

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

**REVISED
CALENDAR**

NOVEMBER 26, 2012

NO. 1. CHANCELLOR'S UNIVERSITY REPORT: RESOLVED, That the Chancellor's University Report for November 26, 2012 (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 and Executive Session of September 24, 2012 be approved.

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

A. THE CITY UNIVERSITY OF NEW YORK - FY 2013-2014 UNIVERSITY BUDGET REQUEST:

RESOLVED, Subject to the availability of resources, CUNY seeks a total of \$3.03 billion for the University. This total includes additional funding of \$115.4 million for baseline needs and \$93.5 million for programmatic increases. At the senior colleges, the total request is \$2.202 billion, a \$145.5 million increase over the 2012-2013 adjusted level. Of this amount, \$92.2 million is for baseline needs and \$53.3 million is for programmatic increases. At the community colleges the overall request is \$827.9 million, a \$63.4 million increase over the 2011-2012 adjusted level. Of this amount, \$23.2 million is for baseline needs and \$40.2 million is for programmatic increases.

2012-2013 appropriation levels of \$2.057 billion for the senior colleges and \$764.6 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 FY2012-2013 state enacted appropriation for the university.

EXPLANATION: With the 2013-2014 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 with State and City funds and its investment program through a modest increase in public funding, continuing budget restructuring and efficiencies, philanthropy, and tuition revenue.

STUDENT FINANCIAL ASSISTANCE PROGRAM

The 2013-2014 Budget Request proposes to set aside an additional \$5 million for the Student Financial Assistance Initiative, bringing the total amount dedicated to this initiative to \$10 million. These resources 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. For next academic year, a portion of the Student Financial Assistance Initiative will be specifically designated for graduate students. This 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. In addition, all of the individual colleges raise private funds dedicated to student financial assistance.

The University will continue to work with the State, City and federal governments on the major economic challenges affecting all public higher education institutions. The CUNY Investment Plan included in the FY2013-2014 Budget Request is aligned with the University's Master Plan, approved by the Board of Trustees in June 2012, and includes the following broad missions and initiatives:

Mission One: Academic Excellence

- Principal components of this category focus on full-time faculty, a dedication to the ongoing mission of the Decade of Science, the growth and enhancement of academic programs, an extensive library system, and the expansion of the use of academic technology. CUNY's top priority continues to be the hiring of more full-time faculty. The University requests 425 positions next year to support its commitment to scholarly excellence and to keep up with the pace of its recent record enrollment growth. The capstone of the Decade of Science initiative, the Advanced Science Research Center (ASRC), is scheduled to open in fall 2014, and funding is needed to begin the staffing and outfitting of the Center.

Mission Two: Maintain Integrated System/Facilitate Articulation

- This category includes those initiatives that help students acclimate to college life, overcome obstacles that might prevent or slow the time to graduation, and promote success after graduation. Specific programs include academic advising, career services, and counseling. Resources dedicated to expanding the successful Accelerated Study in Associate Programs (ASAP) initiative are also included in the Request. 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%.

Mission Three: Expanding Access

- In keeping with the commitment to provide access to a quality education to a diverse New York population, the Master Plan focuses on several key areas, including college readiness, services for students with disabilities, veterans' services, and the Black Male Initiative. In order to better support the University's more than 4,000 student veterans and reservists, the FY2013-2014 Budget Request includes funding to enhance veterans services on each of the campuses. The University is also requesting \$1.5 million to fully fund the CUNY LEADS program, which provides academic and vocational services to students with disabilities.

Mission Four: Remaining Responsive to the Urban Setting

- This mission focuses on the University's role in contributing to the well-being of the City and State. Initiatives within this area center on workforce and economic development, educating teachers, expanding and enhancing healthcare education, and sustainability efforts. 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. The Request also seeks funding to significantly encourage the development of more internships in the science, technology, engineering and mathematics (STEM) disciplines and more opportunities for students to work in corporate and governmental settings related to STEM areas. In addition, the University also requires additional operating funds to maintain the various infrastructures of its campuses.

B. NEW YORK CITY COLLEGE OF TECHNOLOGY - FACILITIES RENOVATION SERVICES:

RESOLVED, That the Board of Trustees of The City University of New York authorizes the General Counsel to execute a contract on behalf of New York City College of Technology for facilities renovation services. The contract shall be awarded to the lowest responsive and responsible bidder after public advertisement and sealed bidding by the College pursuant to law and University Regulations. Such purchase shall not exceed a total estimated cost of \$450,000 per fiscal year, chargeable to FAS Code 217701400. The contract shall have a five-year term with the right for the University to terminate the contract at any time in its best interest. The contract shall be subject to approval as to form by the University Office of General Counsel.

EXPLANATION: New York City College of Technology will use this contract to obtain facilities renovation services on an as-needed basis.

C. THE CITY UNIVERSITY OF NEW YORK - CONTRACT FOR EXAMINATION PROGRAM MANAGEMENT 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 examination program management services from Cooperative Personnel Services (doing business as CPS HR Consulting) without competitive bidding and pursuant to law and University Regulations. Such purchase shall not exceed a total estimated cost of \$345,000 per fiscal year, chargeable to FAS Code 236501400. The contract term shall be five (5) years with an option to renew for one additional year with the University having the right to terminate the contract at any time in its best interest. The contract shall be subject to approval as to form by the University Office of the General Counsel.

EXPLANATION: Cooperative Personnel Services, an independent government agency that provides testing and human resources services to all levels of government and the public and nonprofit sectors, will provide examination management program services and will administer, maintain, enhance the software system CUNY Exams Xpress, an online examination program management application for titles assigned to the competitive series of its classification system. In addition professional services will be provided to CUNY for the purpose of assistance, development and analyzing of data generated from CUNY Exams Xpress system for the Office of Human Resources Management Services.

D. (ADDED ITEM) THE CITY UNIVERSITY OF NEW YORK - INTELLECTUAL PROPERTY RIGHTS LEGAL SERVICES:

RESOLVED, That the Board of Trustees of The City University of New York authorize the General Counsel to execute a contract amendment with Hoffmann and Baron, LLP on behalf of the University to purchase intellectual property rights legal services. This contract amendment will extend the term of the agreement by one year through June 30, 2013 and increase the value of the contract by \$180,000 from \$420,000 to a total estimated cost of \$600,000, chargeable to the appropriate FAS Codes, over the five-year term of the Contract. The contract amendment shall be subject to approval as to form by the University Office of the General Counsel.

EXPLANATION: The University and the University's Technology Commercialization Office will use these legal services in intellectual property law to manage and protect the University's intellectual property.

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

A. SCHOOL OF PROFESSIONAL STUDIES AT THE GRADUATE SCHOOL AND UNIVERSITY CENTER - BS IN NURSING:

RESOLVED, That the proposed program in Nursing leading to the Bachelor of Science, offered by the School of Professional Studies through the Graduate School and University Center, be approved effective November 27, 2012, subject to financial ability.

EXPLANATION: The number of CUNY alumni who are registered nurses holding an associate's degree and wishing to continue on for the bachelor's degree in Nursing far exceeds the current capacity of the existing CUNY programs. Working nurses, many of whom also have family responsibilities, have a difficult time attending classes that meet at fixed times in classrooms at a location that may require additional weekly commuting time. At the same time, professional organizations within the healthcare industry are calling for an increase in the number of baccalaureate educated nurses. In response to all of these issues, The School of Professional Studies (SPS) is proposing a BS in Nursing degree completion program. The curriculum is comprised of nursing courses that are evidence-based and teach competencies identified by several national initiatives and professional organizations, as well as including traditional liberal arts courses. The program will be offered completely in an on-line, asynchronous format, allowing the

students to compete their studies remotely. The on-line format will also allow SPS to recruit and enroll working nurses outside of its traditional geographic market.

B. BARUCH COLLEGE - MS IN FINANCIAL RISK MANAGEMENT:

RESOLVED, That the proposed program in Financial Risk Management leading to the Master of Science offered by Baruch College, be approved effective November 27, 2012, subject to financial ability.

EXPLANATION: Given that New York City is one of the financial capitals of the world, it is fitting that CUNY, through Baruch College, which focuses on business education, prepare individuals professionally qualified to ameliorate the uncertainty and risk in the world's financial markets. This proposed program will provide students with comprehensive knowledge of modern risk management principles so as to enable them both to identify risk and to implement risk management programs in their firms. The curriculum will also prepare students to pass the professional certification tests of the Global Association of Risk Professionals, the leading professional financial risk management association. At this time, Baruch is proposing to offer this program in an executive format, and expects that it will generate revenue for the college as early as the first year of operation.

C. THE COLLEGE OF STATEN ISLAND - DNP IN NURSING PRACTICE:

RESOLVED, That the proposed program in Nursing Practice leading to the Doctor of Nursing Practice (DNP) be offered at The College of Staten Island be approved, effective November 27, 2012, subject to financial ability.

EXPLANATION: The proposed 87-credit 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, the constraint of 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 represents the Department of Nursing's efforts to meet the anticipated requirement by their 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. The college is confident that its own undergraduate degree in nursing and other programs in the area will be natural feeders for the CSI DNP.

The proposed program builds on the existing Master's programs in Adult Health Nursing and Gerontological Nursing. Most full-time faculty hold doctoral degrees; several have been involved in teaching in the DNS program offered by the Graduate center jointly with CSI, Lehman, and Hunter. The program will be supported by existing equipment, including high-fidelity simulation laboratories, health assessment lab, nursing computer labs, and library resources. The additional revenue generated by this program will more than offset the cost of running the program.

D. QUEENSBOROUGH COMMUNITY COLLEGE/YORK COLLEGE - DUAL JOINT DEGREE AAS/BS IN NURSING:

RESOLVED, That the dual/joint program in Nursing, leading to the Associate of Applied Science at Queensborough Community College and the Bachelor of Science at York College, be approved, subject to financial ability, effective November 27, 2012.

EXPLANATION: The joining of two existing nursing programs into a dual/joint degree will provide a seamless transfer for students graduating from the Queensborough AAS in Nursing into the York BS in Nursing. As the expected level of education in the nursing profession continues to rise, CUNY needs to encourage and enable our students to pursue additional credentials.

E. BOROUGH OF MANHATTAN COMMUNITY COLLEGE – CLOSING OF THE COOPERATIVE EDUCATION DEPARTMENT:

RESOLVED, That the Department of Cooperative Education be abolished at Borough of Manhattan Community College effective January 1, 2013.

EXPLANATION: Pursuant to a thorough review, and in consultation with the affected departments and all affected faculty, Borough of Manhattan Community College proposes to abolish the existing department of Cooperative Education and transfer the five faculty members from the existing department into the departments through which the Cooperative Education faculty provide internships: Accounting, Business Management, and Media Arts and Technology.

The internship program continues to be important for the college. However, the faculty would be more effective if they were working directly with the academic departments with which the internships are associated. Therefore, this action is intended to provide greater efficiency as well as promote enhanced curricular collaboration among the relevant disciplinary faculty and the faculty working with students on their internships.

A separate resolution has been submitted to the Board of Trustees via the Chancellor's University Report regarding the personnel actions. Contingent upon approval of the Board of Trustees, designated faculty members from the Department of Cooperative Education will be transferred into the Departments of Accounting, Business Management, or Media Arts and Technology, as appropriate, effective January 1, 2013.

According to the BMCC governance structure, the closing of an academic department is an administrative matter that does not require a faculty vote. However, the proposed actions do follow consultation with individual departments and affected faculty, with the college Curriculum Committee, and with the college Academic Senate. No objections to the proposed actions were raised by the faculty.

F. BOROUGH OF MANHATTAN COMMUNITY COLLEGE - AS IN GEOGRAPHIC INFORMATION SCIENCE:

RESOLVED, That the program in Geographic Information Science, leading to the Associate of Science degree at Borough of Manhattan Community College be approved, subject to financial ability, effective November 27, 2012.

EXPLANATION: The AS in Geographic Information Science will prepare graduates to begin entry level employment in this newly developing field by providing them with a solid education in mathematics, geology, geography and information systems. Students will learn to capture, manage, analyze and display spatial information, including the creation of cartographic output. The curriculum will also enable students to transfer to upper division bachelor degree programs in related Geography programs at senior institutions such as Hunter College with which an articulation agreement has already been signed. A few of the most common job titles for Geographic Information Systems (GIS) professionals include GIS technician, field data technician, GIS analyst, application system developer, and GIS database administrator.

G. THE CITY COLLEGE OF NEW YORK - ABOLITION OF THE DEPARTMENT OF CELL BIOLOGY AND ANATOMY, SOPHIE DAVIS SCHOOL OF BIOMEDICAL EDUCATION:

RESOLVED, That the Department of Cell Biology and Anatomy be abolished and its faculty transferred to the Department of Microbiology and Immunology of the Sophie Davis School of Biomedical Education, effective December 1, 2012.

EXPLANATION: The Sophie Davis School of Biomedical Education has undertaken major strategic planning to enhance the quality, effectiveness and efficiency of its academic programs. A 2011 External Reviewer Panel and two Strategic Planning Workgroups have recommended the re-structuring of the School's current departmental structure and the merger of several small academic departments for improving the School's effectiveness and efficiency.

The Department of Cell Biology and Anatomy is a relatively small academic department which has experienced a decrease in scholarly output in recent years. The abolition of this Department will allow the School to more efficiently utilize the resources currently allocated to the Department in the fulfillment of the School's mission. The Department's current full-time personnel and course offerings will be transferred to the Department of Microbiology and Immunology, which administers several distinct but related basic science courses. The current Chair of the Microbiology and Immunology Department will assume administrative oversight of the combined curricula and personnel.

The resolution to abolish the Department of Cell Biology and Anatomy was endorsed by affirmative vote of the Executive Faculty of the Sophie Davis School of Biomedical Education at its meeting August 27, 2012. A separate resolution regarding transfer of the current faculty members of the Department of Cell Biology and Anatomy to the Department of Microbiology and Immunology has been submitted to the Board of Trustees via the Chancellor's University Report.

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

A. THE CITY UNIVERSITY OF NEW YORK - REVISED POLICIES ON EQUAL OPPORTUNITY AND NON-DISCRIMINATION, AND AGAINST SEXUAL HARASSMENT:

RESOLVED, That The City University of New York's revised Policies on Equal Opportunity and Non-Discrimination, and Against Sexual Harassment, be adopted, effective immediately.

EXPLANATION: The University's Non-Discrimination Policy and its Policy Against Sexual Harassment are being streamlined and combined into a single policy document to make a clearer and more concise statement of CUNY's deep commitment to nondiscrimination and equal opportunity, and against sexual harassment. The University's Offices of Human Resources Management and Legal Affairs worked with a committee of college Chief Diversity Officers to revise and combine these policies.

In addition, the CUNY Policy Against Sexual Harassment is being amended to revise CUNY's policy on intimate, consensual relationships between employees (including faculty members) and students, as well as between supervisors and employees. These revisions originated with a request from the John Jay College of Criminal Justice Faculty Senate that the University administration strengthen the policy relating to intimate relationships between faculty and students. The current policy discourages, but does not prohibit, consensual relationships between members of the CUNY community and those for whom they have a professional responsibility. Based on a policy review, the amended policy was drafted by the University's General Counsel and Vice Chancellor for Legal Affairs, after consultation with the Office of Human Resources Management.

There are two principal changes from the existing policy. First, the amended policy prohibits (not merely discourages) intimate relationships between a faculty member or other employee and a student for whom he or she has professional responsibility. Second, the amended policy continues the policy that strongly discourages an employee from having an intimate relationship with a non-student employee whom he or she supervises, but adds a requirement that such supervising employee must disclose that relationship to his or her own supervisor in order to avoid or mitigate conflicts of interest with respect to the supervision and evaluation of the employee.

The revised section on consensual, intimate relationships better protects students, who are in an unequal power dynamic with faculty or employees who have professional responsibility for them. It also reduces the possibility of conflicts of interest even in cases of employee relationships where consensual relationships are still permitted.

THE CITY UNIVERSITY OF NEW YORK POLICIES ON EQUAL OPPORTUNITY AND NON-DISCRIMINATION, AND AGAINST SEXUAL HARASSMENT

I. Policy on Equal Opportunity and Non-Discrimination Policy

Statement of Principles

~~The City University of New York (“University or “CUNY”), located in a historically diverse municipality, is committed to a policy of equal employment and equal access in its educational programs and activities. Diversity, inclusion, and an environment free from discrimination are central to the mission of the University, engendering values and implementing policies that will enhance respect for individuals and their cultures. The University believes that, in order to truly benefit from this diversity, the University must foster tolerance, sensitivity and mutual respect among all members of its community. Efforts to promote diversity and to combat bigotry are an inextricable part of the educational mission of the University. Diversity among the University’s many members strengthens the institution, promotes the exchange of new ideas, and enriches campus life.~~

~~The University does not condone and will not tolerate discrimination or harassment in employment or in its educational programs and activities.~~

~~The City University of New York continues to recognize the important need to maintain at each campus equal access and opportunity for qualified students, faculty and staff from all ethnic and racial groups and from both sexes.~~

Policy Statement

~~It is the policy of ~~t~~The City University of New York and the constituent colleges and units of The University to recruit, employ, retain, promote, and provide benefits to employees and to admit and provide services for students without regard to race, color, creed, national origin, ethnicity, ancestry, religion, age, sex, sexual orientation, gender and/or gender identity, marital status, legally registered domestic partnership status, disability, predisposing genetic characteristics, genetic information, alienage, citizenship, military or veteran status, pregnancy, or status as a victim of domestic violence/stalking/sex offenses, or any other legally prohibited basis in accordance with federal, state and city laws.¹~~

~~Sexual harassment, a form of sex discrimination, is prohibited under the University’s Policy Against Sexual Harassment.~~

~~It is also the University’s Policy to provide reasonable accommodations when appropriate to individuals with disabilities, individuals observing religious practices, or employees who are victims of domestic violence/stalking/sex offenses.~~

~~This Policy also prohibits retaliation for reporting or opposing discrimination, or cooperating with an investigation of a discrimination complaint.~~

~~The City University of New York, as a public university system, adheres to federal, state, and city laws and regulations regarding non-discrimination and affirmative action including among others Section 1324b of the Immigration and Nationality Act (INA), Executive Order 11246, as amended, Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Sections 503 and 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, Section 402 of the Vietnam Era Veterans’ Readjustment Assistance Act of 1974, as amended, the Equal Pay Act of 1963, the Age Discrimination in Employment Act of 1967, as amended and the Age Discrimination Act of 1975, the New York State Human Rights Law and the New York City Human Rights Law. The “protected~~

¹ As a public university system, CUNY adheres to federal, state and city laws and regulations regarding non-discrimination and affirmative action. Should any federal, state or city law or regulation be adopted that prohibits discrimination based on grounds or characteristics not included in this Policy, discrimination on those additional bases will also be prohibited by this Policy.

classes," as delineated in Executive Order 11246: (i.e. Black, Hispanic, Asian/Pacific Islander, American Indian/Alaskan Native and Women), were expanded on December 9, 1976 by the Chancellor of The City University of New York to include Italian-Americans. The Office of Management and Budget further expanded these protected classes in 2006 to include two or more races (not Hispanic or Latino) and replaces Asian/Pacific Islander, with Asian (not Hispanic or Latino) and Native Hawaiian (not Hispanic or Latino) and Black will be renamed as Black or African American (not Hispanic or Latino).

Should any federal, state, or city law or regulation be adopted that prohibits discrimination based on grounds or characteristics not included in this policy, this policy shall be read to prohibit discrimination based on those grounds or characteristics, as well.

Prohibited Conduct Defined

Discrimination is treating an individual differently or less favorably because of his or her protected characteristics—such as race, color, religion, gender, national origin, or any of the other bases prohibited by this Policy.

Harassment is unwelcome conduct based on a protected characteristic that has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or abusive work or academic environment. Such conduct can be verbal, written, visual, or physical.

Retaliation is adverse treatment of an individual because he or she made a discrimination complaint, opposed discrimination, or cooperated with an investigation of a discrimination complaint.

Responsibility for Compliance

The President of each college of the University, the Senior Vice Chancellor at the Central Office, and the Dean of the Law School shall have ultimate responsibility for overseeing compliance with this Policy at his or her respective unit of the University.

Discrimination Complaints

The City University of New York is committed to addressing discrimination complaints promptly, consistently and fairly. There shall be a discrimination complaint procedure administered by each unit of the University.

Retaliation against any member of the University community who has made a complaint of discrimination is prohibited.

~~THE CITY UNIVERSITY OF NEW YORK POLICY AGAINST SEXUAL HARASSMENT~~

II. Policy Against Sexual Harassment

Policy Statement

It is the policy of The City University of New York to promote a cooperative work and academic environment in which there exists mutual respect for all University students, faculty, and staff. Harassment of employees or students based upon sex is inconsistent with this objective and contrary to the University's non-discrimination policy. Sexual harassment is illegal under Federal, State, and City laws, and will not be tolerated within the University. The University, through its colleges, will disseminate this policy and take other steps to educate the University community about sexual harassment. The University will establish procedures to ensure that investigations of allegations of sexual harassment are conducted in a manner that is prompt, fair, thorough, and as confidential as possible under the circumstances, and that appropriate corrective and/or disciplinary action is taken as warranted by the circumstances when sexual harassment is determined to have occurred. Sexual harassment, a form of sex discrimination, is illegal under federal, state, and city laws, and will not be tolerated within the University. Members of the University community who believe they have been ~~be aggrieved under this policy~~ sexually harassed are strongly encouraged to report the allegations of

~~sexual harassment~~ as promptly as possible. Delay in making a complaint of sexual harassment may make it more difficult ~~for the college~~ to investigate the allegations.

~~A. Prohibited Conduct~~

~~It is a violation of University policy for any member of the University community to engage in sexual harassment or to retaliate against any member of the University community for raising an allegation of sexual harassment, for filing a complaint alleging sexual harassment, or for participating in any proceeding to determine if sexual harassment has occurred.~~

~~B. Definition of Sexual Harassment Defined~~

~~For purposes of this policy, S~~sexual harassment ~~is defined as consists of~~ unwelcome sexual advances ~~or~~, requests for sexual favors, ~~and~~ other ~~oral or written communications verbal~~ or physical conduct of a sexual nature when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic standing;
2. submission to or rejection of such conduct by an individual is used as a basis for employment or academic decisions affecting such individual; or
3. such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or abusive work or academic environment.

Sexual harassment can occur between individuals of different sexes or of the same sex. Although sexual harassment most often exploits a relationship between individuals of unequal power (such as between a faculty member and student, supervisor and employee, or tenured and untenured faculty members), it may also occur between individuals of equal power (such as between fellow students or co-workers), or in some circumstances even where it appears that the harasser has less power than the individual harassed (~~such as for example~~, a student sexually harassing a faculty member). ~~A lack of intent to harass may be relevant to, but will not be determinative of, whether sexual harassment has occurred.~~

~~C. Examples of Sexual Harassment~~

Sexual harassment may take different forms. Using a person's response to a request for sexual favors as a basis for an academic or employment decision is one form of sexual harassment. Examples of this type of sexual harassment include, but are not limited to, the following:

- requesting or demanding sexual favors in exchange for employment or academic opportunities (such as hiring, promotions, ~~favorable~~ grades, or recommendations);
- submitting unfair or inaccurate job or academic evaluations or grades, or denying training, promotion, or access to any other employment or academic opportunity, because sexual advances have been rejected.

Other types of unwelcome conduct of a sexual nature can also constitute sexual harassment, if sufficiently severe or pervasive that the target ~~does find~~s, and a reasonable person would find, that an intimidating, hostile or abusive work or academic environment has been created. Examples of this kind of sexual harassment include, but are not limited to, the following:

- ~~sexual~~ sexual comments, teasing, or jokes;
- sexual slurs, demeaning epithets, derogatory statements, or other verbal abuse of a sexual nature;
- graphic or sexually suggestive comments about an individual's attire or body;
- graphic or sexually suggestive gestures;

inquiries or discussions about sexual activities;

- - pressure to accept social invitations, to meet privately, to date, or to have sexual relations;

~~sexually suggestive letters or other written materials;~~

- - sexual touching, brushing up against another in a sexual manner, ~~graphic or sexually suggestive gestures,~~ cornering, pinching, grabbing, kissing, or fondling;
- - coerced sexual intercourse or sexual assault.

D-Consensual, Intimate Relationships

1. Relationships between faculty or employees and students.

~~Amorous, dating, or sexual relationships that might be appropriate in other circumstances have inherent dangers when they occur between a faculty member, supervisor, or other member of the University community and any person for whom he or she has a professional responsibility. These dangers can include: that a student or employee may feel coerced into an unwanted relationship because he or she fears that refusal to enter into the relationship will adversely affect his or her education or employment; that conflicts of interest may arise when a faculty member, supervisor, or other member of the University community is required to evaluate the work or make personnel or academic decisions with respect to an individual with whom he or she is having a romantic relationship; that students or employees may perceive that a fellow student or co-worker who is involved in a romantic relationship will receive an unfair advantage; and that if the relationship ends in a way that is not amicable, either or both of the parties may wish to take action to injure the other party.~~

Amorous, dating or sexual activity or relationships ("intimate relationships"), even when apparently consensual, are inappropriate when they occur between a faculty member or employee and any student for whom he or she has a professional responsibility. Those relationships are inappropriate because of the unequal power dynamic between students and faculty members and between students and employees who advise or evaluate them, such as athletic coaches or workplace supervisors. Such relationships necessarily involve issues of student vulnerability and have the potential for coercion. In addition, conflicts of interest or perceived conflicts of interest may arise when a faculty member or employee is required to evaluate the work or make personnel or academic decisions with respect to a student with whom he or she is having an intimate relationship. Finally, if the relationship ends in a way that is not amicable, the relationship may lead to charges of and possible liability for sexual harassment.

~~Therefore, fFaculty members, supervisors, and other members of the University and other employees are prohibited from engaging in intimate relationships with students for community whom they have a professional responsibility, including undergraduates, graduate and professional students and postdoctoral fellows, for other individuals, accordingly, should be aware that any romantic or sexual involvement with a student or employee for whom they have such a responsibility may raise questions as to the mutuality of the relationship and may lead to charges of sexual harassment. For the reasons stated above, such relationships are strongly discouraged.~~

For purposes of this section, an individual has "professional responsibility" for a student means responsibility over academic matters, including another individual at the University if he or she performs functions including, but not limited to, teaching, counseling, grading, advising for a formal project such as a thesis or research, evaluating, hiring, supervising, coaching, or making decisions or recommendations that confer benefits such as promotions admissions, registration, financial aid, awards or other awards, remuneration, or fellowships, or performing any other function that might affect that may impact upon other academic or teaching, research, or other academic employment opportunities.

2. Relationships between supervisors and employees

Many of the concerns about intimate relationships between faculty members or employees and students also apply to relationships between supervisors and employees they supervise. Those relationships therefore are strongly

discouraged. Supervisors shall disclose any such relationships to their supervisors in order to avoid or mitigate conflicts of interest in connection with the supervision and evaluation of the employees with whom they have a consensual relationship. Mitigation may involve the transfer of either the supervisor or employee, reassigning the responsibility to evaluate the employee to a different supervisor, or other appropriate action.

For purposes of this section, supervising an employee means supervising in an employment setting, including hiring, evaluating, assigning work, or making decisions or recommendations that confer benefits such as promotions, raises or other remuneration, or performing any other function that might affect employment opportunities.

Retaliation

This Policy prohibits retaliation for reporting or opposing sexual harassment, or cooperating with an investigation of a sexual harassment complaint.

III. Discrimination and Sexual Harassment Complaints

The City University of New York is committed to addressing discrimination and sexual harassment complaints promptly, consistently and fairly. There shall be procedures for making and investigating complaints of discrimination and sexual harassment, which shall be applicable at each unit of the University.

E-IV. Academic Freedom

The ~~these~~ ~~is~~ ~~policy~~s shall not be interpreted so as to constitute interference with academic freedom.

F. False and Malicious Accusations

~~Members of the University community who make false and malicious complaints of sexual harassment, as opposed to complaints which, even if erroneous, are made in good faith, will be subject to disciplinary action.~~

G. Procedures

V. Responsibility for Compliance

~~The University has developed procedures to implement this policy.~~ The President of each ~~constituent~~ college of the University, the ~~CUNY Executive~~ ~~Senior~~ Vice Chancellor ~~and Chief Operating Officer, at the Central Office,~~ and the Deans of the Law School ~~and Graduate School of Journalism~~ ~~shall will~~ have ultimate responsibility for overseeing compliance with ~~the~~ ~~is~~ ~~policy~~s ~~at his or her~~ ~~their~~ respective units of the University. In addition, each dean, director, department chairperson, executive officer, administrator, or other person with supervisory responsibility ~~shall be required to report any complaint of sexual harassment to the individual or individuals designated in the procedures.~~ ~~must promptly consult with the Chief Diversity Officer if they become aware of conduct that may violate this policy.~~ All members of the University community are required to cooperate in any investigation of a discrimination, sexual harassment, or retaliation complaint.

H. Enforcement

~~There is a range of corrective actions and penalties available to the University for violations of this policy. Students, faculty, or staff who are found, following applicable disciplinary proceedings, to have violated this Policy are subject to various penalties, including termination of employment and/or student expulsion from the University.~~

B. QUEENS COLLEGE - NAMING OF THE ROBERT AND JACQUELINE WILLENS CHORAL ROOM:

RESOLVED, That The Board of Trustees of The City University of New York approve the naming of the choral room within the Aaron Copland School of Music at Queens College as "The Robert and Jacqueline Willens Choral Room."

EXPLANATION: Jacqueline Willens graduated from Queens College in 1970 with a Bachelor of Arts degree in Early Childhood Education. She taught for six years in the New York City school system before moving on to a career on Wall Street. She is currently Managing Director of The Willens Group at UBS Financial Services. In 2012, Mrs. Willens was recognized by Barron's as one of the Top 1,000 Financial Advisors in the U.S. and one of the Top 100 Women Financial Advisors in the U.S. Mrs. Willens serves as a member of the Board of Trustees of Queens College Foundation.

Mrs. Willens, together with her husband Robert Willens, an Adjunct Professor of Finance at Columbia University's Graduate School of Business, have pledged \$260,000 to the Queens College Foundation to establish "The Robert and Jacqueline Willens Queens College Scholarship Endowment." To date, \$110,000 has been paid. \$100,000 more will be paid on June 1, 2013 and the balance of \$50,000 will be paid by June 1, 2014. The scholarship will be open to undergraduate students who are attending Queens College or graduating high school seniors who enroll for undergraduate studies at Queens College. Eligible students must be Accounting or Economics majors, or majors within the Division of Education at Queens College.

In recognition of Mr. and Mrs. Willens' generosity and Mrs. Willens' service to Queens College, the College requests that the Board name the Choral Room in their honor.

NO. 6. COMMITTEE ON FACILITIES PLANNING AND MANAGEMENT: RESOLVED, That the following items be approved:

A. THE CITY UNIVERSITY OF NEW YORK - TEN-YEAR CAPITAL BUDGET REQUEST, FY 2013-14 THROUGH FY 2017-18 TO BE INCORPORATED INTO THE UNIVERSITY MASTER PLAN, FY 2018-19 THROUGH FY 2022-23 AS REQUIRED BY NEW YORK WORKS LEGISLATION:

RESOLVED, That The City University of New York Board of Trustees approve a ten-year Capital Budget Request for Fiscal Years 2013-14 through 2022-23 of approximately \$10.5 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 \$653 million for minor rehabilitation projects funded through the State's General Fund.

The Request is comprised of: approximately \$9.4 billion in new bonded and minor rehabilitation funding requested from the State, \$2.8 billion of which is required to complete existing projects; approximately \$1.1 billion in new bonded and minor rehabilitation funding requested from the City, \$109 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; and be it further

RESOLVED, That the Board also approve the addition of five years to the request now required by New York Works Legislation. The Capital Budget Request and the schedule of projects are on file in the Office of the Secretary of the Board.

EXPLANATION: In FY 2012-13 new legislation was approved creating New York Public Works that was tasked with creating a uniform capital budget process for all entities that receive State funds. That process now includes a ten-year plan. While this resolution seeks approval of a ten-year plan as a whole it is presented in two parts in order to comport the Capital Budget Request to the Master Plan. The first part, the five year request amends the Master Plan and the second part years 6 through 10 complies with State legislation. The FY 2013-14 through FY 2022-23 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 2013-14 Request represents an update to the current five-year Master Plan and additional information required by New York Works Legislation. 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. 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. In FY 2013 the Mayor and City Council provided the first year of a four year commitment of \$71 million for the community college critical maintenance projects. The FY 2013-14 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 Academic Building I at New York City College of Technology and the Academic Village/Conference Center at York College;

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 2013-14 through FY 2022-23 Request and Breakdown of First and Second Five Year Requests

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.

Budget Request Amending Master Plan Years FY 13-14 through FY 17-18

Total State Bonded and Minor Repair Funding Request \$5.7 billion
Total City Bonded and Minor Repair Funding Request \$688 million

Balance of Ten Year Capital Request FY 18-19 through FY 22-23

Total State Bonded and Minor Repair Funding Request \$3.7 billion
Total City Bonded and Minor Repair Funding Request \$400 million

B. MEDGAR EVERS COLLEGE - LIBRARY EXPANSION:

RESOLVED, That the Board of Trustees of The City University of New York accept the design of the Bedford Building Library Expansion Project at Medgar Evers College, as prepared by Ikon.5 Architects, with a construction budget of \$21.7 million. The Board approved the selection of the design/engineering firm of Ikon.5 Architects by resolution dated June 26, 2006 and amended resolution dated September 2009, Cal. No. 5.J.; and be it further

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

EXPLANATION: Medgar Evers College will renovate approximately 42,000 GSF for the Charles Evans Inness Memorial Library and build a 2,200 GSF Welcome Center adjacent to the library, located in the Bedford Building. The upgraded library will provide the college with a state of the art, code compliant facility. The Board approved the selection of the design firm of Ikon.5 Architects by resolution dated June 26, 2006, Calendar No. 1.

C. THE CITY UNIVERSITY OF NEW YORK - LEASE AMENDMENT AT 230 WEST 41ST STREET, NEW YORK, N.Y., ON BEHALF OF THE CENTRAL OFFICE:

RESOLVED, That the Board of Trustees of The City University of New York authorize the General Counsel to execute a lease amendment, on behalf of the Central Office, to add approximately 4,615 square feet of space at 230 West 41st Street, New York, N.Y. The lease amendment shall be subject to approval as to form by the University Office of General Counsel.

EXPLANATION: The University currently leases approximately 172,000 square feet of space at 230 West 41st Street, pursuant to two leases. The building is owned by the Research Foundation of The City University of New York. The University's Office of Budget and Finance, which is located at this facility, is in need of additional office space. The University and the Research Foundation have agreed to amend one of its leases to add approximately 4,615 square feet of space on the 11th floor of the building for use by the Office of Budget and Finance. The base annual rent for the 11th Floor space will be \$198,676 (\$43.05/SF). The amended lease (including the new space) will be effective starting in April, 2013 and will terminate on June 30, 2017. All other terms of the 11th Floor lease will remain the same as under the existing lease.