probation, but may choose to take a leave of absence for the semester and restart the following fall. Any student who still has an outstanding incomplete on the first day of that student's second semester will be deemed to have failed the course for purposes of calculation of the GPA. A restarting student returns on probation and is subject to conditions set by the Academic Standing Committee which will ordinarily include the requirement that the student re-take all courses (including those passed the first time). Any credits earned prior to the student's re-start will not be counted toward graduation and will not be used in calculations of the student's future GPA. Transcript entry for all courses taken prior to the re-start will show "No Cr." (No Credit). No student will be permitted to re-start the program more than once. A student who is required to restart the program because he or she achieved a GPA of less than 2.0 in the first semester, and after restarting the program is later dismissed under the academic standing policies will not be allowed to re-enter.

**NO. 5. COMMITTEE ON STUDENT AFFAIRS AND SPECIAL PROGRAMS:** RESOLVED, That the following item be approved:

**A. THE CITY UNIVERSITY OF NEW YORK - AMENDED POLICY ON DRUGS AND ALCOHOL:**

RESOLVED, That The City University of New York Policy on Drugs and Alcohol be adopted, as amended, effective immediately.

EXPLANATION: The University's Policy on Drugs and Alcohol, which was adopted on June 22, 2009, prohibits students from possessing or consuming alcoholic beverages in any CUNY residence hall. Although this prohibition is not limited to those under the lawful drinking age, a significant percentage of undergraduate students in CUNY residence halls are, in fact, younger than the lawful drinking age of 21. The University has now opened a residence

that will provide housing to graduate students who attend the CUNY Graduate School. All of those graduate students are expected to over the lawful drinking age. Accordingly, the University is amending the Drug and Alcohol Policy to make an exception to the prohibition against alcoholic beverages for students living in the Graduate School and University Center's graduate housing facilities.

**NOTE: New material is underlined.**

## **POLICY ON DRUGS AND ALCOHOL**

The City University of New York ("CUNY") is an institution committed to promoting the physical, intellectual, and social development of all individuals. As such, CUNY seeks to prevent the abuse of drugs and alcohol, which can adversely impact performance and threaten the health and safety of students, employees, their families, and the general public. CUNY complies with all federal, state, and local laws concerning the unlawful possession, use, and distribution of drugs and alcohol.

Federal law requires that CUNY adopt and implement a program to prevent the use of illicit drugs and abuse of alcohol by students and employees. As part of its program, CUNY has adopted this policy, which sets forth (1) the standards of conduct that students and employees are expected to follow; (2) CUNY sanctions for the violation of this policy; and (3) responsibilities of the CUNY colleges/units in enforcing this policy. CUNY's policy also (1) sets forth the procedures for disseminating the policy, as well as information about the health risks of illegal drug and alcohol use, criminal sanctions for such use, and available counseling, treatment, or rehabilitation programs, to students and employees; and (2) requires each college to conduct a biennial review of drug and alcohol use and prevention on its campus.

This policy applies to all CUNY students, employees and visitors when they are on CUNY property, including CUNY residence halls, as well as when they are engaged in any CUNY-sponsored activities off campus.

## **CUNY STANDARDS OF CONDUCT**

The unlawful manufacture, distribution, dispensation, possession, or use of drugs or alcohol by anyone, on CUNY property (including CUNY residence halls), in CUNY buses or vans, or at CUNY-sponsored activities, is prohibited. In addition, CUNY employees are prohibited from illegally providing drugs or alcohol to CUNY students. Finally, no student may possess or consume alcoholic beverages in any CUNY residence hall, regardless of whether the student is of lawful age, except for students living in the Graduate School and University Center's graduate housing facilities who may lawfully possess and consume alcoholic beverages. For purposes of this policy, a CUNY residence hall means a residence hall owned and/or operated by CUNY, or operated by a private management company on CUNY's behalf.

In order to make informed choices about the use of drugs and alcohol, CUNY students and employees are expected to familiarize themselves with the information provided by CUNY about the physiological, psychological, and social consequences of substance abuse.

## **CUNY SANCTIONS**

Employees and students who violate this policy are subject to sanctions under University policies, procedures and collective bargaining agreements, as described below. Employees and students should be aware that, in addition to these CUNY sanctions, the University will contact appropriate law enforcement agencies if they believe that a violation of the policy should also be treated as a criminal matter.

## **STUDENTS**

Students are expected to comply with the CUNY and college policies with respect to drugs and alcohol. Any student found in violation may be subject to disciplinary action under Article 15 of the Bylaws of the Board of Trustees, which may result in sanctions up to and including expulsion from the University.

In addition, any student who resides in a CUNY residence hall and who is found to have violated any CUNY or college policy with respect to drugs and alcohol may be subject to sanctions under the CUNY Residence Hall Disciplinary Procedures, up to and including expulsion from the residence hall.

In lieu of formal disciplinary action, CUNY may, in appropriate cases, seek to resolve the matter through an agreement pursuant to which the student must see a counselor or successfully participate in a drug and alcohol treatment program.

In accordance with the Federal Educational Rights and Privacy Act ("FERPA"), CUNY may also choose—when appropriate—to contact parents or legal guardians of students who have violated the CUNY policy on drugs and alcohol.

## **EMPLOYEES**

Any employee found to have violated this CUNY policy may be subject to disciplinary action, in accordance with the procedures set forth in applicable CUNY policies, rules, regulations, and collective bargaining agreements. Sanctions may include a reprimand, suspension without pay, or termination of employment. In lieu of formal disciplinary action, CUNY may, in appropriate cases, seek to resolve the matter through an agreement pursuant to which the employee must successfully participate in a drug or alcohol treatment program.

## **RESPONSIBILITIES OF CUNY COLLEGES/UNITS**

Each college or unit of the University should make its best efforts to educate employees and students about this policy and the risks associated with the unlawful possession, use, or distribution of illegal drugs and alcohol. The President of each college or unit may choose to ban alcohol at on-campus functions or at any particular function. This policy, together with information about the health risks of illegal drug and alcohol use, criminal sanctions for such use, and counseling, treatment, or rehabilitation programs available to employees or students, must be distributed annually to all employees and students. The Chief Student Affairs Officer shall be responsible for the distribution of this material to students, and the Director of Human Resources shall be responsible for the distribution of the material to employees.

The Vice President for Administration, or person performing the equivalent function at each college or unit of CUNY, shall be responsible for conducting a biennial review to determine the effectiveness of CUNY's drug and alcohol program at its college or unit, and to ensure that sanctions for drug and alcohol violations are consistently enforced. Upon completion, the biennial review must be sent to the University's Executive Vice Chancellor and Chief Operating Officer. This biennial review must include the number of drug and alcohol-related violations and fatalities that occur on the college's campus or as part of the college's activities, as well as the number and type of sanctions imposed as a result of drug and alcohol-related violations and fatalities that occur at the college as part of its activities.

**NO. 6. (ADDED ITEM) COMMITTEE ON FACILITIES PLANNING AND MANAGEMENT:** RESOLVED, That the following item be approved:

**A. QUEENS COLLEGE - AUTHORIZATION FOR THE COLLEGE TO ENTER INTO LOAN AGREEMENT WITH THE RESEARCH FOUNDATION OF THE CITY UNIVERSITY OF NEW YORK FOR A PORTION OF THE COSTS TO RECONSTRUCT THE TENNIS CENTER:**

RESOLVED, That the Board of Trustees of The City University of New York authorizes the University to enter into a loan agreement and promissory note, to be approved as to form and executed by the General Counsel, with the Research Foundation of The City University of New York whereby the Research Foundation will loan CUNY \$1,100,000.00 (One Million One Hundred Thousand Dollars) for part of the cost to repair a "bubble" at the Queens College Tennis Center.

**EXPLANATION:** Last year a tornado destroyed a tennis “bubble” at the Queens College Tennis Center that is covered by insurance procured and maintained by DASNY. Queens College has asked DASNY, and DASNY has agreed, to use the insurance proceeds to rebuild the structure, proceeds which will be payable upon completion of construction as a reimbursement of funds advanced for construction. However, DASNY will not begin the procurement process until it receives the funds needed to complete the project. Queens College has on hand college funds and private donations for this purpose. The proceeds from the loan from the Research Foundation will provide Queens College with the remaining funds necessary to complete the project. When the project has been completed, Queens College will repay the Research Foundation from the insurance proceeds.

**NO. 7. THE CITY UNIVERSITY OF NEW YORK - NOTICE OF AMENDMENTS TO THE BYLAWS OF THE BOARD OF TRUSTEES:**

RESOLVED, That notice is provided of proposed extensive amendments to the Bylaws, explained below.

**NOTE: A copy of the Amendments to the Bylaws of the Board of Trustees is on file in the Office of the Secretary of the Board.**

**EXPLANATION:** The current Bylaws contain numerous provisions that are outdated, lack clarity, do not conform to longstanding University practice, or are duplicative of provisions contained in the Education Law or the University's collective bargaining agreements. Following a careful review of the current Bylaws and consultation with other University administrators, the General Counsel and Senior Vice Chancellor for Legal Affairs has drafted revised Bylaws that rewrite or remove outdated provisions, delete unnecessary material and conform the Bylaws to current practice. The proposed Bylaws are clearer, easier to work with, and closer to the purpose of bylaws, which generally do not state policy, or work rules, but are a statement of the rules and regulations governing the management of an organization. The following is a description and explanation of the amendments, with the exception of those that consist solely of minor editing or removal of provisions that had been included solely for historical reasons.

Article 1 - Meetings of the Board: Sections 1.1 and 1.2 have been amended to add requirements necessary for Board of Trustees meetings to comply with the Open Meetings Law, Public Officers Law §§ 100 et seq. as well as Chapter 98 of the Laws of 2010, a recent statute requiring that CUNY and SUNY make board agendas and subsequent meeting records publicly available on their websites. Section 1.6 has been amended to provide that, in case neither the chairperson nor the vice chairperson is present at a meeting of the Board of Trustees, the chairperson shall designate another trustee to preside at the meeting.

Article 2 - Officers of the Board: Section 2.4 has been amended to explicitly provide that, if the position of chairperson of the Board of Trustees is vacant, the vice chairperson shall exercise all the duties of the chairperson. Section 2.5 has been amended to provide that designees of the general counsel may verify pleadings and sign affidavits in legal proceedings.

Article 3 - Committees of the Board: Sections 3.1 and 3.2 have been amended to update the names of the standing committees of the Board. Sections 3.1 and 3.2 have been amended to comply with Chapter 98 of the Laws of 2010 and the Open Meetings Law with respect to notice of meetings and availability of meeting agendas and subsequent meeting records.

Article 4 -The Council of Presidents: The last sentence of Section 4.2 has been deleted to remove any ambiguity about the fact that the college presidents are responsible directly to the chancellor and through the chancellor to the board.

Article 6 - Instructional Staff: Section 6.1 has been amended to add and delete instructional staff titles to conform to the titles currently being used by the University. Section 6.2 has been amended to delete old titles and to delete sections that are governed by the PSC-CUNY collective bargaining agreement or the New York State Education Law. The non-historical portion of Section 6.4, regarding administrative certificates of continuous employment, has been removed as it is governed by the PSC-CUNY collective bargaining agreement. Section 6.5 has been amended to delete the long list of titles that are not eligible for tenure, which must be updated whenever a new title is added, and

instead to provide that no instructional staff titles other than those listed in Section 6.2 carry tenure. Section 6.6(a) has been amended to clarify that only full-time annual appointments to the instructional staff must be approved by the Board of Trustees. Section 6.6 (c) has been amended to conform to current University practice. Portions of Section 6.6(e), all of Section 6.6(f) and Section 6.7 have been deleted as the procedures for non-reappointments in faculty titles are governed by the PSC-CUNY collective bargaining agreement. Section 6.8 (c) has been amended to delete duplicative material. Sections 6.9 through 6.14, which contain procedures for the discontinuation of instructional staff personnel mandated by fiscal exigency, have been deleted as this issue is governed by the University's retrenchment guidelines as well as provisions of the New York State Education Law.

**Article 7 - Academic Due Process:** Article 7 sets forth the grounds and procedures for removing or suspending members of the instructional staff. In the case of instructional staff covered by the PSC-CUNY agreement, this provision has been superseded by the three-step disciplinary process set forth in the collective bargaining agreement, which culminates in a binding arbitration. Accordingly, Article 7 applies only to instructional staff excluded or not otherwise covered by the PSC-CUNY Agreement. The lengthy investigation and hearing process set forth in the current Article 7, with a final determination made by the Board of Trustees, is inappropriate and unnecessary in the case of excluded instructional staff. This provision has accordingly been rewritten to provide that instructional staff (other than members of the executive compensation plan) whose employment is not covered by a collective bargaining agreement, or who are represented by a union at such time that an expired collective bargaining agreement has not been continued by operation of law, shall be subject to such disciplinary procedures as may be adopted by the Vice Chancellor for Human Resources Management. The revised bylaw also states that, in the event no collective bargaining agreement is in effect, the provisions of the Section 6212(9) of the Education Law will apply in the case of tenured faculty.

**Article 8 - Organization and Duties of the Faculty:** Article 8 has been revised to remove provisions relating to the faculty, and duties of faculty, at City College, which are outdated and are set forth in its governance plan. In addition, references to the "Graduate School and University Center" have been revised to refer only to the "Graduate School", as the University Center is not synonymous with the Graduate School but now encompasses other schools and programs. Sections 8.1 and 8.5 has been amended to clarify that administrators with underlying professorial appointments hold faculty rank. Section 8.1 and 8.2 have been amended to include the longstanding University practice that a faculty member who is on Travia leave does not retain his/her faculty voting rights. Section 8.6 has been amended to make its language consistent with Article 8.13; in both cases, faculty and/or faculty representatives formulate academic policy subject to the Board of Trustees, which has final authority over the educational work and administration of all educational units of the University pursuant to Education Law § 6204, subd. 1. Section 8.7 has been amended to make the section on Faculty/Academic Councils generally applicable to all units of the University. Sections 8.9 and 8.11, relating to college committees on faculty personnel and budget, have been amended to delete college-specific language, to clarify the titles as to which the committee makes personnel recommendations, and to delete language relating to the grievance procedure, which is set forth in the PSC-CUNY agreement. Section 8.12 has been amended to make clear that, in communicating the result of the college committee on faculty personnel and budget's recommendation to the candidate, no reason is to be given for either a negative or positive recommendation.

**Article 9:** The amendments to Article 9 are described below:

(1) Section 9.1(e), regarding departmental personnel and budget committees and appointment committees, has been amended to eliminate the distinction between Plan No. One and Plan No. Two, which are not meaningfully different. The section has also been amended to add a provision allowing the president to remove a member of a department personnel and budget committee, following consultation with the department chairperson, if the interests of the college require it.

(2) Section 9.1(f) has been amended to make a minor change in the composition of the committees on personnel and budget in the Hunter College Campus Schools, in that the representative from the Education Department at Hunter College no longer has to be the chairperson of the department. This will give the Campus Schools greater flexibility.

(3) Section 9.3(a)(10) has been amended to provide that the department chairperson's report to the president and the college committee on faculty personnel and budget, regarding a faculty member being recommended for tenure, shall be based on the criteria set forth in University policies. The former version of this Bylaw did not include all the relevant University criteria for evaluating candidates for tenure.

(4) Sections 9.4 and 9.5, relating to program structure in the Graduate School and University Center, and Duties of Executive Officer in the Graduate School and University Center, have been eliminated, as those topics are addressed in the Graduate School's governance plan.

(5) Section 9.6, relating to recruitment, has been deleted as unnecessary.

(6) Sections 9.7 (a) and (b) have been amended to make clear that the appointment process therein is for full-time annual appointments, and does not apply to adjunct or substitute appointments.

(7) Section 9.8 has been reorganized to make read more clearly, and to make clear that faculty members cannot vote on their own promotion.

(8) Section 9.10 has been deleted, as instructional staff grievances are governed by the PSC-CUNY collective bargaining agreement.

Article 11. Article 11 of the Bylaws generally sets forth the position descriptions for members of the instructional staff. Because position descriptions are generally not included in an institution's bylaws, and because many of the position descriptions in the current bylaws are incomplete and out-of-date, Article 11 is being amended to remove all position descriptions other than those of Chancellor, Senior University Staff, President, Instructor, Assistant Professor, Associate Professor, Professor, Distinguished Professor, Medical professorial titles (as currently set forth in Sections 11.36 and 11.37), and Law School faculty titles (as currently set forth in Section 11.43.) Section 11.1 now provides that the minimum qualifications and duties for all positions in the instructional staff, other than those above specifically set forth in that article, shall be established by the Chancellor or his/her designee. Sections 11.5 and 11.6, 11.10 through 11.35, 11.38 through 11.42, and 11.44 through 11.46, which contained the other position descriptions, have been deleted.

Article 12. This article on Salary Schedule Conditions has been updated to reflect current practice. Sections 12.4 and 12.5 have been deleted as unnecessary.

Article 13. This article on Leaves has been substantially shortened by deleting provisions that are contained in the PSC-CUNY collective bargaining agreement and are inconsistent with University practice.

Article 14. This article on the Non-Instructional Staff has been updated to include all titles in the classified civil service of the University and to delete the outdated disciplinary procedure for classified staff, which is now set forth in either the applicable collective bargaining agreement or in the CUNY Personnel Rules and Regulations.

Article 15. Article 15 regarding Students has been revised to bring the student conduct and student organization sections into compliance with University practice and applicable law, and to clarify and address issues that have arisen concerning the University's student disciplinary procedures. Section 15.0 has been amended to broaden the provision regarding freedom from discrimination to include all the grounds set forth in the University's non-discrimination policy. Section 15.1 has been amended to clarify that the student conduct standard is that set by the Board, and cannot be added to by other bodies. Section 15.2(a) and (c) have been amended to ensure that the University does not prohibit speech protected by the First Amendment, while still setting forth the Board's expectation that students should be respectful of diverse viewpoints. Section 15.2(b)(3) has been amended to revise the complaint procedure in the case where a person or organization believes that a student organization has violated the code of conduct standard, to provide for an investigation by the student government, rather than a fact-finding hearing under Section 15.3, and to include an appeal to the chief student affairs officer. Section 15.2(d) has been amended to provide for an appeal from the student elections review committee to the college president or his/her designee. Section 15.3 has been amended to bring the student disciplinary procedures in line with the nomenclature now used

in the higher education student affairs community, which uses terms like “responsible” instead of “guilty” and “mediation” instead of “conciliation”. In addition, the following substantive changes have been made to the student disciplinary process: (1) Section 15.3(c) has been added to provide a procedure to address student disciplinary charges where the student has withdrawn from a college before disciplinary charges have been adjudicated; (2) Sections 15.3(f)(12) and f(13) have been added to codify the University’s practice that a penalty of dismissal or suspension for one term or more is a university-wide penalty, and that disciplinary penalties are placed on student transcripts; and (3) Section 15.4 has been amended to provide that students may appeal a disciplinary penalty of one term or more (rather than a penalty for more than one term) to the Board Committee on Student Affairs and Special Programs.

**NO. 8. HONORARY DEGREES:** RESOLVED, That the following honorary degrees, approved by the appropriate faculty body, the college president and recommended by the Chancellor, be presented at the commencement exercise as specified:

**COLLEGE**

**DEGREE**

**UNIVERSITY HONORARY DEGREE**

Joel I. Klein	Doctor of Humane Letters
(To be conferred at the Macaulay Honors College graduation ceremony on June 1, 2011)	

**BARUCH COLLEGE**

Ruth Ann Harnisch	Doctor of Humane Letters
William F. Harnisch	Doctor of Commercial Science
(To be conferred at the commencement ceremonies on June 1, 2011)	

**BROOKLYN COLLEGE**

Carol Cooperman Nadelson	Doctor of Science
(To be conferred at the Master’s commencement ceremony on June 1, 2011)	

Bernice Sandler	Doctor of Humane Letters
(To be conferred at the Baccalaureate commencement ceremony on June 2, 2011)	

**CITY COLLEGE**

Bert E. Brodsky	Doctor of Humane Letters
Anthony M. Johnson	Doctor of Science
Edward I. Koch	Doctor of Humane Letters
Bernard Spitzer	Doctor of Humane Letters
(To be conferred at the commencement ceremony on June 3, 2011)	

**GRADUATE SCHOOL AND UNIVERSITY CENTER**

Ina Caro	Doctor of Humane Letters
Robert Caro	Doctor of Humane Letters
John Harrison Streicker	Doctor of Humane Letters
(To be conferred at the commencement ceremony on May 27, 2011)	

**JOHN JAY COLLEGE**

Judith S. Kaye	Doctor of Laws
Tony Kushner	Doctor of Letters

