

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

**REVISED
CALENDAR**

NOVEMBER 28, 2011

NO. 1. CHANCELLOR'S UNIVERSITY REPORT: RESOLVED, That the Chancellor's University Report for November 28, 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 meetings and Executive Session of September 26, 2011 be approved.

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

A. THE CITY UNIVERSITY OF NEW YORK - FY 2012-2013 UNIVERSITY BUDGET REQUEST:

RESOLVED, That subject to the availability of resources, CUNY seeks a total of \$2.824 billion for the University. This total includes additional funding of \$102.5 million for baseline needs and \$91.9 million for programmatic increases. At the senior colleges, the total request is \$2.057 billion, a \$139.9 million increase over the 2011-2012 adjusted level. Of this amount, \$78.8 million is for baseline needs and \$61.1 million is for programmatic increases. At the community colleges the overall request is \$766.7 million, a \$54.6 million increase over the 2011-2012 adjusted level. Of this amount, \$23.8 million is for baseline needs and \$30.8 million is for programmatic increases. This request includes a \$300 annual tuition increase over current rates for all full-time undergraduate resident students, and a proportional increase in graduate, doctoral, non resident and per credit rates at both the senior and community colleges to fund programmatic needs.

2011-2012 appropriation levels of \$1.917 billion for the senior colleges and \$712.1 million for the community colleges and allocation to the various units of the university thereof reflect, per the authority vested in the Chancellery by the Board of Trustees, all budget adjustments reflected in the FY2011-2012 state enacted appropriation for the university.

EXPLANATION: With the 2012-2013 Budget Request, the University is proposing the continuation of its approach to the financing of its Master Plan for the education of CUNY students—The CUNY Compact. In CUNY's budget message, the University seeks to finance its ongoing obligations, including adjunct health insurance needs, with State and City funds and its investment program through a modest increase in public funding, continuing budget restructuring and efficiencies, philanthropy, revenues from enrollment growth and a \$300 annual increase in tuition for all undergraduate resident students. All other tuition rates will be increased proportionally. A portion of the revenues generated from the increased rates will be set aside for financial aid purposes. The University will continue to work with the State and City governments on the major economic challenges affecting all public higher education institutions.

The CUNY Investment Plan imbedded in the Compact offers an economically efficient way to finance CUNY by delineating shared responsibility among partners and creating opportunities to leverage funds. This year, the University's priorities are the hiring of more full-time faculty, and providing support for research, academic enhancements, and student services. The Investment Plan includes the following initiatives:

STUDENT FINANCIAL ASSISTANCE PROGRAM

The 2012-2013 Budget Request proposes to set aside \$5 million to establish a Student Financial Aid Initiative. This resource will be utilized by colleges to assist those students who will be placed at risk of continuing their matriculation due to higher tuition rates. In addition, this set aside will also be used to reduce the cost of textbooks for CUNY students. This Student Financial Aid Initiative will help students defray the proposed tuition increases and underscores our commitment that no student in need of financial assistance will be denied access to the University.

FULL TIME FACULTY

- CUNY's top priority continues to be the hiring of more full-time faculty. The University requests 400 positions next year to support its ongoing Cluster Hiring Initiative and to enhance high value programs that are poised for national prominence.
- Faculty renewal requires major investment each year because CUNY's student population continues to grow. CUNY has created hundreds of new faculty positions over the last few years, but still finds itself unable to keep up with the pace of enrollment growth. For the University to make progress toward its goal of building a full-time faculty large enough to teach 70% of instruction, we must increase the pace of faculty hiring.

NEW COMMUNITY COLLEGE

- CUNY's new community college, an effort to develop a new model for associate degree education, one designed to significantly improve timely degree attainment for community college students, continues to make impressive gains. The college is on track to enroll its inaugural class in August 2012. During the past year the college received approval by the New York State Education Department, the New York State Board of Regents, and the Governor. The University is requesting support for the first year of operation of the college, which will include all of the administrative, academic, enrollment management, and student services functions that characterize an excellent college.

ACCELERATED STUDIES IN ASSOCIATE PROGRAMS

- The Accelerated Studies in Associates Program (ASAP), conceived in early 2007, is designed to help motivated community college students earn their degrees as quickly as possible, with a goal of graduating at least 50% of students within three years. Key ASAP program features include a consolidated block schedule, cohorts by major, small class size, required full-time study and comprehensive advisement and career development services. Financial incentives include tuition waivers for financial aid eligible students and free use of textbooks and monthly Metrocards for all students. The University is planning a major expansion of ASAP over the next three years, with the goal of reaching an enrollment of more than 4,000 students by fall 2014. The initial cohort for ASAP, began in 2007 with 1,132 students across all CUNY community colleges, has experienced unprecedented success. After three years with ASAP, our fall 2007 cohort realized a graduation rate of 55%.

NURSING / HEALTH PROFESSIONS

- There are 450,000 healthcare jobs in New York City. Nationally, and in the City, many of the fastest growing occupations are projected to be in this sector of the economy. Quality healthcare is dependent on the availability of an educated and well-trained workforce, and CUNY's responsibility is to prepare a sufficient number of qualified personnel to meet the healthcare needs of NYC residents.

THE DECADE OF SCIENCE

- Under the umbrella of CUNY's Decade of Science initiative, the University has begun planning and/or construction of new science buildings at several campuses, renovated research and teaching laboratories to create first-class environments for high-end science, purchased new science equipment for research and teaching across the University, and hired new top-level research faculty. The goal of this initiative is to create a sophisticated research environment that will enable the University to attract and retain first-class research faculty and students.

STUDENT SERVICES

- To be successful at the University, students must develop a sense of competence and confidence in their abilities and preparation to do college work. Academic advisement is an essential component to the learning environment and contributes significantly to increasing retention rates. Support services are required to enable students with disabilities to participate in University-wide academic programs and this request seeks enhanced support for this population.

EDUCATIONAL TECHNOLOGY / CUNYfirst

- The importance of effective use of technology at the University cannot be underestimated and the challenges of using technology well cannot be overstated. The University needs to continue to aggressively address the issues of strategic planning and implementation with respect to educational technology, with the objective of providing the best possible instructional resource set to students and faculty. The CUNYfirst project and the complementary investments in new instructional technologies are critical components of CUNY's strategic goal of becoming the nation's leading public urban research university.

WORKFORCE DEVELOPMENT

- As the City comes out of a severe economic recession, many New Yorkers are in search of jobs and career opportunities. CUNY is helping those individuals to become more competitive in the labor market and is also assisting employers to find skilled workers. Workforce development programs at the University support individuals studying for degrees, industry licenses and certifications, as well as those who are improving their basic literacy or seeking to earn a GED. These programs also connect directly with employers to fill positions and upgrade workers' skills.

UPGRADING CUNY'S INFRASTRUCTURE

- Educational quality is directly impacted by the quality of the facilities in which education is provided. Students, faculty, and staff must be supported by a physical, technical, and natural environment that encourages intellectual growth and human interaction. The University is opening new buildings at three campuses next year and seeks funding to cover the expenses that will be needed to operate these new buildings, including technical and public safety staff, as well as equipment and maintenance costs.

B. THE CITY UNIVERSITY OF NEW YORK - REVISED TUITION SCHEDULE FOR DOCTOR OF PHYSICAL THERAPY PROGRAM:

RESOLVED, That The City University of New York adopt a revised schedule of tuition charges for students in the Doctor of Physical Therapy (DPT) Program at The Graduate Center effective with the Spring 2012 semester and as set forth below:

Current Rates**Resident**

Level One:
 Full-Time - \$3,670 per semester
 Part-Time - \$415 per credit
 Level Two: \$2,300 per semester
 Level Three: N/A

Non-Resident

Level One: \$715 per credit
 Level Two: \$5,110 per semester
 Level Three: N/A

Effective Spring 2012 Semester**Resident**

Level One:
 Full-Time - \$4,420 per semester
 Part-Time - \$505 per credit
 Level Two: \$3,050 per semester
 Level Three: N/A

Non-Resident

Level One: \$805 per credit
 Level Two: \$5,860 per semester
 Level Three: N/A

All students transition to a lower tuition rate, Level Two, after completing 45 credits in accordance with Graduate Center policy. All students are enrolled full time in this program until graduation. The Level Three tuition schedule is not used for this program.

EXPLANATION: The proposed tuition increase is necessary to strengthen the academic curriculum and services to students in the DPT Program. Current tuition is below all other doctor of physical therapy programs in New York State. The increased tuition revenue will be used solely for the support of the DPT Program and will be returned to the participating campuses of the DPT Program (Hunter College and the College of Staten) to enable them to provide direct support to the program including paying for laboratory expenses, increasing faculty to student ratios, development of and support for additional clinical sites, development of clinical scholars program, and enhancing specialized support for student research and learning experiences. The Graduate Center will continue to provide financial aid funding to assist eligible New York State residents to afford the increase in tuition. New York State Education Law Section 6206 allows the University to charge differential tuition rates as long as there is no differential among like degree programs. The only DPT Program at the University is the CUNY DPT Program.

C. THE CITY UNIVERSITY OF NEW YORK - REVISED TUITION SCHEDULE FOR DOCTOR OF NURSING SCIENCE PROGRAM:

RESOLVED, That The City University of New York adopt a revised schedule of tuition charges for students in the Doctor of Nursing Science Programs (DNS) within The Graduate Center effective with the Spring 2012 semester and as set forth below:

Current Rates**Full-time Resident**

Level One: \$3,670 per semester
 Level Two: \$2,300 per semester
 Level Three: \$910 per semester

Effective Spring 2012 Semester**Full-time Resident**

Level One: \$4,470 per semester
 Level Two: \$3,100 per semester
 Level Three: \$1,710 per semester

NB: Part-time tuition rates are not included since all DNS students are full time; non-resident tuition is not included since the number of non-residents in the program is minimal. However, if a non-resident student enrolls, the rate of \$100 per credit for full-time and part-time registration will be charged.

EXPLANATION: The proposed differential tuition for DNS students of \$800 per semester for full-time and \$95 per credit for part-time resident students and \$100 per credit for full-time and part-time non-resident students is necessary to strengthen the academic curriculum and services available to students in the DNS Program at The Graduate Center. The increased tuition will be used solely for the support of the DNS Program, which may include increased staffing to support student research and research practicum experiences, student recruitment, and enhancing all support for students. The increase in funding will be used to improve not only the quality of the educational programs but also the

level of student support services. New York State Education Law Section 6206 allows the University to charge differential tuition rates as long as there is no differential among like degree programs. The Graduate Center will continue to provide financial aid funding to assist eligible New York State residents to afford the increase in tuition. The only DNS Program at the University is the CUNY DNS Program at The Graduate Center.

D. THE CITY UNIVERSITY OF NEW YORK - REVISED TUITION SCHEDULE FOR THE DOCTOR OF AUDIOLOGY (AU.D.) DEGREE, THE GRADUATE CENTER OF CUNY:

RESOLVED, That The City University of New York adopt a revised schedule of tuition charges in the form of a tuition differential (TD) for the Doctor of Audiology Consortium Program (Au.D.) effective with the Spring 2012 semester as set forth in the schedule below:

Current Rates

In-State

Level One:
Full-Time – (7 or more credits) \$3,670/semester
Part-Time - \$415 per/credit
Level Two: Full-Time \$2,300/semester
Level Three: N/A

Out-of-State Residents

Level One: Full and Part-Time: \$715/credit
Level Two: Full-Time \$5,110/semester
Level Three: N/A

Effective Spring 2012 Semester

In-State

Level One:
Full-Time – (7 or more credits) \$3,670/semester (base) + \$880/semester (TD) = **\$4,550/semester**
Part-Time - \$415/credit (base tuition)+\$100/credit (TD) = **\$515/credit**
Level Two: Full-Time \$2,300/semester(base tuition)+\$550/semester (TD) = **\$2,850/semester**
Level Three: N/A

Out-of-State Residents

Level One: Full and Part-Time
\$715/credit(base)+\$170/credit (TD) = \$885/credit
Level Two: Full-Time
\$5,110/semester(base)+\$1,225/semester (TD) = \$6,335/semester
Level Three: N/A

EXPLANATION: The proposed differential tuition will be used to provide direct support to the Au.D. Program to partially offset costs including: those associated with purchase, calibration, and maintenance of audiologic testing equipment and consumable and non-consumable supplies for the Au.D. Program's on-site clinical facilities; hiring of essential support personnel for on-campus clinical facilities; professional development activities for students, faculty, clinical supervisors; and student recruitment and support, as mandated by the program's educational accreditation organization. The additional funds will enable the University to continue to meet these mandates and to remain competitive to applicants and faculty locally. The Graduate Center will continue to provide financial aid funding to assist eligible New York State residents to afford the increase in tuition. The Au.D. Program is one of 70 professional doctoral programs in Audiology which is accredited by the Committee on Academic Accreditation in Speech-Language Pathology and Audiology. New York State Education Law Section 6206 allows the University to charge differential tuition rates as long as there is no differential among like degree programs. Finally, the only Au.D. Program at the University is the CUNY Au.D. Consortium Program.

E. THE CITY UNIVERSITY OF NEW YORK - REVISED TUITION AND FINANCIAL AID SCHEDULE EFFECTIVE FALL 2012 THROUGH FALL 2015:

RESOLVED, That effective Fall 2012, the Board of Trustees of The City University of New York adopt a revised schedule of student tuition that includes a \$300 annual increase over current rates for all full-time undergraduate resident students, and a proportional increase in graduate, doctoral, non resident and per credit rates at both the senior and community colleges, as reflected below:

On a per semester basis, these include the following increases:

\$150 for full-time undergraduate resident students at senior colleges,
 \$150 for full-time undergraduate resident students at community colleges,
 \$335 for full-time law school resident students,
 \$240 for full-time master's resident students except for the following:
 \$355 for full-time masters in business administration resident students,
 \$280 for full-time masters in architecture resident students,
 \$280 for full-time masters in engineering resident students,
 \$265 for full-time masters in physical therapy resident students,
 \$315 for full-time masters in social work resident students,
 \$275 for full-time masters in public administration resident students
 \$215 for full-time doctoral resident students except for the following:
 \$315 for full-time doctor of nursing practice resident students,
 \$260 for full-time doctor of nursing science resident students,
 \$260 for full-time doctor of physical therapy resident students,
 \$265 for full-time doctor of audiology students.

And be it further

RESOLVED, That the Board of Trustees authorize the Chancellor to increase tuition by \$300 for undergraduate resident students at both the senior and community colleges as follows, and by corresponding proportional amounts for all other tuition categories, each year for the next three years, until 2015-2016. In each of the subsequent years, the University's Budget Request that will be submitted for approval to the Board of Trustees' Committee on Fiscal Affairs will include the annual tuition increase.

Undergraduate Resident Annual Tuition Rates

	FY2012	FY2013	FY2014	FY2015	FY2016
Senior Colleges	\$5,130	\$5,430	\$5,730	\$6,030	\$6,330
Community Colleges	\$3,900	\$4,200	\$4,500	\$4,800	\$5,100

RESOLVED, That the Board of Trustees authorize the Chancellor to make revisions to the City University Tuition and Fee Manual as may be necessary to implement this resolution and to report such revisions at the first regular meeting of the Board of Trustees following the action.

EXPLANATION: In June 2011, the State of New York enacted legislation authorizing CUNY to implement a rational tuition policy by increasing its tuition up to \$300 annually for five years (through fiscal year 2015-2016) for full-time undergraduate resident students, beginning with the fall 2011 semester. While overall senior college full-time equivalent enrollments have increased by 9.6% over the last four years, the University's operating budget sustained reductions totaling \$300 million during that same period. State base aid for the community colleges has been reduced over 20% over the last four years. Therefore, in order to maintain and further strengthen academic quality and student support services, the recommended increases are necessary. The new State legislation requires that a tuition credit be given to those students who are eligible for the State Tuition Assistance Program when the annual tuition exceeds \$5,000. A portion of the revenues generated from the increased rates will be set aside for financial aid purposes. Need based financial aid is but one aspect of the support available to undergraduates at CUNY colleges. An estimated \$770 million in combined need-based federal Pell grants and New York State Tuition Assistance Program awards went to some 170,000 City University of New York undergraduates during the past academic year keeping a college education within reach for a record number of CUNY's neediest students. TAP and Pell provided need-based funds that covered 100 percent of tuition costs last year for more than 90,000 CUNY students. Another 10,000 had at least half their tuition covered by TAP and Pell and were eligible for a federal tax credit covering the balance of their tuition. All told, 44 percent of CUNY undergraduates had their tuition fully covered. Preliminary figures for the current, 2011-12 year indicate at least \$763 million in Pell and TAP aid will go to CUNY undergraduates, with some 140,000 students projected to receive at least \$509 million in Pell grants and 100,450 to receive \$253.6 million in TAP. Additional sources of support and funding for CUNY students result from the efforts by the various colleges to raise private and

philanthropic dollars from generous alumni, foundations, friends and other supporters of public higher education in New York City. Under Governor Andrew Cuomo's recent budget legislation, approved by the New York State Legislature, CUNY's current funding level will be maintained for five years, supported by predictable tuition increases of up to \$300 a year. The state's TAP program also was enhanced, with a portion of the additional tuition revenue providing full tuition for needy students eligible for the full TAP grant. The enacted state legislation also includes a provision for CUNY and SUNY to conduct studies on the TAP program, which will provide the opportunity for recommendations to further improve student financial aid in New York State.

F. THE CITY UNIVERSITY OF NEW YORK - AMENDMENT TO THE 2011 INVESTMENT POLICY:

RESOLVED, That the Board of Trustees approve an amendment to the University's Investment Policy ["Policy"] adopted in May 2011, revising the Spending Policy [which is Exhibit B] as follows: to permit the Senior Vice Chancellor of Budget, Finance and Fiscal Policy to delegate authority to the Associate Vice Chancellor for Budget and Finance and the University Controller to make decisions regarding an expenditure above the applicable spending rate for non-endowed funds.

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 counsel, outside legal counsel, Skadden, Arps, Slate, Meagher & Flom LLP, and investment consultant, Cambridge Associates, reviewed CUNY's current Investment Policy-Appendix B, and has recommended certain amendments to permit a more efficient process of implementing Policy, as well as to further clarify the Policy in terms of compliance with NYPMIFA. A copy of the Amended Investment Policy will be 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 October 31 and October 24, respectively.

Appendix B Spending Policy

The City University of New York (CUNY) Portfolio is a pooled investment vehicle for multiple individual accounts that include both endowed and non-endowed funds. The Portfolio consists of funds received by CUNY for its general purposes, funds received by CUNY for the benefit of a specific CUNY College and funds belonging to one or more of the College Foundations that have chosen to invest in the Portfolio. CUNY's policies and procedures with respect to spending from the Portfolio shall comply with The New York Prudent Management of Institutional Funds Act (NYPMIFA).

1. Spending Decisions

A. CUNY Funds

"CUNY Funds" in the Portfolio consist of both endowed and non-endowed funds received by CUNY for its general purposes or for the benefit of a specific CUNY College. Decisions with respect to spending from CUNY Funds in the Portfolio shall be made by CUNY's Board of Trustees on recommendation from the CUNY Subcommittee on Investments (the "Subcommittee").

In making any recommendation or decision to appropriate funds from a CUNY Fund for expenditure, or to accumulate funds in a CUNY Fund, the Subcommittee and Board must act in good faith with the care that an ordinarily prudent person in a like position would exercise under similar circumstances and must consider, if relevant, each of the following factors:

- The duration and preservation of that fund;
- The purpose of CUNY and that fund;
- General economic conditions;
- The possible effect of inflation and deflation;

- The expected total return from income and appreciation of investments;
- Other resources of CUNY;
- Where appropriate, alternatives to spending from that fund and the possible effects of those alternatives on CUNY; and
- The principles and policies set forth in this Investment Policy.

NYPMIFA contemplates that decisions to appropriate endowed funds are to be made on a fund-by-fund basis and requires that appropriations from an endowed fund be made in accordance with any specific directives on spending that the donor, in the gift instrument or pursuant to the notice provision of NYPMIFA, has imposed. To ensure compliance with NYPMIFA, CUNY Funds in the Portfolio may be categorized into groups of similarly situated funds for the purpose of allowing the Subcommittee, in accordance with the prudence standard set forth in this Subsection 1A, to make a recommendation to the Board as to the appropriate spending rate that should be applied to each such group of similarly situated funds. For this purpose, CUNY Funds generally will be classified by purpose into the following categories of similarly situated funds: (i) scholarship and fellowship; (ii) academic support; (iii) institutional support; and (iv) instruction. CUNY Funds also may be categorized for this purpose based on spending restrictions imposed by donors in the gift instruments or pursuant to the notice provision of NYPMIFA. The Board, in accordance with the prudence standard set forth in this Subsection 1A, then shall make a decision as to the appropriate spending rate that shall be applied to each such group of similarly situated funds. As part of its deliberations, the Subcommittee periodically shall review the categories of similarly situated funds and the composition of each such group to ensure that such funds are properly classified.

Specific donor directives on spending may preclude classification of a CUNY Fund into any category of similarly situated funds. When making an appropriation recommendation or decision from such a CUNY Fund, the Subcommittee and Board of Trustees shall consider such CUNY Fund separately and appropriations from such Fund will be made in accordance with any specific directives on spending that the donor has imposed.

In order to preserve and enhance the purchasing power of the Portfolio for the benefit of future generations of students, CUNY does not distinguish between endowed and non-endowed CUNY Funds when making appropriation decisions in accordance with the prudence standard set forth above. Given the Portfolio's multiple participants with varying financial needs, the Senior Vice Chancellor of Budget, Finance and Fiscal Policy or his designee may exercise discretion, should special circumstances warrant, in applying the applicable spending rate determined for a non-endowed fund in accordance with the process set forth above, and may authorize an expenditure above the applicable spending rate. The Senior Vice Chancellor of Budget, Finance and Fiscal Policy may designate one or more members of CUNY Management and Staff to serve as a designee for this purpose and any such decision by a designee shall be reported to the Senior Vice Chancellor of Budget, Finance and Fiscal Policy.

In order to preserve the long-term value of the Portfolio, it has been CUNY's practice to keep spending from the Portfolio each year at or below 5% of the Portfolio's average market value. The 5% is determined based on the average market value of the Portfolio for at least the immediately preceding twenty quarters. While the decision to appropriate from a CUNY Fund must be made with due consideration to the above eight factors, the Board and Subcommittee each also will consider this spending guideline, to the extent possible and prudent, when carrying out its responsibilities with respect to determining annual endowment spending.

Decisions to appropriate funds for expenditure from the Portfolio generally will be made by the Subcommittee and the Board on an annual basis at one of the spring meetings of the Subcommittee and Board held prior to the beginning of the new fiscal year on July 1st. The spending rate determined by the Board for each group of similarly situated funds shall apply to all funds in such group during the relevant fiscal year, whether such funds are held by CUNY at the time the appropriation decision is made or received by CUNY subsequent to such decision. At any time during the fiscal year, the Board may meet to reconsider and, if so determined, alter such spending rate decisions.

B. College Foundation Funds

Certain funds in the CUNY Portfolio belong to College Foundations that have chosen to co-invest with the Portfolio for reasons of cost, expertise and efficiency. College Foundation funds invested in the Portfolio are not owned by CUNY and decisions with respect to spending from such College Foundation funds must be made by the Board of Directors of the respective College Foundation. Policies and procedures with respect to requesting annual distributions from the Portfolio shall be set forth in the Memorandum of Understanding between CUNY and the College Foundation.

In order to preserve the long-term value of the funds it has invested in the Portfolio, each College Foundation, in their spending deliberations, will consider, to the extent possible and prudent, the 5% spending guideline for the Portfolio expressed in Subsection 1A above.

2. Minutes of Spending Deliberations

Both Board and Subcommittee deliberations with respect to spending from the Portfolio shall be recorded in the minutes of the Board and Subcommittee meetings at which such decisions are made. The record of any recommendation or decision to appropriate endowment funds for expenditure shall describe the consideration that the Subcommittee or Board gave to each of the eight factors listed in Subsection 1A of this Spending Policy.

G. (ADDED ITEM) 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 a contract on behalf of the University to purchase unarmed security guard 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. The contract shall be available for use by the constituent colleges, and the total estimated annual cost shall not exceed \$15,000,000, chargeable to the appropriate colleges' FAS codes. The contract term shall be five (5) years, from January 2012 through December 2017. The contract shall be subject to approval as to form by the University Office of General Counsel.

EXPLANATION: The University will use these unarmed security guard services to safeguard CUNY students, faculty, and staff.

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

A. THE CITY UNIVERSITY OF NEW YORK - INTERNATIONAL AND DOMESTIC TRAVEL GUIDELINES FOR SAFETY AND RISK MANAGEMENT:

RESOLVED, That the Office of Academic Affairs; Office of Environmental, Health, Safety, and Risk Management; and Office of the General Counsel, on behalf of the Board of Trustees, issue International Travel Guidelines for Safety and Risk Management and Domestic Travel Guidelines for Safety and Risk Management for The City University of New York.

EXPLANATION: As part of its educational offerings, The City University of New York fosters opportunities for students to participate in off-campus domestic and international trips and programs that provide valuable learning experiences. The travel guidelines are designed to ensure the safety of CUNY students on CUNY-sponsored domestic or international trips.

The Guidelines provide requirements and procedures for program development and implementation, campus approval, program director responsibilities, expectations for participant behavior, insurance coverage, and communication in the event of an emergency. The Guidelines also include template forms for program proposals, campus notification, participant consent, emergency contact information, and other resources for program directors and participants.

The proposed Domestic Guidelines apply to any academic credit-bearing or non-credit-bearing CUNY-sponsored trip within the 50 states of the United States, with the exception of local trips within the five boroughs of New York City that utilize public transportation only and do not include high-risk activities. The proposed International Guidelines apply to any academic credit-bearing or non-credit-bearing CUNY-sponsored trip outside the 50 states of the United States. Separate procedures apply to students traveling independently for related academic work as set forth in the International Guidelines.

As best practices for the implementation and oversight of travel programs evolve, the offices that created the guidelines anticipate reviewing them on a regular basis and revising them as needed.

B. COLLEGE OF STATEN ISLAND - LETTER OF INTENT FOR THE DOCTOR OF NURSING PRACTICE PROGRAM:

RESOLVED, That the letter of intent for a proposed program in Nursing Practice leading to the Doctoral degree (DNP) to be offered at The College of Staten Island be approved, effective November 29, 2011, subject to financial ability.

EXPLANATION: as per customary practice, new doctoral programs are presented to the Board twice: at the Letter of Intent Stage and subsequently at the full proposal stage. The proposed program is designed to prepare advanced practice nurses who can provide evidenced-based cost effective high quality care for persons from a wide range of cultural backgrounds, translating research into clinical practice. The curriculum will include diagnosis and treatment of illness or health conditions, advocacy for underserved and culturally diverse individuals and groups, decision making related to personal health, constraining health care costs while maintaining quality of care, health informatics, health education, counseling, coordination of services, and evaluation of treatment outcomes.

A clinical doctoral degree in nursing meets the need of a growing number of nurses who want to excel in practice and it represents the Department of Nursing's efforts to meet the anticipated requirement by our accrediting organization, American Association of Colleges of Nursing (AACN), to make the DNP a requirement for entry to practice for advanced practice nursing. In addition, the proposed DNP program is expected to fulfill a strong local, regional, and national need for doctorally prepared advanced practice nurses who can help fill the anticipated shortage of primary care physicians (Mechanic, 2009).

C. QUEENSBOROUGH COMMUNITY COLLEGE/YORK COLLEGE - AS/BS IN CHEMISTRY/PHARMACEUTICAL SCIENCES:

RESOLVED, That the program in Chemistry/Pharmaceutical Sciences leading to the Associate of Science/Bachelor of Science at Queensborough Community College/York College be approved effective November 29, 2011 subject to financial ability.

EXPLANATION: The proposed dual/joint AS/BS degree program in Chemistry at Queensborough Community College (QCC) and Pharmaceutical Sciences at York College is a 2+2 partnership that will allow QCC students to transfer seamlessly to York on completion of the associate's degree. The QCC curriculum will consist of the foundation courses in the sciences and mathematics complemented by a strong general education curriculum. At York students will focus predominantly on pharmacology and advanced chemistry courses. Chemical industries represent a significant portion of the economy in the greater New York area. Thus, the geographical proximity of the two colleges, as well as that of the graduates' prospective employers offers an additional incentive to QCC students.

D. BOROUGH OF MANHATTAN COMMUNITY COLLEGE - AA IN COMMUNICATION STUDIES:

RESOLVED, That the program in Communication Studies leading to the Associate of Arts degree at Borough of Manhattan Community College be approved effective November 30, subject to financial ability.

EXPLANATION: The proposed program in Communication Studies at BMCC will provide students interested in the liberal arts with a curriculum designed to provide them with skills for direct employment in fields such as advertising, corporate communications, and human resources, as well as one that will easily transfer to a senior college.

Coursework in conflict resolution, as well as intercultural, interpersonal, and mass communication, will be complemented by electives in public speaking, business communication and management. The college has established articulation agreements with Brooklyn College and the School of Professional Studies, appealing to both its traditional and non-traditional populations.

NO. 5. COMMITTEE ON FACULTY, STAFF, AND ADMINISTRATION: RESOLVED, That the following items be approved:

A. THE CITY UNIVERSITY OF NEW YORK - AMENDMENTS TO THE BYLAWS OF THE BOARD OF TRUSTEES:

RESOLVED, That the Bylaws of the Board of Trustees be amended, as explained below; and be it further

RESOLVED, That the Board of Trustees waive the requirement in Section 5.1 of Article V that amendments to the Bylaws be proposed at a meeting preceding the meeting at which a vote is taken to permit a vote at this meeting in connection with the amendments to the following Sections of the Bylaws: 3.2, 6.1, 6.6, 8.2, 8.12, 9.1, 11.1, 11.2, 11.7, 11.9, 11.36, 11.37, 11.43, 11.47-11.55, 12.2, 15.2, 15.3, 15.5, 15.6, Definitions

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. In addition, there are several substantive changes for the reasons noted below, as well as the addition of definitions. 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 I - 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 II - 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 III - 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. Section 3.2 has also been amended to make its provisions concerning the Executive Committee consistent with Education Law § 226, subdivision 2.

Article IV -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 VI - Instructional Staff. Article VI has been amended as follows:

- Section 6.1 has been amended to add and delete instructional staff titles to conform to the titles currently being used by the University as well as adding the new titles Chancellor Emeritus, Graduate Assistant D, Adjunct Lecturer (Doctoral Student), Non-teaching Adjunct (Doctoral Student) and Affiliated Professional. The title Chancellor Emeritus was created to enable the Board, in its discretion, to appoint a departing Chancellor to five-year ECP appointment, just as departing Presidents may be appointed to the position University Professor. The title Graduate Assistant “D” is designed to give the Graduate Center another employment option for graduate students eligible for health insurance under the New York State Health Insurance Program (NYSHIP), in order to maximize doctoral student aid. The titles Adjunct Lecturer (Doctoral Student) and Non-teaching Adjunct (Doctoral Student) are titles available only to CUNY doctoral students who are assigned to teach part-time or perform related duties on a part-time basis and who are eligible for health insurance coverage under NYSHIP. The title Affiliated Professional was created to enable the University to establish a formal relationship with individuals who are engaged in professional activities within the University (such as a faculty member under an exchange program who is being paid by his/her home institution), but are not properly in other titles.
- 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 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 6.6(f) has been amended to make clear that appointments and reappointments to full-time instructional staff positions (rather than all instructional staff positions) are final when approved by the Board.
- 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. Until these Bylaw provisions are incorporated into the University’s retrenchment guidelines, they will remain in effect.

Article VII - Academic Due Process. Article VII 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 VII 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 VII, 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 Chancellor or his/her designee. Until such disciplinary procedures are adopted by the Chancellor or his/her designee, this article shall continue to apply. The revised bylaw also states that, in the event no collective bargaining agreement is in effect, the provisions of Education Law § 6212, subdivision 9 will apply in the case of tenured faculty.

Article VIII - Organization and Duties of the Faculty. Article VIII has been amended as follows:

- Article VIII 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 8.2 has also been amended to provide that Distinguished Lecturers and Clinical Professors will have faculty status, and to delete the requirement that Instructors and Lecturers not obtain faculty status until their third year.
- Section 8.7 has been amended to make the section on Faculty/Academic Councils generally applicable to all units of the University and to clarify the composition of the committee on faculty personnel and budget.
- Sections 8.9 and 8.11, relating to college committees on faculty personnel and budget, have been amended to delete college-specific language, to conform the provision regarding the membership of faculty personnel and budget committees to current practice, 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 and that a negative recommendation is final unless the employee files a successful appeal.

Article IX - Organization and Duties of Faculty Departments. Article IX has been amended as follows:

- 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, for good cause, at the written request of a majority of the members of such committee, with the challenged member having an opportunity to respond.
- 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.
- 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 that provision, together with those set forth in University policies. The former version of this Bylaw did not include all the relevant University criteria for evaluating candidates for tenure.
- Section 9.5, relating to Duties of Executive Officer in the Graduate School and University Center, has been eliminated, as that topic is addressed in the Graduate School’s governance plan.
- Section 9.6, relating to recruitment, has been deleted as unnecessary.

- Section Sections 9.7 (a) and (b) have been amended to make clear that the appointment process therein is for full-time appointments, and does not apply to adjunct appointments.
- Section 9.8 has been reorganized to read more clearly, and to make clear that faculty members cannot vote on their own promotion.
- Section 9.10 has been deleted, as instructional staff grievances are governed by the PSC-CUNY collective bargaining agreement.

Article XI - Duties and Qualifications of the Administrative Officers and Members of the Instructional Staff.

Article XI of the Bylaws has been amended as follows:

- Article XI 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 XI has been amended to remove the descriptions for all titles other than those of Chancellor, Senior University Staff and President. Accordingly, Sections 11.5 through 11.7, 11.9 through 11.55, which contained the other position descriptions, have been deleted.
- Section 11.1 now provides that the minimum qualifications and duties for all other titles in the instructional staff shall be established by the Chancellor or his/her designee, except that any revisions to title descriptions for faculty rank titles shall be approved by the Board of Trustees as a policy item (until the Chancellor or his/her designee establishes such title descriptions, the descriptions these bylaw descriptions will remain in effect.) Section 11.1 further provides that the Chancellor or his designee shall establish procedures for waiving the minimum qualifications for instructional staff positions, except for faculty rank titles as to which waivers must be approved by the Board of Trustees. Section 11.1 has also been amended to provide that all title descriptions shall be deemed board policies solely for purposes of the collective bargaining agreement between the university and the union representing the instructional staff, and solely for the purpose of preserving the union's right to grieve that an instructional staff member is being assigned duties substantially different from those stated in his/her job description.
- Section 11.2 has been amended to give the Chancellor the duty to recommend directly to the board the underlying academic appointment, with tenure, of any president, notwithstanding any other provisions in these Bylaws. The reason for this is to provide the Chancellor with the authority, in connection with the negotiations relating to the appointment of a president, to be able to include an academic appointment as part of the offer.

Article XII - Salary Schedule Conditions. Article XII has been updated to reflect current practice. Section 12.2 has been amended to give the Chancellor (rather than the Board of Trustees) the authority to authorize compensation beyond salary paid to any staff member from enterprises connected with a college or the university, unless that compensation is being paid to the Chancellor, in which case it must be approved by the Board. Sections 12.4 and 12.5 have been deleted as unnecessary.

Article XIII - Leaves. Article XIII has been substantially shortened by deleting provisions that are contained in the PSC-CUNY collective bargaining agreement or are inconsistent with University practice.

Article XIV - The Non-Instructional Staff. Article XIV 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 XV - Students. Article XV 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 chief student affairs officer, rather than a fact-finding hearing under Section 15.3. Under the revised procedure the chief student affairs officer will report his/her results and a recommendation for action to the student government, which shall take appropriate action, and either the complainant or the student organization may appeal the action to the president. Section 15.2(d) has been amended to provide for an appeal from the student elections review committee to the college president.
- 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; (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; and (4) Section 15.5 has been amended to provide that the Chairperson of the Faculty-Student Disciplinary Committee shall be a faculty member, and that a quorum must include one student member; (5) 15.6 has been amended to provide that, if a student is suspended because of emergency or extraordinary circumstances, the college has ten business days (rather than seven school days) to hold a hearing.

Article XVII - Definitions. Article XVII has been added to provide definitions for the key terms in these Bylaws.

As a result of extensive review and consultations since notice was provided concerning amendments to the bylaws in the minutes of the meetings of the Board of Trustees for May 2, 2011, June 27, 2011 and September 26, 2011, additional changes have been made. Accordingly, the Board is being requested to waive notice as to those changes in order to bring this process of revision to conclusion at this meeting.

B. THE CITY UNIVERSITY OF NEW YORK - PROPOSED REVISIONS TO THE "GUIDELINES AND PROCEDURES FOR DISCONTINUANCE OF INSTRUCTIONAL STAFF PERSONNEL MANDATED BY FINANCIAL EXIGENCY":

RESOLVED, That the proposed amendments to the "Guidelines and Procedures for Discontinuance of Instructional Staff Personnel Mandated by Financial Exigency," as set forth in the attached document, be approved.

EXPLANATION: At its November 28, 2011 meeting, the University's Board of Trustees will be presented with revised *Bylaws* for adoption. Among the Articles being deleted from the *Bylaws* are provisions relating to retrenchment of instructional staff. These provisions are being incorporated, as Board of Trustees' policy, into the "Guidelines and Procedures for Discontinuance of Instructional Staff Mandated by Financial Exigency" ("Guidelines"), as follows:

<u>Old <i>Bylaw</i> Provision</u>	<u>New "Guidelines" Provision</u>
6.9.a.	4.3.5.2
6.9.b.	4.3.5.3
6.12.a.	4.3.4.2
6.12.b.	4.3.4.3
6.10	7.1
6.11	7.3
6.13	7.2
6.14	7.4

These are the major changes to the "Guidelines." Other, minor changes include the following:

- The Guidelines were reformatted into a different outline style. Other stylistic changes were made.
- In the Introduction, the word "also" has been added to the second sentence of the fourth paragraph to make it clear that the paragraph is addressing two different scenarios.
- In the first footnote, the list of units within the University has been updated.
- In the third footnote, the reference to the Deputy Chancellor has been changed to Executive Vice Chancellor and Chief Operating Officer.
- In Section 3, references to the Board's commitment to non-discrimination and affirmative action have been updated.
- In Section 4.8, the Section title has been amended to refer to Graduate Assistants generically.
- In Section 6.2, the language regarding the special retrenchment review committee for Central Office personnel has been updated.
- In Sections 7.3.1.3 and 7.4.1.3, obsolete references to the appointment date of faculty as "normally September 1," have been deleted.
- In Section 7.3.3.10, the reference to the "Office of Faculty and Staff Relations" has been changed to the "Office of Human Resources Management."
- Old Section VIII.C, which stated that there are no special preferences during retrenchment for veterans, volunteer firemen, or employees with disabilities, has been deleted: No change in policy is intended.
- References to the *Bylaw* provisions have been deleted in those instances where those *Bylaw* provisions have been incorporated into the Guidelines.

C. THE CITY UNIVERSITY OF NEW YORK - NAMING OF THE HELENA RUBINSTEIN CONTINUING EDUCATION SCHOLARSHIP FUND FOR CAREER ADVANCEMENT:

RESOLVED, That the Board of Trustees of The City University of New York approve the naming of "The Helena Rubinstein Continuing Education Scholarship Fund for Career Advancement."

EXPLANATION: The Helena Rubinstein Foundation (the "Foundation") was established in 1953 by Ms. Rubinstein, who left Poland in 1889 and went on to build an international cosmetics empire that made her one of the world's most successful businesswomen. The Foundation, which is closing its doors after nearly 60 years of grant-making, was dedicated to Ms. Rubinstein's vision of improving the quality of life of women and their children. Convinced that education was vital to career development, Ms. Rubinstein made scholarship grants to encourage young women to undertake higher education and to pursue nontraditional careers. The Foundation later broadened its giving to other areas including the arts, community service and health.

Since 2008, the Helena Rubinstein Foundation has supported scholarships for continuing education students at CUNY colleges who are seeking career advancement through yearly grants to the University. As the Foundation undergoes dissolution and final distribution of its assets, it has chosen to make a one million dollar gift to CUNY to endow this scholarship fund. In recognition of this generous gift, the University will name the fund "The Helena Rubenstein Continuing Education Scholarship Fund for Career Advancement."

D. KINGSBOROUGH COMMUNITY COLLEGE - PROPOSED AMENDMENTS TO THE GOVERNANCE PLAN:

RESOLVED, That the proposed amendments to the Governance Plan of Kingsborough Community College be adopted, effective December 1, 2011.

EXPLANATION: The proposed amendments to the Governance Plan (“the Plan”) of Kingsborough Community College (“KCC”) are recommended by the College President and were adopted by the College Council on November 23, 2010.

The proposed changes would extend representation on the College Council to currently underrepresented constituencies – adjunct faculty members and retired faculty members. KCC benefits from an experienced cadre of adjunct faculty who attend departmental meetings, avail themselves of faculty development activities and participate in college activities of all kinds. This proposed change in KCC’s Constitution would acknowledge the contributions of adjunct faculty by adding two additional adjunct faculty members to the College Council. Similarly, the College benefits from retired faculty members who continue to show active interest in college concerns and interests. The revised Plan would add one retired faculty member to the College Council.

E. JOHN JAY COLLEGE OF CRIMINAL JUSTICE - NAMING OF THE ELIZABETH AND ARTHUR J. MIRANTE II FACULTY DINING TERRACE:

RESOLVED, That the Board of Trustees of The City University of New York approve the naming of the faculty dining terrace on the outdoor commons of the new building at John Jay College of Criminal Justice as the “Elizabeth and Arthur J. Mirante II Faculty Dining Terrace.”

EXPLANATION: Arthur J. Mirante II has been a member of the John Jay College Foundation Board, Inc. (“John Jay Foundation”) since 2006, and currently serves as chairman of the development committee, a member of the executive committee, and as a co-chair of the capital campaign committee. Over the last five years, Mr. Mirante and his wife, Elizabeth, have been among the College’s most ardent supporters, serving as co-chairs of the annual Educating for Justice Gala.

Mr. and Mrs. Mirante have further supported the College with a commitment of \$250,000 to the John Jay Foundation. One-hundred fifty thousand dollars of their gift will establish an endowment fund to support the Vera Fellows Program. This permanently restricted gift will help to ensure that this program – a unique internship and academic experience for outstanding undergraduate students at John Jay College who have a demonstrated commitment to social justice and public service – will be available to talented John Jay students for years to come. The College therefore recommends naming the new faculty dining terrace in honor of Elizabeth and Arthur J. Mirante II.

F. QUEENS COLLEGE - NAMING OF THE BARRY S. AND EVELYN M. STRAUCH SCHOLARSHIP ENDOWMENT AND THE BARRY S. AND EVELYN M. STRAUCH CLASSROOM:

RESOLVED, That the Board of Trustees of the City University of New York approve the naming of “The Barry S. and Evelyn M. Strauch Scholarship Endowment” and “The Barry S. and Evelyn M. Strauch Classroom” in Powdermaker Hall at Queens College.

EXPLANATION: The Barry S. and Evelyn M. Strauch Foundation has pledged \$129,260 to The Queens College Foundation to fund a scholarship in honor of the 50th anniversary of Evelyn Springer Strauch’s graduation from Queens College. Ms. Strauch is a child of Holocaust survivors and a post-World War II immigrant. This scholarship will provide tuition for an immigrant or first-generation American student pursuing undergraduate studies at Queens College. In recognition of this gift, the College recommends the naming of the scholarship endowment fund and Classroom 351 in Powdermaker Hall at the College in honor of Barry S. and Evelyn M. Strauch.

G. CUNY SCHOOL OF LAW - NAMING OF THE HAMILL FAMILY CLINIC CONFERENCE ROOM:

RESOLVED, That the Board of Trustees of The City University of New York approve the naming of “The Hamill Family Clinic Conference Room” at the CUNY School of Law.

EXPLANATION: In 2011, Thomas Hamill and his spouse, The Honorable Bryanne Hamill, an alumna of CUNY School of Law, donated \$100,000 to the CUNY School of Law Foundation to establish The Hamill Family Endowed Fellowship. The fund will provide summer fellowships to outstanding students of CUNY's School of Law who pursue summer internships in the area of children's rights, working with or on behalf of New York City children or youth who are at risk or in State custody.

In recognition of the Hamill's generosity, the Law School therefore recommends naming the conference room located on the southwest corner of the fifth floor at 2 Court Square in Long Island City as "The Hamill Family Clinic Conference Room."

H. CUNY SCHOOL OF LAW - NAMING OF THE SOLOMON SLATKIN CLASSROOM:

RESOLVED, That The Board of Trustees of The City University of New York approve the naming of "The Solomon Slatkin Classroom" at the CUNY School of Law.

EXPLANATION: In 2011, an anonymous alumna donated \$100,000 to the CUNY School of Law Foundation in honor of her late grandfather, Solomon Slatkin. Funds from this donation will support summer fellowships for students at CUNY School of Law.

In recognition of this gift, the Law School therefore recommends naming the 24-seat seminar classroom located at the northeast corner of the fifth floor at 2 Court Square as "The Solomon Slatkin Classroom."

I. THE CITY COLLEGE OF NEW YORK - NAMING OF THE ANNA AND IRVING BRODSKY CLINICAL CHAIR:

RESOLVED, That the Board of Trustees of The City University of New York approve the naming of an endowed chair at The City College of New York as "The Anna and Irving Brodsky Clinical Chair."

EXPLANATION: Bert E. Brodsky is a 1964 economics graduate of The City College of New York, and also holds an honorary Doctor of Humane Letters degree from the College. In 2011 Mr. Brodsky pledged \$1,000,000 to endow the College's first clinical chair at the Sophie Davis School of Biomedical Education, in response to a 1:2 challenge made by Alan Davis through a gift of \$500,000 to the City College 21st Century Foundation.

Mr. Davis is the son of Leonard and Sophie Davis, the philanthropists for whom the Sophie Davis School of Biomedical Education was named, and steward of the Davis family's investments at CCNY. The purpose of Mr. Davis' challenge was to increase Sophie Davis' clinical offerings, a critical addition to its students' medical training.

As a result of Mr. Brodsky's pledge, City College was able to recruit a talented professional to integrate Sophie Davis' clinical and basic science curricular content. In recognition of his pledge, and in accordance with the agreement made with Mr. Davis, the College requests that an endowed chair be named "The Anna and Irving Brodsky Clinical Chair" in honor of Mr. Brodsky's parents.

NO. 6. COMMITTEE ON STUDENT AFFAIRS AND SPECIAL PROGRAMS: RESOLVED, That the following item be approved:

A. THE CITY UNIVERSITY OF NEW YORK - POLICY ON CHILD-CARE SERVICES:

RESOLVED, That the Board of Trustees of The City University of New York hereby affirms that the primary purpose of each child care center operating on a CUNY college campus, either as part of the college or as a separate entity, is to provide services to the dependent children of registered, matriculated college students; and be it further

RESOLVED, That if the need for child care services by registered, matriculated college students is being met, and to the extent that space and funding permit, a child care center operating on a CUNY college campus may also provide

child care services to non-matriculated part-time college students, subject to the review and approval of the Vice Chancellor for Student Affairs or his or her designee; and be it further

RESOLVED, That if the need for child care given by registered matriculated and non-matriculated students is being met and to the extent that space and funding permit, a child care center operating on a CUNY college campus may also provide child care services to faculty and staff where the charges for faculty and staff children are set at market rates and subject to the review and approval of the Vice Chancellor for Student Affairs or his or her designee; and be it further

RESOLVED, That if the need for child care given to registered matriculated and non-matriculated students and faculty and staff is being met and to the extent that space and funding permit, a child care center operating on a CUNY college campus may also provide child care services to community members where the charges for community members are set at market rates and subject to the review and approval of the Vice Chancellor for Student Affairs or his or her designee.

EXPLANATION: A number of CUNY colleges desire to expand child care services to children of non-matriculated students, to college faculty and staff and community members. The Board of Trustees resolutions that authorized the organization of some of the colleges' child care centers addressed only service to children of matriculated students, and not service to others. The purpose of this resolution is to clarify and detail the University's position that although the primary purpose of child care centers operating on a CUNY college campus is to serve dependent children of registered, matriculated college students, centers may serve the children of the college's non-matriculated part-time students, as well as the children of the college's faculty and staff and community members, so long as the needs of the dependent children of the college's registered, matriculated students are being met, and to the extent space and funding permit. Any college that wishes to expand services to include children of registered, non-matriculated students, faculty or staff, shall submit a proposal to the Office of the Vice Chancellor for Student Affairs for review and approval. Guidelines regarding expansion will be developed and distributed by that Office.

NO. 7. COMMITTEE ON FACILITIES PLANNING AND MANAGEMENT: RESOLVED, That the following items be approved:

A. THE CITY UNIVERSITY OF NEW YORK - LEASE RENEWAL AGREEMENT AT 25 CHAPEL STREET, BROOKLYN, NY, ON BEHALF OF THE NEW YORK CITY COLLEGE OF TECHNOLOGY:

RESOLVED, That the Board of Trustees of The City University of New York authorizes the General Counsel to execute a fifteen-year lease renewal, for approximately 49,800 rentable square feet of space, at 25 Chapel Street, Brooklyn, New York, on behalf of the New York City College of Technology. The lease renewal shall be subject to approval as to form by the University Office of General Counsel.

EXPLANATION: The New York City College of Technology has occupied classroom and office space at 25 Chapel Street in Brooklyn since 2002 pursuant to a lease that will expire in May 2012. Under the existing lease the current base rent is \$37.00/SF.

The main terms of the proposed lease renewal are as follows:

Term: Fifteen years to start upon the termination of the existing lease.

Area: 49,800/SF

Annual Base Rent:

First Five Year Period: Not to exceed: \$1,792,800 (\$36.00/RSF) per annum.

Second Five Year Period: Not to exceed: \$1,892,400 (\$38.00/RSF) per annum.

Third Five Year Period: Not to exceed: \$1,992,000 (\$40.00/RSF) per annum.

The Landlord at Landlord cost shall perform certain improvements to the space specified by the University. The Landlord will be responsible for exterior, structural and roof repairs. The University will be responsible for the cleaning and increases in real estate taxes over base year 2012/13.

B. THE CITY UNIVERSITY OF NEW YORK - LEASE AGREEMENT AT 119 WEST 31st STREET, NY, ON BEHALF OF THE CUNY SCHOOL OF PROFESSIONAL STUDIES:

RESOLVED, That the Board of Trustees of The City University of New York authorizes the General Counsel to execute a new fifteen-year lease, for approximately 70,000 rentable square feet of space, at 119 West 31st Street, New York, New York, on behalf of the CUNY School of Professional Studies. The lease shall be subject to approval as to form by the University Office of General Counsel.

EXPLANATION: The proposed new leased site at 119 West 31st Street will house the CUNY School of Professional Studies (SPS). SPS currently operates out of scattered facilities in Manhattan. The new site will allow SPS to operate out of one centrally located facility that will provide adequate space for its academic and administrative needs.

The main terms of the proposed lease are as follows:

Term: Fifteen years to start upon completion of landlord's work.

Area: Up to 70,000/RSF of space on three contiguous floors

Annual Base Rent:

First Five Year Period: Not to exceed: \$2,660,000 (\$38.00/RSF) per annum.

Second Five Year Period: Not to exceed: \$2,800,000 (\$40.00/RSF) per annum.

Third Five Year Period: Not to exceed: \$2,940,000 (\$42.00/RSF) per annum.

In lieu of operating escalations, the base rent will escalate at 2.5% per annum. The Landlord will construct the space to the University's specifications. The Landlord will provide certain services to the space including base cleaning and maintenance of the building's mechanical, electrical and plumbing systems. The University will pay its own electric costs and reimburse the landlord for proportional increases in applicable real estate taxes.

C. THE CITY UNIVERSITY OF NEW YORK - HUNTER COLLEGE STUDENT HOUSING AT 1760 THIRD AVENUE:

RESOLVED, That the Board of Trustees of the City University of New York authorizes the General Counsel to execute a 10-year contractual agreement (and related documents) on behalf of the University and Hunter College, with 1760 Realty Owner LLC for use of approximately 40 furnished apartments containing 99 beds in a student housing facility located at 1760 Third Avenue on the Upper East Side in New York City. The agreement shall be subject to approval as to form by the Office of the General Counsel.

EXPLANATION: As the student population grows at Hunter College, demand for housing has expanded beyond the capacity of the College's 600-bed dormitory facility at its Brookdale Campus. In the past, students rented units individually at 1760 Third Avenue. In Spring 2011, Hunter College was approached by The Chetrit Group (which is affiliated with the owner of the building) about renting a block of rooms (containing a mix of double and triple occupancy rooms) in the dormitory facility at 1760 Third Avenue for use by Hunter College and other CUNY students. The College was able to secure an initial rate of \$1,188,000, with increases of 2% each year, on a contractual commitment to rent a minimum of 40 apartments. This allows the College to set student pricing at initial monthly rates of approximately \$1,000-\$1,500, depending on room type. In addition, the College has identified various loan funds that are available to qualified students in the amount of \$1,000 per academic year in order to help pay for College housing.

In each room, the landlord will provide electricity, hot and cold water, furnishings (including a TV, cable and internet service), a microwave oven, a refrigerator and a bathroom. The landlord will also provide common area amenities, including a full kitchen, vending machines, furniture, a computer room, and laundry facilities. The landlord will be responsible for cleaning, regular extermination and full student life amenities.

With permission from the CUNY Board of Trustees, Hunter College will continue to provide competitively priced housing in New York City for its student population.

D. THE CITY UNIVERSITY OF NEW YORK - FIVE-YEAR CAPITAL BUDGET REQUEST, FY 2012-13 THROUGH FY 2016-17:

RESOLVED, That The City University of New York Board of Trustees approve a five-year Capital Budget Request for Fiscal Years 2012-13 through 2016-17 of approximately \$5.6 billion for major bonded projects authorized by The City University Construction Fund to address critical maintenance, infrastructure, and programmatic initiatives. These projects shall be funded through bonds sold by the Dormitory Authority of the State of New York with debt service payments appropriated by the State of New York and the City of New York, and through bonds sold by the City of New York. The Request also includes approximately \$40 million for minor rehabilitation projects funded through the State's General Fund.

The Request is comprised of: approximately \$4.9 billion in new bonded and minor rehabilitation funding requested from the State, \$2.0 billion of which is required to complete existing projects; approximately \$700 million in new bonded and minor rehabilitation funding requested from the City, \$133 million of which is required to complete existing projects; and be it further

RESOLVED, That the Master Plan for the University be and is hereby amended as necessary to provide for the capital proposal.

NOTE: The Capital Budget Request and the schedule of projects are on file in the Office of the Secretary of the Board.

EXPLANATION: The FY 2012-13 through FY 2016-17 Capital Budget Request includes funds for rehabilitation, major new construction, and capital equipment in support of the University's mission. As in previous plans, this request focuses on completion of existing projects, and critical health, safety, code compliance, and rehabilitation projects, while recognizing the need for expansion and modernization of facilities as called for in campus master plans. In formulating specific projects under this plan, an effort will be made where possible to leverage available University real estate resources through public-private development.

Every year, the University is required to submit a five-year capital plan to the State Division of the Budget and the City Office of Management and Budget. The FY 2012-13 Request represents an update to the current five-year plan. The projects included in the plan originate at the campuses and are prioritized following Board of Trustees criteria (see Attachment).

In 1998, the State provided the University with a fixed five-year capital plan. When that fixed plan ended in 2003-04, the University was provided with rolling multi-year plans that included both re-appropriated funds that had not yet been bonded and additional new requests. These rolling multi-year plans continued until 2008-09, when the University received a new fixed five-year plan. However, the State recognizes that additional funding may be needed before the close of this new fixed five-year plan. In May 2005, for the first time, the Mayor of the City of New York provided the University with a multi-year appropriation from the City. In subsequent years the Mayor provided additional funds to complete on-going projects as well as match community college funds for critical maintenance provided by City elected officials. The FY 2012-13 Capital Budget Request incorporates City commitments for the community colleges in line with the NYC Office of Management and Budget Commitment Plan.

Summary of Active and Proposed Capital Projects

The current Request includes funding for critical maintenance projects, funding to complete previously approved projects that were started with partial funding from prior years, as well as funding for the Chancellor's Initiatives, technology upgrades, and for administration purposes. Project highlights include:

Critical Maintenance: such as health and safety projects, facility preservation, science lab upgrades, mechanical and infrastructure upgrades, ADA and bathroom upgrades, asbestos abatement, and energy conservations projects;

Funding to Complete Existing Projects: such as the Performing Arts Center at Brooklyn College and Academic Building I at New York City College of Technology;

Chancellor's Initiatives: such as The Decade of the Sciences and CUNY FIRST;

Technology Upgrades: such as information technology improvements to CUNY's networks and data storage and the purchase of science and educational technology equipment;

Administration Purposes: Central Office and campus requests that are necessary to administer and finance CUNY's capital program.

Criteria for Prioritization of the FY 2012-13 through FY 2016-17 Request

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

E. KINGSBOROUGH COMMUNITY COLLEGE - BURSAR OFFICE RENOVATION AMENDMENT:

RESOLVED, That the Board of Trustees of The City University of New York authorizes the General Counsel to amend the resolution adopted at the meeting of February 26, 2007 (Cal. No. 1.C.) for the construction to renovate the college bursar office and associated furniture and equipment. The amendment is to authorize an increase in the approved amount from \$370,000 to \$1,274,000. The total contract cost shall be chargeable to the City Capital Budget, Project No. KG017-005 and matching New York State Capital funds.

EXPLANATION: In 2007, Kingsborough Community College prepared an in-house design to renovate a portion of the bursar offices with a budget of \$370,000 for construction, furniture, and equipment. Since then, the college has reevaluated the scope of the project and decided to expand the scope of the renovation to include the entire bursar office suite. An architecture firm was hired, from CUNY's Requirements Contracts, to complete the design of the new expanded scope, which resulted in a larger budget of \$1,274,000 for design, construction, furniture and equipment. The additional funds have been reallocated from the balances of completed capital projects and state funds have been allocated to match the city funds.

F. THE CITY UNIVERSITY OF NEW YORK - QUEENS COLLEGE RESIDENCE HALL:

RESOLVED, That the Board of Trustees of the City University of New York agrees to provide credit support for the Queens College Residence Hall, known as The Summit, in the form of a support agreement covering shortfalls in debt service and operating expenses and certain other guarantees and indemnities (collectively, the "Guarantees") and authorizes the General Counsel to execute any documents necessary or related or which may be required in connection with the Guarantees, the Project and the Project financing.

EXPLANATION: The very successful Summit, a 506 bed residence hall on the campus of Queens College, was opened in Fall 2009 and has been essentially fully occupied since its opening. In October 2009, the New York City Housing Development Corporation ("HDC") refunded and reissued the bonds secured by a two year letter of credit by RBS Citizens Bank confirmed by a letter of credit issued by the Federal Home Loan Bank. The current letter of credit is being extended for a ninety day period which will expire in late January 2012 and cannot be further renewed. In order to continue the financing, the current condition of the market requires that CUNY guarantee to make up any shortfall in rent revenue needed to meet debt service and operating costs, an unlikely possibility. It is expected that Queens College Special Projects Fund and Q Student Residences LLC will cover any shortfall. Only in the event that these sources of funds are insufficient will CUNY be liable under the Guarantees.

NO. 8. EXECUTIVE COMMITTEE: Notice of Action Taken (October 31, 2011), for informational purposes:

A. THE CITY UNIVERSITY OF NEW YORK - SALE OF CUNY HEADQUARTERS BUILDING AT 535 EAST 80TH STREET, NEW YORK, NY:

RESOLVED, That the Executive Committee of the Board of Trustees of The City University of New York authorize the General Counsel to execute a purchase and sale agreement, along with any associated agreements, to effect the sale of the property located at 535 East 80th Street (a/k/a 20 East End Avenue), New York, N.Y. The transaction documents shall be subject to approval as to form by the Office of the General Counsel.

EXPLANATION: In connection with the University's plans to relocate the offices of the central headquarters to 205 East 42nd Street, the property at 535 East 80th Street will be sold. The University will engage a real estate brokerage firm to coordinate the marketing and sale of the property. After appropriate review and evaluation of all proposals, the University will enter into a contract for sale for the property with the highest bona fide offerer. Proceeds from the sale will be used to offset occupancy costs at 205 East 42nd Street for a five year period, and to purchase state-of-the-art core scientific equipment for use by research scientists through-out CUNY at the Advanced Science Research Center located on the campus of City College of New York.