

**BOARD OF TRUSTEES  
THE CITY UNIVERSITY OF NEW YORK  
205 EAST 42<sup>ND</sup> STREET  
NEW YORK, NEW YORK 10017**

**REVISED  
CALENDAR**

**NOVEMBER 25, 2013**

**NO. 1. CHANCELLOR'S UNIVERSITY REPORT:** RESOLVED, That the Chancellor's University Report for November 25, 2013 (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 30, 2013 be approved.

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

**A. THE CITY UNIVERSITY OF NEW YORK - FY 2014-2015 UNIVERSITY BUDGET REQUEST:**

RESOLVED, Subject to the availability of resources, CUNY seeks a total of \$3.185 billion for the University. This total includes additional funding of \$118.2 million for baseline needs and \$111.3 million for programmatic increases. At the senior colleges, the total request is \$2.315 billion, a \$161.2 million increase over the 2013-2014 adopted level. Of this amount, \$92.4 million is for baseline needs and \$68.8 million is for programmatic increases. At the community colleges the overall request is \$870.2 million, a \$68.3 million increase over the 2013-2014 adopted level. Of this amount, \$25.8 million is for baseline needs and \$42.5 million is for programmatic increases.

2013-2014 appropriation levels of \$2.154 billion for the senior colleges and \$801.9 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 FY2013-2014 state enacted appropriation for the university.

EXPLANATION: With the 2014-2015 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 2014-2015 budget continues the \$10 million Student Financial Assistance Initiative. These resources will be utilized by colleges to assist those students, both undergraduate and graduate, 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 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 FY2014-2015 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 currently undergoing a major expansion of ASAP 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.

***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, child care services for student-parents, veterans' services, and the Black Male Initiative. In order to better support the University's more than 4,000 student veterans and reservists, the FY2014-2015 Budget Request includes funding to enhance veterans services on each of the campuses. The University is also requesting \$1.95 million for services for students with disabilities, including full funding of 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. THE CITY COLLEGE OF NEW YORK - TUITION DIFFERENTIAL FOR THE MASTERS OF PROFESSIONAL STUDIES IN BRANDING AND INTEGRATED COMMUNICATIONS:**

RESOLVED, That The City University of New York adopt a revised schedule of tuition charges in the form of a tuition differential for the Masters of Professional Studies in Branding and Integrated Communications at the City College of New York, for first time students effective with the Spring 2014 semester as set forth in the schedule below:

## Masters of Professional Studies in Branding and Integrated Communications

	Current	Effective Spring 2014
Resident Full-time students:	\$4,585 per semester	\$6,385 per semester
Resident Part-time students:	\$ 385 per credit	\$ 750 per credit
Non Resident students:	\$ 710 per credit	\$ 915 per credit

**EXPLANATION:** The proposed tuition increase of \$1,800 per semester for full-time and \$365 per credit for part-time resident students and \$205 per credit for full- and part-time non-resident students is necessary to strengthen the services to students and improve the general quality of the Master of Professional Studies in Branding and Integrated Communications (BIC) at City College. The increased tuition revenue will be used solely for the support of the MPS in BIC program including increased staffing in order to strengthen services to students (such as career, internship, and academic advisement as well as industry outreach) and to meet the technical needs of the program which are over and above the amounts prescribed for general masters-level study. This increase in funding will be used to improve not only the quality of the instruction and professional readiness, but also the level of student support services. The New York State Education Law Sec. 6206 allows The City University of New York to charge differential tuition rates as long as there is no differential among like degree programs. The College will continue to provide financial aid funding to assist eligible New York State residents to afford the increase in tuition. The only MPS in BIC program at the University is the one at The City College.

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

### A. THE CITY UNIVERSITY OF NEW YORK - AMENDMENTS TO THE INTELLECTUAL PROPERTY POLICY:

RESOLVED, That the Board of Trustees of The City University of New York approve the amendments to the University's Intellectual Property Policy as set forth.

**EXPLANATION:** The amendments to the Intellectual Property Policy are designed to clarify a number of points concerning the procedures set forth in the original policy and to take into account the primary responsibility for this area of the Office of the Vice Chancellor for Research and the Technology Commercialization Office. The most significant substantive change in this regard is to abolish the Intellectual Property Committee and to have its functions, including the review of disclosures, transferred to offices such as the Technology Commercialization Office with the appropriate expertise regarding the commercialization of inventions.

### THE CITY UNIVERSITY OF NEW YORK INTELLECTUAL PROPERTY POLICY

#### I. Purpose

- To serve the public good by promoting and facilitating the dissemination of the products of research, authorship and invention by the University<sup>1</sup> community
- To recognize and encourage research, authorship and invention by the University community by providing for the sharing of tangible rewards resulting from the commercialization of such research, authorship and invention
- To define the ownership, distribution and commercialization rights associated with the products of research, authorship and invention by the University community, and to define the policies and procedures for managing such products

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<sup>1</sup> This and other capitalized terms are defined in Section XIII.

## II. Applicability

A. This policy shall apply to all forms of Intellectual Property created or developed, in whole or in part, by Members of the University (1) making Substantial Use of University Resources, (2) as a direct result of University duties, (3) pursuant to the terms of an agreement to which the University is a party, or (4) in the course of or related to activities on grants or contracts administered by the Research Foundation on behalf of the University.

B. For the avoidance of doubt, this policy does not apply to Intellectual Property created or developed by the University's undergraduate students, unless a student is a Member of University as defined in Section XIII of this policy. Students who are not Members of the University own their Intellectual Property subject to the applicable copyright, patent and other laws regarding intellectual property. This includes, without limitation, Intellectual Property created in conjunction with University course work and created jointly with faculty members and others.

## III. Ownership Of Intellectual Property

### A. General Rule:

1. The Creator shall own all rights in Copyrightable Works.
2. The University shall own all rights in all other Intellectual Property.

### B. Exceptions and Clarifications to the General Rule:

1. Sponsored Research. Ownership of any Intellectual Property resulting from Sponsored Research shall be determined pursuant to the terms of the agreement between the University or the Research Foundation, as the case may be, and the Sponsor, or as otherwise required by applicable law. If ownership is not defined in the agreement, Intellectual Property shall be owned pursuant to the General Rule.

2. Commissioned Work. The University shall normally own Intellectual Property resulting from Commissioned Work. In all cases of Commissioned Work, ownership and royalty rights shall be specified in a written agreement, a copy of which shall be submitted to the ~~OGC~~ Vice Chancellor for Research and the Office of the General Counsel (OGC) for review and approval as to form. Any such agreement which provides for ownership by other than the University shall also provide the University with a royalty-free, non-exclusive license to use the Intellectual Property for internal educational and research purposes.

3. Copyrightable Work Created Within the Scope of Employment. Copyrightable Work, other than Scholarly or Pedagogical Work, prepared by an employee of the University or the Research Foundation within the scope of his or her employment shall be owned by the University or the Research Foundation, as the case may be. Examples of Copyrightable Work subject to this provision include, without limitation, personnel manuals, written policies, administrative handbooks, public relations materials, archival audio and video recordings of College events, and official College and University web pages.

4. Electronically Published Course Materials. Courses designed to be delivered over the internet, by computer or through similar technologies may involve both Copyrightable Works and other Intellectual Property. Consistent with its intent to recognize the Creator as the owner of Scholarly or Pedagogical works, the University claims no ownership rights in either the intellectual content of such courses, or the tools and technologies used to present them, unless the work was the result of Sponsored Research or is Commissioned Work, in which case B.1 or B.2 of this Part shall apply.

5. Negotiated Agreements. A Member of the University who wishes to conduct work making Substantial Use of University Resources under terms different from those set forth in the General Rule above may enter into an agreement for the use of such resources with the College(s) where such work shall be conducted. Such agreement shall be negotiated by the President(s) of the College(s) with the advice of the OGC, and must be approved by the Vice Chancellor for Research. The agreement shall specify who shall own any Intellectual Property resulting from such work, any arrangement as to equity sharing, royalty-sharing, and/or the amount of the fee, if any, to be paid for use of the University Resources.

6. University Media. Copyrightable Work prepared for publication in official University and College media, such as television and radio stations, newspapers, magazines and journals, shall be owned pursuant to the individual policies of such media or as defined in their contracts with Creators. In the absence of a policy or contract, copyright shall be owned by the University.

C. Creator's Non-Commercial Use. Where the University owns the Intellectual Property under this policy, the Creator is permitted to continue to use the work for his or her own non-commercial purposes. Any distribution by the Creator to academic colleagues outside the University beyond the limits of "fair use", as defined in Section 107 of the Copyright Act of 1976, shall be permitted pursuant to written agreement from the University through the ~~Chancellor or Designated Individual at each College~~ OGC.

#### IV. Administration of this Policy

A. Authority. Authority and responsibility for administration of this policy ~~shall reside~~ resides with the Chancellor. ~~The Chancellor may seek the advice and assistance of the Intellectual Property Committee (as described in Section V.E.). The responsibility for administration of the policy at the college level is delegated to the Designated Individual at each College through the Vice Chancellor for Research. The Vice Chancellor for Research shall establish and maintain a Technology Commercialization Office (TCO) to take such actions as may be necessary to carry out the purposes of this policy across the University.~~

B. Campus Liaison. Cooperation between the TCO and the various campuses is essential to efficient administration of this policy. Each campus may designate an individual to serve as a liaison with the TCO to assist in execution of this policy at the campus level.

C. Limitation on College Rules. No rules, practices, procedures, or forms shall be implemented on any campus under this policy except by express prior written authorization of the Vice Chancellor for Research. All research agreements relating to University-owned Intellectual Property, such as material transfer, non-disclosure, confidentiality, option, license, Sponsored Research, or the like, shall be on forms approved by OGC and signed pursuant to OGC policy regarding contract signature authority.

#### V. Management of Intellectual Property

##### A. Disclosure of Intellectual Property.

1. Disclosure Required. Creators shall disclose to the Vice Chancellor for Research, through the Director of the TCO, any Intellectual Property that is or may be owned by the University under this policy, including improvements and reductions to practice ~~and Intellectual Property created under, whether done alone or in collaboration, with or without~~ Sponsored Research.

~~2. Timing. Disclosure shall be made prior to submission of the Intellectual Property for publication, other release to the public domain or attempt to license, distribute or manufacture the Intellectual Property commercially.~~ ~~3. Multiple creators support. Such disclosure shall be made by filing a signed and completed New Technology Disclosure form (available on the TCO website) with the TCO.~~ Where more than one Member of the University has participated in the creation of Intellectual Property, all such participants must sign ~~the disclosure notice.~~ a copy of the completed New Technology Disclosure form.

2. Timing. Disclosure shall be made prior to submission of the Intellectual Property for publication or other release to the public domain, or attempt to license, distribute or manufacture applications of the Intellectual Property commercially.

3. Review. The TCO shall review and process in a timely manner every New Technology Disclosure form that it receives, provided, however, that action upon an incomplete (including unsigned) submission may be suspended by the Director of the TCO until such time as such incomplete submission is completed by the submitter(s).

##### B. Determination of Ownership Rights.

1. Determination of Rights. The Vice Chancellor for Research, through the Director of the TCO, shall determine whether the University has reason to exercise ownership rights over Intellectual Property disclosed to it, and, if the University has such rights, whether it desires to obtain protection for or pursue licensing of such Intellectual Property.

2. Notice to Creator. The ~~Chancellor~~ Director of the TCO shall promptly notify the Creator of ~~his/her~~ any determination to disclaim or assert ownership of the Intellectual Property.

3. Time Limit. The University shall make every reasonable effort to act expeditiously under the circumstances in arriving at all decisions and taking all actions under Sections B, C and D of this Part.<sup>2</sup>

C. Legal Protection and Commercialization.

1. Forms of Protection. Intellectual Property determined ~~by the Chancellor~~ to be owned by the University under this policy may be patented, registered with the U.S. Copyright Office or otherwise legally protected by the University.

2. Assignments. The Creator of ~~such~~ University-owned Intellectual Property shall cooperate with the University in the application for legal protection of the Intellectual Property, including executing ~~appropriate~~ in a timely manner all assignments, declarations and/or other documents required to ~~set forth~~ effectively ~~the~~ set forth such ownership ~~and~~ rights to the Intellectual Property pursuant to this policy. In the event of any dispute between the Creator and the University, the Creator's meeting of obligations under this provision shall be without prejudice to the Creator's rights under Part IX.

3. Costs of Protection. All costs involved in obtaining and maintaining legal protection of University-owned Intellectual Property shall be borne by the University, unless the University disclaims, releases or waives its ownership rights or unless a licensee accepted by the Creator agrees to bear such costs pursuant to the terms of a written license agreement.

4. Commercialization. The Creator has ~~primary~~ shared responsibility with the University for identifying parties having an interest in using, developing or commercializing University-owned Intellectual Property. However, the University retains the right to determine with which parties it will enter into agreements.

5. Progress Reports. The ~~Chancellor~~ Director of the TCO shall ~~regularly~~ periodically inform the Creator of the progress of the University's protection efforts and licensing of University-owned Intellectual Property disclosed by such Creator.

D. Creator's Additional Rights.

1. Request for Release. The Creator may request assignment to the Creator of some or all of the University's rights in Intellectual Property (a "Release") under the following circumstances:

a. if the University notifies Creator that it elects not to protect or commercialize University-owned Intellectual Property, or that it has decided to abandon protection or commercialization; or

b. if, within 90 calendar days of disclosure of University-owned Intellectual Property to the ~~Chancellor~~ TCO, the Creator has not received notice ~~from the Chancellor~~ that the University: (i) disclaims ownership of the Intellectual Property or (ii) has taken steps to protect or commercialize University-owned Intellectual Property.

Such request shall disclose the date of any publication of the Intellectual Property.

2. Release or Proof of Continuing Effort. Within 30 calendar days of the date of a request from a Creator for a Release, the University shall either (a) disclaim ownership of the Intellectual Property, (b) execute a Release, or (c) document that the University has exercised and continues to exercise due diligence in attempting to protect or commercialize the Intellectual Property. However, any such action to be taken shall be subject to any governing Sponsored Research agreement and reporting or other obligations of the University thereunder. Under applicable federal Sponsored Research agreements, where the University is willing to waive its interest, it shall be responsible for expeditiously releasing such Intellectual Property to the sponsoring agency and for reporting of the Creator's interest in obtaining a release therefor from the Sponsor.

3. Form of Release. The University may condition the granting of a Release on the assignment to the University of a share, not to exceed 10 %, of net proceeds. For purposes of this section, "net proceeds" shall mean earnings to the Creator from the Intellectual Property over and beyond reasonable costs incurred in the process of legal protection and management. The University shall retain a royalty-free, non-exclusive license to use any Intellectual Property released to the Creator under this Section D for internal educational and research purposes. Pursuant to 37 C.F.R. Part 401, as amended (regulations implementing the Bayh-Dole Act), the U.S. government shall also retain certain rights.

<sup>2</sup> For ~~more~~ specific time limits following the Creator's request for an assignment of the University's rights in Intellectual Property, see Section V.D.

4. University Waiver. The University shall be deemed to have waived its rights in the Intellectual Property if: (a) it fails to meet the deadline specified in Section D.2, or a mutually agreeable extended time period; or (b) in the case of a patentable Invention, it fails to file a patent application within 90 calendar days of the date of ~~publication~~disclosure as set forth in the Creator's request for a Release under Section D.1.

5. Creator's Right to Protect. If the University disclaims, releases or waives ownership of Intellectual Property, the Creator shall have the right to obtain protection for or pursue licensing of such Intellectual Property in his or her own name and at his or her own cost.

E. ~~Intellectual Property Committee~~.

~~1. Purpose. An Intellectual Property Committee shall be established to advise the Chancellor on disclosures made to him or her, to make recommendations for updates and changes to this policy, and to consider such other matters as may be described in this policy or may be referred to the Committee by the Chancellor.~~

~~2. Composition. The Intellectual Property Committee shall consist of at least nine members. The Vice Chancellor for Research or designee (who shall serve as chair of the Committee) and the President of the Research Foundation or designee, shall be members. The Chair of the University Faculty Senate, or a person designated by the Chair, shall select the remaining members of the Committee, taking into account the recommendations of the Chancellor. Membership of the Committee shall, insofar as possible, consist of individuals who have generated copyrighted or patented materials and should collectively represent a diversity of types of such materials (i.e., textbooks, biotechnology, software, etc.) The General Counsel of the Research Foundation shall serve as staff to the Committee.~~

~~3. Subcommittees. The Chair of the Intellectual Property Committee shall appoint from among the membership of the Intellectual Property Committee a Copyright Subcommittee responsible for the review of disclosures of Copyrightable Works, and a Patent and Technology Subcommittee responsible for the review of disclosures of Inventions, Trade Secrets and Know-How, and Tangible Research Property. Each subcommittee shall, insofar as possible, consist of at least five members, a majority of whom shall have generated copyrighted materials, in the case of the Copyright Subcommittee, or patented materials, in the case of the Patent and Technology Subcommittee. The Chair of the Intellectual Property Committee or designee shall serve as chair of the subcommittees. In connection with the review of the disclosure of a particular invention, the Chair of the Patent and Technology Subcommittee may convene a meeting limited to those members whose areas of expertise are most relevant to the subject of the invention.~~

~~4. Term. Intellectual Property Committee Members are appointed for three-year terms with non-concurrent expiration dates and may serve successive terms.~~ F. Sponsored Research Requirements. The Research Foundation shall monitor ~~disclosure~~ and be responsible for financial and performance reporting requirements and other related obligations to Sponsors regarding University-owned Intellectual Property developed under a Sponsored Research agreement or grant, including but not limited to obligations to the U.S. government under 37 C.F.R. Part 401, as amended (regulations implementing the Bayh-Dole Act). This monitoring activity shall be coordinated with the TCO, which shall monitor disclosures of University-owned Intellectual Property and other non-financial reporting requirements to Sponsors.

G. Management Organization. The University may make an agreement with one or more intellectual property management organizations to undertake the legal protection and/or, with the permission of the Creator, commercialization activities, described in this Part V. Any such management organization shall be required to abide by the time limits set forth in Section V.D.

H. Not Applicable. This Part does not apply to University-owned Intellectual Property described in Sections III.B.2 and III.B.3, or in Section III.B.5 to the extent this Part conflicts with the terms of the negotiated agreement.

## VI. Distribution of Income from Intellectual Property

A. Policy. ~~A~~Except as may be otherwise agreed pursuant to this policy, a Creator of University-owned Intellectual Property is entitled to share in the income, including royalties, and dividends from University equity interests (subject to any University conflict of interest policy), ~~and dividends~~, earned from the commercialization of that Intellectual Property.

B. Distribution. Subject to the terms of any Sponsored Research agreement and unless otherwise agreed by the University and the Creator, gross income created from commercialization of University-owned Intellectual Property shall be distributed as follows:

1. First, to pay for any out-of-pocket expenses incurred by the University or the Research Foundation in connection with the administration, protection and commercialization of such Intellectual Property, including, but not limited to, fees paid to outside legal, consulting, marketing and licensing organizations and any other out-of-pocket costs incurred by the University or the Research Foundation.

2. Then, 10 % applied to a fund at the University for payment of costs related to patent filing, prosecution and maintenance fees [incurred by the TCO](#).

3. The resulting "Net Proceeds" shall be distributed as follows:

- 50 % to the Creator(s);
- 25 % to the University for the support of research and scholarly activity, [as administered by the Vice Chancellor for Research](#); and
- 25 % to the Creator's College(s), with 50 % of such amount going to the Creator's academic or research unit(s) for the support of research and scholarly activity.

C. Multiple Creators. Where two or more Members of the University contributed to the creation of Intellectual Property, the Creator's share of revenues shall be divided among them equally, unless the Members of the University agree upon a different distribution among themselves and notify the University in writing of their agreement.

## VII. Issues Relating to Ownership of Equity and Conflict of Interest

A. University's Equity Interest. Subject to the review and approval of the [Vice Chancellor for Research](#), and after a diligent effort to identify prospective sponsors or licensees, the University is permitted to take an equity interest in sponsors or licensee companies under the following terms and conditions:

1. Sponsors and licensees shall demonstrate management and technical capability, and have the financial resources necessary to meet their development objectives and their obligations to the University.

2. License agreements shall include measures of performance that must be met in order to maintain the license granted by the University.

3. Equity shall not be held in sufficient amount to confer management power, which generally would limit ownership to less than 20% of equity.

4. Equity shall represent a fair valuation for the Intellectual Property.

5. The University shall not accept a position on the board of directors of a licensee, but may accept and exercise observer rights on such boards. Exceptions to this policy require the approval of the [OGC and the Vice Chancellor for Research](#).

6. Licensees shall pay for out-of-pocket patenting and related expenses.

### B. Member's Significant Interest.

1. Conflicts of interest may arise when a Member of the University has a Significant Interest in an entity:

Member;

a. to which the University has granted a license of Intellectual Property created by the

b. with whom the University has entered into a Sponsored Research agreement;

c. which has contracted with the University for use of the Member's University office or laboratory or other University Resources; or

d. which employs or otherwise involves the Member's student advisees.

2. A Member of the University with a Significant Interest in [an](#) entity described in B.1, above:

- a. shall disclose the Significant Interest to the University prior to the execution of any agreement between the entity and the University;
- b. shall not represent the University in negotiating the agreement; and
- c. shall not employ or otherwise involve such Member's student advisees at the entity unless they are paid at market rate.

3. A Member's Significant Interest in a licensee shall not prohibit the Member from receiving Creator's royalties pursuant to ~~VI.B.3 of this policy.~~ Section VI.B.3 of this policy. Notwithstanding the foregoing, if the University receives equity from a licensee in lieu of or partial lieu of royalties, a Member who holds a Significant Interest in such licensee shall not share in the University's equity, but shall receive any equity directly from the licensee.

4. Nothing in this Section shall lessen the obligation of a Member to comply with the requirements of state and federal law, the Research Foundation and any other University policy, regarding the disclosure of conflicts of interest.

C. Consulting Agreements. Conflicts involving Intellectual Property may arise when a Member of the University enters into a personal consulting or other agreement with a third party. Such agreements may include provisions as to the licensing or assignment of Intellectual Property and may come into conflict with this policy. Prior to signing any consulting or other agreement that deals with Intellectual Property owned by the University pursuant to this policy, a Member of the University shall have the agreement reviewed by the Vice Chancellor for Research as advised by the OGC to be certain such agreement does not inappropriately assign University rights to third parties. If the agreement is in conflict with this policy, the Member must either obtain from the Vice Chancellor for Research a waiver of any University rights, or otherwise modify the consulting agreement to conform with this policy. This requirement is in addition to, and does not eliminate the necessity for, any approval required by any University conflict of interest policy.

#### VIII. Exceptions to and Waiver of Policy

A. Any Member of the University is entitled to ~~request~~ apply to the General Counsel for an exception or waiver ~~to~~ from one or more of the provisions of this policy, including in the event that a publisher or other outside organization proposes terms which are exceptions to this policy. To the extent possible, any application for a waiver should be made prior to public disclosure of the Intellectual Property involved.

~~B. A Member of the University wanting an exception or waiver shall, in the first instance, send a written request to the Chancellor, who shall circulate the request to the Member's College President, the University Dean for Research and the President of the Research Foundation. If these three individuals agree, the Chancellor shall notify the Member that the request is granted. The written waiver application must state the policy provision or provisions for which the Member of the University is seeking a waiver.~~

~~C. In the event that a request for exception or waiver is not granted pursuant to B, above, the Member of the University shall have the right to appear, accompanied by representatives of such individual's choice, before the Intellectual Property Committee for further consideration of the request. This hearing shall occur no later than 30 calendar days from the date of the request for such hearing. The Intellectual Property Committee shall prepare a report of its findings and submit an advisory recommendation to the Chancellor for review within 30 calendar days of the hearing. The decision of the Chancellor on the findings and recommendations of the Intellectual Property Committee shall be rendered within 30 calendar days and shall be final. The General Counsel shall consult with the Vice Chancellor for Research and the president of the applicant's college (or, if the applicant is a Central Office employee, the Chancellor) or their designees, prior to making a determination regarding the application.~~

~~D. Members of the University should be aware that the University cannot waive federal, state or local law, or the terms of Sponsored Research agreements.~~

~~E. Parties to the waiver process described in this Part VIII (including without limitation the University Dean, General Counsel, the Vice Chancellor for Research, the College President(s), the President of the Research Foundation, the Chancellor, and the members of the Intellectual Property Committee and the college presidents) shall maintain the confidentiality of any Intellectual Property contained in documents submitted as part of this process.~~

#### IX. Resolution of Disputes

This policy constitutes an understanding which is binding on the University and Members of the University for the use of University Resources and for participating in research programs at the University. Any questions of interpretation or

claims arising out of or relating to this policy, or dispute as to ownership rights of Intellectual Property under this policy, shall be settled by the following procedure: The issue must first be submitted, in the form of a letter setting forth the grievance or issue to be resolved, to a review panel of five members, including a representative of the Creator, and designees of the Executive Vice Chancellor for Academic Affairs, the President of the Research Foundation, the Chair of the Faculty Advisory Council of the Research Foundation, and the Provost of the Creator's College. The panel shall review the matter and then advise the parties of its decision within 30 calendar days of submission of the letter. The decision of the panel may be appealed by either side to the Chancellor. The decision of the Chancellor shall be final.

#### **X. Trademarks**

The University owns all right, title and interest in Trademarks related to an item of Intellectual Property owned by the University, or to a program of education, service, public relations, research or training program of the University.

#### **XI. Role of the Research Foundation**

The University hereby assigns its ownership rights in Inventions resulting from Sponsored Research to the Research Foundation. The Research Foundation may file patent applications, as named assignee, for such Inventions, subject to the terms of this policy, including the distribution provisions set forth in Section VI, with respect to income earned from the commercialization of such Inventions. Furthermore, nothing in this policy shall prevent the Chancellor from appointing the Research Foundation as the Chancellor's designee for performance of the functions assigned to the University in general or the Chancellor in particular, or to retain distribution of income from commercialization of Intellectual Property.

#### **XII. Effective Date**

This policy is effective from the date of approval by the University Board of Trustees with respect to Intellectual Property created after that date and shall remain in effect until modified or revoked.

#### **XIII. Definitions**

**"Chancellor"** shall mean the Chancellor of the University or his or her designee.

**"College"** shall mean a "senior college" or "community college" of the University or a component thereof, as such terms are defined in Section 6202 of the New York Education Law.

**"Commissioned Work"** shall mean work commissioned by the University in writing from a Member of the University, outside the scope of his or her employment.

**"Copyrightable Work"** shall mean an original work of authorship, including any Scholarly or Pedagogical Work, which has been fixed in any tangible medium of expression from which it can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device, and may include, but is not limited to, books, journals, musical works, dramatic works, multimedia products, computer programs or codes, videos, films, sound recordings, pictorial and graphical works and sculpture.

**"Creator"** shall mean a Member of the University whose creative activity results in the development of Intellectual Property. As used in this policy, the term "Creator" also includes groups of researchers, authors or inventors whose joint efforts produce Intellectual Property.

~~**"Designated Individual"** shall mean the College officer who has been appointed by the College President to be in charge of Intellectual Property matters.~~

**"Intellectual Property"** shall mean all forms of intellectual property, including but not limited to Inventions, Copyrightable Works, Trade Secrets and Know-How, and Tangible Research Property, but excluding Trademarks.

**"Invention"** shall mean a process, method, machine, manufacture, discovery, device, plant, composition of matter or other invention that reasonably appears to qualify for protection under the United States patent law, whether or not actually patentable. "Invention" shall also include computer programs and codes, but only to the extent they are patentable.

The term **"Member of the University"** shall include full-time and part-time faculty, staff, and graduate students engaged in faculty-directed research, whether paid or unpaid, as well as individuals compensated by grant funds made available to the University whether or not by or through the Research Foundation. Any other person who develops

Intellectual Property while making extraordinary use of University Resources shall also be deemed a Member of the University, unless there is an agreement providing that such person shall not be subject to this policy.

“**OGC**” shall mean the Office of the General Counsel and [Senior Vice Chancellor for Legal Affairs](#).

“**Research Foundation**” shall mean The Research Foundation of the City University of New York.

“**Scholarly or Pedagogical Works**” shall mean Copyrightable Works created for traditional academic purposes. Examples include scholarly books (including text books), instructional materials including lecture notes, classroom presentations, research articles, research monographs, student theses and dissertations, novels, poems, films, videos, musical compositions and performances, dramatic works and performances, visual works of art including paintings, drawings, sculpture, installations and performance art, and other scholarly publications or works of artistic imagination, whether such works are disseminated in print, electronically or through some other tangible medium.

“**Significant Interest**” shall mean the following:

(1) the position of director, officer, partner, employee, or agent, or other managerial position; or

(2) anything of monetary value, including but not limited to, salary or other payments for services (e.g., consulting fees or honoraria), equity interest (e.g., stock, stock options or other ownership interests), and Intellectual Property rights and royalties from such rights.

The term does not include: (1) income from seminars, lectures or teaching engagements sponsored by public or nonprofit entities; (2) income from service on advisory committees or review panels for public or nonprofit entities; (3) financial interests in business enterprises or entities that, when aggregated for the Member and the Member's spouse and dependent children, meet both of the following tests: (a) do not exceed \$10,000 per year in value, as determined through reference to public prices or other reasonable measures of fair market value and (b) do not represent more than a 5 % percent ownership interest in any single enterprise or entity; or (4), salary, royalties or other continuing payments that, when aggregated for the Member and the Member's spouse and dependent children, are not expected to exceed \$10,000 per year in value.

“**Sponsor**” shall mean an organization, agency or individual which or who provides funding, equipment, or other support for the University, directly or through the Research Foundation, to carry out a specified project in research, training, or public service pursuant to a written agreement (“**Sponsored Research**”). Sponsors include Federal, State, local and other governmental entities, as well as private industry, individuals, educational institutions and private foundations.

“**Substantial Use of University Resources**” shall mean unreimbursed use of University Resources at a level not ordinarily used by or available to, all or virtually all, faculty, staff or graduate students, as the case may be. Ordinarily available University Resources include assigned office, laboratory and studio space and standard office, laboratory and studio equipment, office computer workstations, library and other general use information resources and the means of network access to such resources. The University does not construe the payment of salary in the form of release time or sabbatical as constituting substantial use of University Resources, except in those situations where the release time or sabbatical is granted specifically to support the development of Commissioned Work. Use of ordinarily available University Resources for private, commercial purposes is considered substantial use.

“**Tangible Research Property**” shall mean tangible items produced in the course of research including, but not limited to, biological materials, research notes and reports, laboratory notebooks, computer databases and software, circuit chips, equipment and engineering drawings.

[“TCO” shall mean the Technology Commercialization Office.](#)

“**Trade Secrets and Know-How**” shall mean facts, information, data, designs, business plans, customer lists and other secret knowledge which give the owner a competitive edge.

“**Trademark**” shall mean a distinctive word, design or graphic symbol, or combination of the same, that distinguishes and identifies the goods and services of one party from those of another. The term “Trademark” shall include service marks.

“**University**” shall mean The City University of New York.

“**University Resources**” shall mean any resources available to a Member of the University as a direct result of his or her affiliation with the University and which would not otherwise be available to a non-University- affiliated individual,

including but not limited to, funds and financial support, facilities, equipment, supplies, services, non-faculty University personnel, students, release time and sabbaticals.

Approved by the Board of Trustees on November 18, 2002, Cal. No. 5.B., amended on December 8, 2008, Cal. No. 4.

**B. BROOKLYN COLLEGE - NAMING OF THE SAM E. AND EVA R. BELLER REHEARSAL STUDIO:**

RESOLVED, That the Board of Trustees of The City University of New York approve the naming of the "Sam E. and Eva R. Beller Rehearsal Studio" within the Leonard and Claire Tow Center for the Performing Arts at Brooklyn College.

EXPLANATION: Sam E. Beller graduated from Brooklyn College in 1959 with a Bachelor's degree in Speech and Mathematics. Since graduation, Mr. Beller has earned professional distinction in the insurance industry. A member of the "Million Dollar Round Table," a world-wide association of top insurance producers, he is president of Diversified Programs, Inc., an insurance and employee benefits agency. He is a chartered life underwriter and financial consultant, as well as a member of the International Association of Financial Planners, the National Society of Chartered Life Underwriters, and the Association for Advanced Life Underwriting.

Currently, Mr. Beller is an active member of the Brooklyn College Foundation's Board of Trustees, and serves as the Chair of the Board's Planned Giving Committee. He also finances an annual scholarship in support of Brooklyn College students in financial need who demonstrate an interest in entrepreneurship.

In 2006, Mr. Beller named the Brooklyn College Foundation as the primary beneficiary of his life insurance policy, with a current death benefit of \$1,000,000, to be designated in support of the Tow Center for the Performing Arts at Brooklyn College.

To recognize Mr. Beller's longstanding support and extraordinary generosity, Brooklyn College requests the naming of the "Sam E. and Eva R. Beller Rehearsal Studio" within the Leonard and Claire Tow Center for the Performing Arts.

**C. BROOKLYN COLLEGE - NAMING OF THE DON BUCHWALD THEATER:**

RESOLVED, That the Board of Trustees of The City University of New York approve the naming of the "Don Buchwald Theater" within the Leonard and Claire Tow Center for the Performing Arts at Brooklyn College.

EXPLANATION: Don Buchwald graduated from Brooklyn College in 1959 with a Bachelor's degree in Theater. Since then, Mr. Buchwald has established himself as one of the world's top talent agents. He is the founder and CEO of Don Buchwald & Associates, a full-service talent and literary agency that employs more than eighty people in offices in New York and Los Angeles. Its clients are actors, directors, producers, writers, and broadcasters, both well-known figures and up-and-coming talents, whose work appears on stage, in film, and in broadcast, including satellite radio and on-demand television.

Mr. Buchwald has served on the Brooklyn College Foundation's Board of Trustees since 1998. He also underwrites the Don Buchwald Internship Program, which provides fully-funded internships at Don Buchwald & Associates and other New York arts and entertainment companies for eight to twelve Brooklyn College students each year.

In 2006, Mr. Buchwald pledged \$1,300,000 to the Brooklyn College Foundation to support capital and other improvements at the Tow Center for the Performing Arts at Brooklyn College.

To recognize Mr. Buchwald's longstanding support and extraordinary generosity, Brooklyn College requests the naming of the "Don Buchwald Theater" within the Leonard and Claire Tow Center for the Performing Arts.

**D. BROOKLYN COLLEGE - NAMING OF THE EDWIN H. COHEN '62 AND DORIS J. COHEN MUSIC STUDIO:**

RESOLVED, That the Board of Trustees of The City University of New York approve the naming of the "Edwin H. Cohen '62 and Doris J. Cohen Music Studio" within the Leonard and Claire Tow Center for the Performing Arts at Brooklyn College.

EXPLANATION: Edwin H. Cohen graduated from Brooklyn College in 1962 with a Bachelor's degree (with honors) in Economics. During the course of his career, Mr. Cohen has completed hundreds of real estate transactions in the metropolitan New York/New Jersey/Connecticut area, leasing several million square feet of office space and selling many office buildings and land sites. After a 40-year career as one of the most prominent members of the real estate brokerage community, in 2003 Mr. Cohen joined long-time friend and associate Eugene Diaz as a partner at Prism Capital Partners, LLC.

Currently, Mr. Cohen is Chair of the Brooklyn College Foundation's Board of Trustees. Prior to that, he served for many years as Chair of the Board's Student Life Committee.

In 2006, Mr. Cohen named the Brooklyn College Foundation as the primary beneficiary of his life insurance policy, with a current death benefit of \$321,413.46, designated in support of the Tow Center for the Performing Arts at Brooklyn College.

To recognize Mr. Cohen's longstanding support and extraordinary generosity, Brooklyn College requests the naming of the "Edwin H. Cohen '62 and Doris J. Cohen Music Studio" within the Leonard and Claire Tow Center for the Performing Arts.

#### **E. BROOKLYN COLLEGE - NAMING OF THE JAMES '68 AND ANNA FANTACI MUSIC STUDIO:**

RESOLVED, That the Board of Trustees of The City University of New York approve the naming of the "James '68 and Anna Fantaci Music Studio" within the Leonard and Claire Tow Center for the Performing Arts at Brooklyn College.

EXPLANATION: James Fantaci graduated from Brooklyn College in 1968 with a Bachelor's degree in Economics. During the course of his career, he served as Assistant Treasurer of the Bank of New York, and then as Senior Vice President of the New York office of Matrix Leasing International. In 1982, Mr. Fantaci joined Babcock & Brown, where he coordinated all of the company's leasing activities worldwide for over 25 years.

Mr. Fantaci was a member of the Brooklyn College Foundation's Board of Trustees from 1999 through 2007, and now serves as an Honorary Governor of the Board. In 2001, he endowed the Matthew J. Fantaci Professorship in Modern Languages in honor of his late brother.

In 2006, Mr. Fantaci donated \$250,000 to the Brooklyn College Foundation in support of the Tow Center for the Performing Arts.

To recognize Mr. Fantaci's longstanding support and extraordinary generosity, Brooklyn College requests the naming of the "James '68 and Anna Fantaci Music Studio" within the Leonard and Claire Tow Center for the Performing Arts.

#### **F. BROOKLYN COLLEGE - NAMING OF THE BARRY R. FEIRSTEIN REHEARSAL STUDIO:**

RESOLVED, That the Board of Trustees of The City University of New York approve the naming of the "Barry R. Feirstein Rehearsal Studio" within the Leonard and Claire Tow Center for the Performing Arts at Brooklyn College.

EXPLANATION: Barry Feirstein graduated from Brooklyn College in 1974 *summa cum laude* with a B.S. in Economics and membership in Phi Beta Kappa. Mr. Feirstein is Owner and President of Feirstein Capital Management Corporation, a private investment management firm.

Mr. Feirstein has brought his gift for teamwork and his capacity for strategic thinking to the Brooklyn College Foundation, which he joined in 2005. Before being elected President of the Foundation, he served as Chair of the Audit and Finance Committee. In 2011, his gift of \$5.5 million provided the foundation for the Barry R. Feirstein Graduate School of Cinema. The school, housed in Steiner Studios in Brooklyn's Navy Yard, will be the first comprehensive public graduate cinema program in the state of New York.

In 2006, Mr. Feirstein pledged \$200,000 and then contributed an additional \$75,000 to the Brooklyn College Foundation in support of the Tow Center for the Performing Arts at Brooklyn College.

To recognize Mr. Feirstein's longstanding support and extraordinary generosity, Brooklyn College requests the naming of the "Barry R. Feirstein Rehearsal Studio" within the Leonard and Claire Tow Center for the Performing Arts.

**G. BROOKLYN COLLEGE - NAMING OF THE MURRAY KOPPELMAN '57 PIMA LABORATORY:**

RESOLVED, That the Board of Trustees of The City University of New York approve the naming of the "Murray Koppelman '57 PIMA Laboratory" within the Leonard and Claire Tow Center for the Performing Arts at Brooklyn College.

EXPLANATION: Murray Koppelman graduated from Brooklyn College in 1957 with a Bachelor's degree in Accounting. After graduation, he rose rapidly in the world of finance and banking. He served as managing partner of an accounting firm from 1961 to 1968, and then became Executive Vice-President and Chief Operating Officer of D.H. Blair and Co., Inc. In 1984, he was elected President and CEO of the Manhattan-based banking firm Eastlake Securities, Inc. He currently serves as Vice President of Asset Management at J.P. Morgan Securities.

Mr. Koppelman, currently a member of the Brooklyn College Foundation's Board of Trustees, was named Brooklyn College Alumnus of the Year in 1994, awarded a Presidential Medal in 1995, and honored at the annual "Best of Brooklyn" gala in 2004. In 2011, his generous support made it possible for the Brooklyn College Foundation to purchase a 24,000-square-foot property adjacent to the College, marking the first expansion of the Brooklyn College campus in 75 years.

From 2004 through 2007, Mr. Koppelman donated a total of \$550,000 to the Brooklyn College Foundation in support of the Tow Center for the Performing Arts.

To recognize Mr. Koppelman's longstanding support and extraordinary generosity, Brooklyn College requests the naming of the "Murray Koppelman '57 PIMA Laboratory" within the Leonard and Claire Tow Center for the Performing Arts.

**H. BROOKLYN COLLEGE - NAMING OF THE MICHAEL LYNNE '61 LOUNGE:**

RESOLVED, That the Board of Trustees of The City University of New York approve the naming of the "Michael Lynne '61 Lounge" within the Leonard and Claire Tow Center for the Performing Arts at Brooklyn College.

EXPLANATION: Michael Lynne graduated from Brooklyn College in 1961 with a Bachelor's degree in English. Throughout his career, Mr. Lynne has helped shape the direction of the film industry by developing new and unconventional strategies relating to production, marketing and distribution, including the unprecedented simultaneous production of the three films in *The Lord of the Rings* trilogy, which earned worldwide box office gross in excess of \$1 billion to become the most successful film franchise in history. He served as Co-Chairman and Co-Chief Executive Officer of New Line Cinema Corporation from 1990 to 2008. His new venture, Unique Features, has eleven films at various stages of development.

Mr. Lynne is a current member of the Brooklyn College Foundation's Board of Trustees and serves as the Chair of the Barry R. Feirstein Graduate School of Cinema Organizing Committee. He is a generous supporter of the Brooklyn College Performing Arts Center and the Feirstein Graduate School of Cinema. He was awarded the Brooklyn College Presidential Medal in 2004 and was the honoree at the "Best of Brooklyn" gala in 2005.

In 2004, Mr. Lynne pledged \$250,000 to the Brooklyn College Foundation in support of the Tow Center for the Performing Arts.

To recognize Mr. Lynne's longstanding support and extraordinary generosity, Brooklyn College requests the naming of the "Michael Lynne '61 Lounge" within the Leonard and Claire Tow Center for the Performing Arts.

**I. BROOKLYN COLLEGE - NAMING OF THE MAGNER FAMILY RECORDING STUDIO SUITE:**

RESOLVED, That the Board of Trustees of The City University of New York approve the naming of “The Magner Family Recording Studio Suite” within the Leonard and Claire Tow Center for the Performing Arts at Brooklyn College.

EXPLANATION: Marjorie Magner graduated from Brooklyn College in 1969 with a Bachelor’s degree in Psychology. She served as Chairman and CEO of the Global Consumer Group at Citigroup from 2003 to 2005. During this time, she was named to *Fortune* magazine’s list of Most Powerful Women in Business from 2001-2004, *Forbes* magazine’s list of the World’s Most Powerful Women (#19), and *U.S. Banker’s* list of the Most Powerful Women in Banking (#1), among others.

In addition to her achievements in business and banking, Ms. Magner is a passionate advocate on issues affecting consumers, women, and youth across the globe. From starting community development and microfinance business units at Citigroup, to championing issues such as microfinance, children, and combating global poverty, she helps to bring a more integrated, innovative business approach to the philanthropic world.

Ms. Magner served as Chairman of the Brooklyn College Foundation’s Board of Trustees from 2005-2009, and currently serves as Chair of the Board’s Development Committee and the Foundation For Success Campaign. Over the years, she has remained an active and generous supporter of the Magner Center for Career Services and Internships at Brooklyn College.

In 2006, Ms. Magner pledged \$250,000 to the Brooklyn College Foundation in support of the Tow Center for the Performing Arts.

To recognize Ms. Magner’s longstanding support and extraordinary generosity, Brooklyn College requests the naming of “The Magner Family Recording Studio Suite” within the Leonard and Claire Tow Center for the Performing Arts.

**J. BROOKLYN COLLEGE - NAMING OF THE BOBBI AND MORT TOPFER REHEARSAL STUDIO:**

RESOLVED, That the Board of Trustees of The City University of New York approve the naming of the “Bobbi and Mort Topfer Rehearsal Studio” within the Leonard and Claire Tow Center for the Performing Arts at Brooklyn College.

EXPLANATION: Morton Topfer graduated from Brooklyn College in 1959 with a Bachelor’s Degree in Physics. Mr. Topfer currently serves as Managing Director of Castletop Capital and as a member of the Board of Directors of Dell Computer Corporation. He previously served as Counselor to the Chief Executive Officer at Dell from 1999-2002, and as Vice Chairman from 1994-1999. Prior to joining Dell, Mr. Topfer served for 23 years at Motorola, Inc., where he held several executive positions, last serving as Corporate Executive Vice President and President of the Land Mobile Products Sector.

Mr. Topfer has remained an engaged and generous supporter of the Morton and Angela Topfer Library Café at Brooklyn College, and the Morton and Angela Topfer Presidential Scholarship for outstanding Brooklyn College students.

In 2006, Mr. Topfer pledged \$2,000,000 to the Brooklyn College Foundation in support of the Tow Center for the Performing Arts.

To recognize Mr. Topfer’s longstanding support and extraordinary generosity, Brooklyn College requests the naming of the “Bobbi and Mort Topfer Rehearsal Studio” within the Leonard and Claire Tow Center for the Performing Arts.

**K. BROOKLYN COLLEGE - NAMING OF THE DIANE AND HOWARD ’64 WOHL MUSIC STUDIO:**

RESOLVED, That the Board of Trustees of The City University of New York approve the naming of the “Diane and Howard ’64 Wohl Music Studio” within the Leonard and Claire Tow Center for the Performing Arts at Brooklyn College.

EXPLANATION: Howard Wohl graduated from Brooklyn College in 1964 with a Bachelor's degree in Accounting. Mr. Wohl is currently retired after serving as co-Founder and Chief Investment Officer of Ivy Asset Management Corp., a large funds investment firm, for over 25 years.

Mr. Wohl was a member of the Brooklyn College Foundation's Board of Trustees for over six years, including serving as Chair of the Performing Arts Center Planning Committee. He has remained an active and generous supporter of the Diane and Howard Wohl Juvenile Collection Fund for the Brooklyn College Library and a Professional Skills Training Program for Brooklyn College students.

In 2005, Mr. Wohl pledged \$500,000 to the Brooklyn College Foundation in support of the Tow Center for the Performing Arts.

To recognize Mr. Wohl's longstanding support and extraordinary generosity, Brooklyn College requests the naming of the "Diane and Howard '64 Wohl Music Studio" within the Leonard and Claire Tow Center for the Performing Arts.

**L. THE GRADUATE CENTER - NAMING OF THE DR. KAREN C. AND DR. LEWIS J. ALTFEST OFFICE OF CAREER PLANNING AND PROFESSIONAL DEVELOPMENT:**

RESOLVED, That the Board of Trustees of The City University of New York approve the naming of the "Dr. Karen C. and Dr. Lewis J. Altfest Office of Career Planning and Professional Development" at The Graduate Center.

EXPLANATION: Drs. Karen and Lewis Altfest are alumni of The Graduate Center, having earned a Ph.D. in History in 1979 and a Ph.D. in Business in 1978, respectively. They have been actively involved in The Graduate Center and are generous donors. Dr. Karen Altfest serves as a founder and Co-Chair of The Graduate Center Foundation Trustee and Alumni Professional Development Committee. In 2013, the Altfests made a pledge of \$100,000 to The Graduate Center Foundation over four years (beginning in 2013) to support the activities of the Office of Career Planning and Professional Development.

In recognition of this generous pledge, The Graduate Center requests that the Office of Career Planning and Professional Development be named in the Altfests' honor.

**M. THE GRADUATE CENTER - NAMING OF THE ALBERT BILDNER CONFERENCE ROOM:**

RESOLVED, That the Board of Trustees of The City University of New York approve the naming of the President's Conference Room as the "Albert Bildner Conference Room" at The Graduate Center.

EXPLANATION: Albert Bildner, who passed away in 2012, had been a dedicated Graduate Center trustee since 1980, and was awarded an honorary degree from The Graduate Center in 1994. He generously supported Graduate Center initiatives, including funding the Bildner Center for Western Hemisphere Studies. His widow, Lin Bildner, joined the Board of Trustees in 2012. Graduate Center friends and trustees, including Robert Wechsler (\$200,000 pledge, paid in full) and Lin Bildner (\$100,000 pledge through the Albert & Lin Bildner Foundation, of which \$50,000 has been paid), have donated a combined \$358,200 to create a Bildner Memorial Fund, with the intention of naming the conference room in Mr. Bildner's honor.

In recognition of these generous pledges, The Graduate Center requests that the President's Conference Room be named in Mr. Bildner's memory.

**N. QUEENS COLLEGE - NAMING OF THE DONALD I. BROWNSTEIN/JOHN J. MCDERMOTT HONORS SCHOLARSHIPS IN THE HUMANITIES:**

RESOLVED, That the Board of Trustees of The City University of New York approve the naming of the "Donald I. Brownstein/John J. McDermott Honors Scholarships in the Humanities" at Queens College.

**EXPLANATION:** Donald I. Brownstein earned his Bachelor's degree from Queens College in 1965 with a major in Philosophy, and earned his Ph.D. in Philosophy from the University of Minnesota. Dr. Brownstein has made a pledge in the amount of \$1 million to the Queens College Foundation, to be paid from 2013-2017, to establish the "Donald I. Brownstein/John J. McDermott Honors Scholarships in the Humanities."

This contribution supports the study of Humanities disciplines at Queens College by providing scholarships to Queens College honors students who are majoring in or studying subject matters relating to a Humanities discipline. The scholarships also honor John J. McDermott, a former Queens College faculty member of the Philosophy Department, who was Mr. Brownstein's professor.

Queens College therefore requests the naming of the "Donald I. Brownstein/John J. McDermott Honors Scholarships in the Humanities" in recognition of Mr. Brownstein's generosity.

**O. LAGUARDIA COMMUNITY COLLEGE - NAMING OF THE B.I.J. STAMM PHYSICS LABORATORY:**

RESOLVED, That the Board of Trustees of The City University of New York approve the naming of the physics laboratory in Room E-316 at LaGuardia Community College as the "B.I.J. Stamm Physics Laboratory."

**EXPLANATION:** Arthur Stamm, husband of former LaGuardia Community College Foundation board director Marilyn Skony Stamm, donated \$100,000 to the Foundation in honor of his wife and in memory of his late father, B.I.J. Stamm. His contribution will provide full-tuition scholarships and incentive grants to dedicated and ambitious LaGuardia students who graduate within two years.

B.I.J. Stamm, who founded New York City's Oil Heat Utilities, was an immigrant, innovator and entrepreneur whose efforts pioneered the worldwide oil burner manufacturing business known today as the Stamm International Corporation, the parent company of the world's leading industrial and commercial suppliers of gas, oil and combined gas/oil heating products.

In recognition of Mr. Stamm's generosity, LaGuardia Community College requests the naming of the "B.I.J. Stamm Physics Laboratory."

**NO. 5. COMMITTEE ON ACADEMIC POLICY, PROGRAMS AND RESEARCH:** RESOLVED, That the following items be approved:

**A. BROOKLYN COLLEGE - MFA IN CINEMA ARTS, MA IN CINEMA STUDIES, AND THE ESTABLISHMENT OF A BRANCH CAMPUS:**

RESOLVED, That the program in Cinema Arts leading to the Master of Fine Arts and the program in Cinema Studies leading to the Master of Arts at Brooklyn College be approved, subject to financial ability, November 26, 2013; and be it further

RESOLVED, That the establishment of a branch campus, the Steiner Studios in Brooklyn, at which the MFA in Cinema Arts and the MA in Cinema Studies are to be delivered, be approved, subject to financial ability, November 26, 2013.

**EXPLANATION:** Over 100,000 New Yorkers are directly employed in the film entertainment industry, which generates \$5 billion to the city's economy every year. To date, there has been no graduate-level academic program in this region that specifically aims to prepare students for those areas of the industry in which the greatest employment opportunities exist. With a focused curriculum that emphasizes commercial filmmaking, the proposed Master of Fine Arts in Cinema Arts seeks to fill that void. Students will have the opportunity to study one of five areas: directing, cinematography, production management, post-production, and screenwriting. The goal of the Master of Arts in Cinema Studies is to provide a comprehensive education in cinema history, theory, criticism, and aesthetics and to encourage the scholarly exploration of motion pictures as a form of art and as a means of social communication. Both of these programs will be delivered at a branch campus, the Steiner Studios in the historic Brooklyn Navy Yard, which is equipped for start-to-finish production of major motion pictures, independent films, television, broadcast commercials, and music videos.

**B. THE CITY COLLEGE OF NEW YORK - SOPHIE DAVIS SCHOOL OF BIOMEDICAL EDUCATION - ESTABLISHMENT OF THE DEPARTMENT OF MEDICAL EDUCATION:**

RESOLVED, That the Department of Medical Education be established in the Sophie Davis School of Biomedical Education at The City College of New York, effective December 1, 2013, subject to financial ability.

EXPLANATION: Pursuant to academic and institutional planning, and the policies of the Liaison Committee on Medical Education (LCME) that accredits US medical education programs, the Sophie Davis School of Biomedical Education proposes the establishment of a Department of Medical Education. The Sophie Davis School is actively engaged in the restructuring of its academic program and curriculum in fulfillment of the requirements and accreditation standards of the LCME. The LCME requires that all faculty who teach students in a medical school have academic appointments in that institution. The majority of faculty who will teach the Sophie Davis medical students in years four through seven of the seven-year BS-MD curriculum will be licensed physicians, many of whom are in private practice with affiliations at local hospitals, or are full time faculty at hospitals. In order to provide these faculty members with the appropriate academic appointments and support, appointments must be made to a department whose structure and function relate directly to their teaching responsibilities. The new Department of Medical Education will reflect the teaching credentials and area(s) of expertise of the clinical faculty, and will provide the necessary structure to promote faculty collaboration and enhanced instruction. The proposed Department will also provide oversight to faculty development and education scholarship.

Upon its creation, the Department of Medical Education will assume direct oversight of three current clinically-oriented Sophie Davis courses, including two courses that have been contracted to a local hospital. The School has initiated the transfer and re-assignment of one contracted course to current full-time Sophie Davis clinical faculty; it is anticipated that full in-house oversight of the remaining contracted courses will become effective by Fall 2014. The elimination of the teaching contract will yield significant cost-savings to the School in the current fiscal year, and provide the resources to support the creation of the new Department of Medical Education in Spring 2014. The addition of this Department of Medical Education to the Sophie Davis School of Biomedical Education will better support the mission of the school, and improve curriculum content, integration and teaching, and support the faculty as clinician educators. Because of lead time required to fully implement this change, this action is being put forward in advance of the presentation of the MD program proposal for approval by CUNY BOT and NYSED. This action was approved by the Executive Faculty Committee on June 14, 2013.

A separate resolution regarding the transfer and appointment of personnel to the new Department of Medical Education has been submitted to the Board of Trustees via the Chancellor's University Report. Contingent upon the approval of the Board of Trustees, designated faculty members (5) will be transferred from the Department of Community Health and Social Medicine and the Department of Pathobiology to the new Department of Medical Education.

**C. THE CITY COLLEGE OF NEW YORK - SOPHIE DAVIS SCHOOL OF BIOMEDICAL EDUCATION - LETTER OF INTENT FOR A BS/MD IN BIOMEDICAL SCIENCE/MEDICINE:**

RESOLVED, That the Letter of Intent (LOI), permitting City College to propose a combined BS/MD in Biomedical Science/Medicine be approved effective November 26, 2013, subject to financial ability.

EXPLANATION: The Sophie Davis School of Biomedical Education presently offers a unique integrated BS/MD program. This program provides access to medical education for youth from social, ethnic, and racial backgrounds historically underrepresented in medicine, and develops primary care physicians committed to practicing in underserved communities. In its current structure, City College, through the Sophie Davis School, awards a BS in Biomedical Education and one of six cooperating medical schools awards the MD. Although this model has been successful, at this time, Sophie Davis is seeking to become a Doctor of Medicine degree granting institution in order to offer the full BS/MD program at CUNY. While City College develops a full proposal for this program to be brought to CAPPR at a future date, approval of this LOI is being sought now so that City College may begin working with the Liaison Committee on Medical Education (the medical school accreditor) to develop an accreditable program, as well as begin preparing to request a Master Plan Amendment from the New York State Department of Education. By controlling the full continuum

of our students' medical education, this combined BS/MD program will provide the transformational path needed for New York City and State to educate and train primary care physicians to practice in communities that have the highest need for basic medical care and services.

**D. JOHN JAY COLLEGE - BA IN ANTHROPOLOGY:**

RESOLVED, That the program in Anthropology leading to the Bachelor of Arts at John Jay College be approved effective November 26, 2013, subject to financial ability.

EXPLANATION: As part of its strategic plan to offer its students a wider array of liberal arts majors with a social justice emphasis, John Jay College has designed a BA in Anthropology with two concentrations. One focuses on global cultural forms and social inequalities; the second examines the intersection of law, power and politics from an anthropological perspective. Required courses in applied Anthropology, statistics, and ethnographic research methods along with opportunities to work with faculty on research projects will provide students with skills for employment, particularly in the government and non-profit sectors, as well as graduate studies in, among other fields, social work, law, and anthropology.

**E. KINGSBOROUGH COMMUNITY COLLEGE - AAS IN POLYSOMNOGRAPHIC TECHNOLOGY:**

RESOLVED, That the program in Polysomnographic Technology leading to the AAS degree at Kingsborough Community College be approved, subject to financial ability, effective November 26, 2013.

EXPLANATION: Kingsborough Community College seeks to offer one of the first associate's degree programs in polysomnographic technology in New York State, which has recently classified sleep technicians as a licensed profession. Graduates of the program will have completed the educational requirements recently mandated to obtain this license. Sleep technicians work in labs designed to diagnose and treat conditions such as sleep apnea, narcolepsy, REM sleep behavior disorder, nighttime seizures, sleep walking, night terrors, and periodic limb movement disorder. This program will complement Kingsborough's existing allied health degrees which include, among others, Nursing and Emergency Medical Services.

**F. LEHMAN COLLEGE - ESTABLISHMENT OF THE SCHOOL OF HEALTH SCIENCES, HUMAN SERVICES AND NURSING:**

RESOLVED, That the School of Health Sciences, Human Services and Nursing be established at Lehman College effective July 1, 2014, subject to financial ability. The School shall consist of four existing departments: Health Sciences, Nursing, Social Work, and Speech-Language-Hearing Sciences.

EXPLANATION: Pursuant to academic and institutional planning, and following consultation with faculty, students, and the administrative leadership, Lehman College proposes to create a new School of Health Sciences, Human Services and Nursing that will house four existing departments: Health Sciences, Nursing, Social Work and Speech-Language-Hearing Sciences.

The first three departments are currently housed in the School of Natural and Social Sciences and the last is currently housed in the School of Arts and Humanities. This reorganization does not alter the core functions or assignments of College faculty—teaching, research/scholarship, and service—or the ways departments are organized to facilitate the execution of those functions. Moreover, the fundamentals of faculty governance and administrative management will remain unchanged. Although two additional full time lines are requested for fiscal 2015 and 2016 to cover administrative support to serve as dean and associate dean for the School, the increased visibility, fundraising, and grantsmanship should provide a significant return on the initial investment.

It is the expectation of Lehman College that the creation of a new School of Health Sciences, Human Services and Nursing will increase the visibility, identity and capabilities of these departments and programs as they prepare a growing number of students for professional careers in the local and global health care industries. The new School will enhance service learning and internship opportunities through greater collaborations with local schools and hospitals,

as well as with social services, health and governmental agencies that should also strengthen Lehman College's contribution to the economic development of the region, an important feature of the College's mission. The campus wide Faculty Personnel & Budget Committee approved the establishment of the School on November 8, 2011.

**G. SCHOOL OF PROFESSIONAL STUDIES AT THE GRADUATE SCHOOL AND UNIVERSITY CENTER - BS IN INFORMATION SYSTEMS:**

RESOLVED, That the program in Information Systems leading to the Bachelor of Science in the School of Professional Studies at the Graduate School and University Center, be approved effective November 26, 2013, subject to financial ability.

EXPLANATION: This proposed undergraduate degree in Information Systems will teach students the formalized methods used across industries when selecting, implementing and managing sophisticated computer information systems. The curriculum is based upon recommendations from two professional organizations, the Association for Information Systems and the Association for Computing Machinery. Students will be exposed to both the technical aspects of information systems such as programming and network security, and the managerial aspects such as systems analysis and design, and project management. Information Systems continues to be a field with strong employment opportunities. That fact, coupled with the completely on-line delivery of this program, will make this degree very attractive to working professionals looking to advance their career prospects.

**H. COLLEGE OF STATEN ISLAND - BA IN GEOGRAPHY:**

RESOLVED, That the program in Geography leading to the Bachelor of Arts at the College of Staten Island be approved, effective November 26, 2013, subject to financial ability.

EXPLANATION: The mission of the Geography program will be to develop an understanding and appreciation of the diversity of the earth's physical and cultural environments, as well as the interrelationships between peoples and their environments. Students will also gain training in Geographical Information Systems (GIS). GIS experience provides students with an important skill, advantaging students for some of the fastest growing and lucrative employment opportunities in today's highly competitive job market.

**I. THE CITY UNIVERSITY OF NEW YORK - CHANGE IN THE UNIVERSITY STUDENT RETENTION AND PROGRESS POLICY:**

RESOLVED, That the policy regarding Student Retention and Progress adopted by the CUNY Board of Trustees on April 5, 1976 and amended on both October 26, 1976 and March, 23 1981, be amended as follows, effective November 26, 2013.

EXPLANATION: Revised federal regulations require students on academic probation to file an appeal to continue to receive financial aid. Approval of that appeal may require an academic plan which, if followed, will allow the student to meet the college's retention standard within a specific timeframe. In accordance with those federal regulations, the Board's policy on Student Retention and Progress needs to be amended as follows:

**NOTE: New material is underlined; deleted material is struck out.**

Satisfactory progress toward a degree shall be defined as the satisfactory completion of:

- a) At least one-half of the first four courses or twelve credits attempted
- b) At least two-thirds of the second four courses or twelve credits attempted
- c) At least three-quarters of the third four courses or twelve credits attempted
- d) At least three-quarters of all courses attempted in any subsequent semester

Each student will be expected to maintain a grade point average of at least 1.50 for the first four courses, or twelve credits, attempted and at least a 1.75 grade point average for the first eight courses, or twenty-four credits, attempted. In each subsequent semester students will be expected to maintain at least a 2.00 grade point average.

The Chancellor is authorized to promulgate the minimal standards for satisfactory progress for full-time undergraduate students to be used for determining student eligibility for State financial assistance and not for general institutional use. Through the normal academic processes each college is to recommend to the Board of Trustees, with the approval of the Chancellor, its minimal academic standards for retention of full-time and part-time students. These standards are to be designed for general institutional use.

Students who fail to meet their college's retention standards or the conditions of an academic or other probation, are to be dropped from their college but may apply for readmission no sooner than one semester after their dismissal and will be subject to normal ~~faculty college~~ admission decisions. The normal ~~faculty college~~ processes dealing with student placement on academic probation, attendance probation, or other probation deemed advisable by the faculty are to be continued with the condition that ~~such probation constitutes good academic standing for the purpose of student eligibility for financial assistance.~~ approval of the appeal, for purposes of federal financial assistance requires:

- An evaluation of the feasibility of the student obtaining the requisite GPA for retention by the next semester or term, or;
- The establishment of an academic plan, to be monitored for multiple terms, if necessary to obtain the GPA required by the retention standard.

Students moving to the upper divisions of a four-year college either from the lower divisions of the college or from a community college within The City University of New York system or outside of it must provide evidence, in accordance with a standard to be determined by the Chancellor, that they have attained a level of proficiency in basic learning skills necessary to cope successfully with advanced work in the academic disciplines.

**J. BARUCH COLLEGE - AGREEMENT WITH THE COLLEGE OF MANAGEMENT ACADEMIC STUDIES IN ISRAEL TO OFFER A DUAL DEGREE IN INTERNATIONAL MASTERS OF BUSINESS ADMINISTRATION:**

RESOLVED, That the Board of Trustees of The City University of New York authorize the General Counsel to execute an agreement on behalf of Baruch College with the College of Management Academic Studies in Israel to offer a dual degree in International Masters of Business Administration. Such contract shall be subject to approval as to substance by the University Office of Academic Affairs and approval as to form by the University Office of General Counsel.

EXPLANATION: Baruch College seeks to offer a dual International Masters of Business Administration Program with the College of Management Academic Studies in Israel. Such program would be an international extension of the successful Masters of Business Administration offered locally by Baruch. Classes would be taught in English by full-time and adjunct faculty from both the Zicklin School of Business and the College of Management Academic Studies. Tuition charges will be consistent with those approved by the Board on June 22, 2009 for Baruch International Executive Programs.

**K. [ADDED ITEM] HUNTER COLLEGE - HONORARY DEGREE FOR HOLLAND COTTER:**

RESOLVED, That Hunter College awards Holland Cotter, MA '88, the degree of Doctor of Humane Letters, *honoris causa*, at the college's winter commencement ceremony on January 23, 2014.

EXPLANATION: Holland Cotter, Pulitzer Prize-winning journalist, is the co-chief art critic and senior writer at *The New York Times*. His subjects have ranged from Italian Renaissance painting to street-based communal work by artist collectives. In 2009, he was awarded the Pulitzer Prize for Criticism and is credited with exposing Indian and Chinese art to a western audience. His Pulitzer-winning pieces written at *The New York Times* are praised for vividly capturing the emerging avant-garde and contemporary art scene in China.

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

**A. HUNTER COLLEGE - CONSTRUCTION FUNDING BY THE HUNTER COLLEGE FOUNDATION, INC.:**

RESOLVED, That the Board of Trustees of The City University of New York authorize the City University Construction Fund ("the Fund") to accept design and Construction Management pre-construction funding from The Hunter College Foundation Inc. of all of the funds, presently in the amount of \$2,000,000, and any future contributions on the same terms, necessary to cover all of the costs associated with the design and Construction Management pre-construction services in the renovation of the 6<sup>th</sup> and 7<sup>th</sup> floors of the Wexler Library at Hunter College.

EXPLANATION: The Hunter College Foundation Inc. is organized for the purpose of aiding and promoting the educational and charitable purposes and lawful activities of the College, including raising funds for the planning, design and construction of improvements to College facilities.

The Fund, on behalf of the City University of New York and at the request of Hunter College, intends to reconstruct the 6<sup>th</sup> and 7<sup>th</sup> floors of the Wexler Library at Hunter College's 68<sup>th</sup> Street Campus' east building and plans to use only grants from the Foundation to pay for the construction and related services. s.

SCOPE OF WORK: The 6<sup>th</sup> and 7<sup>th</sup> floors of the library will be totally renovated, including new finishes, electrical and data wiring, lighting and supplemental HVAC systems. The 6<sup>th</sup> floor will house three smart classrooms, a new Education Library, a Center for the Macaulay Honors College, as well as open seating and group study areas. The 7<sup>th</sup> floor will house Learning Centers for Math, Science and Writing, as well as the Pre-Professional Center, a lecture Hall, and open study areas. A new compact connecting stair will be added between the floors, and the existing large stair removed with the space repurposed to program area. The renovations will feature a technology rich environment for 21<sup>st</sup> century learning in a flexible and modern design.

**B. THE CITY COLLEGE OF NEW YORK - CONSTRUCTION FUNDING BY THE CITY COLLEGE 21<sup>ST</sup> CENTURY FOUNDATION, INC.:**

RESOLVED, That the Board of Trustees of The City University of New York authorize the City University Construction Fund ("the Fund") to accept construction funding from the City College 21<sup>st</sup> Century Foundation, Inc. of all of the funds, presently in the amount of \$6,500,000, and any future contributions on the same terms, necessary to cover all of the costs associated with the construction and related services in the renovation of the City College Alumni House in order to accommodate the Colin Powell Center.

EXPLANATION: The City College 21<sup>st</sup> Century Foundation, Inc. is organized for the purpose of aiding and promoting the educational and charitable purposes and lawful activities of the College, including raising funds for the planning, design and construction of improvements to College facilities.

The Fund, on behalf of the City University of New York and at the request of City College, intends to reconstruct the Alumni House at 280 Convent Avenue into offices, conference rooms and reception area for use by the Colin Powell Center for Leadership and Service and plans to use only grants from the Foundation to pay for the construction and related services. The Foundation has retained an architect for the design with whom the Fund's staff will work in the administration of the construction contracts.

PROJECT HISTORY: The Alumni House, at the City College of New York, is a four story limestone and brick structure that is a contributing building to the Hamilton Heights Historic District listed on the National Register of Historic Places. Currently in disrepair and unoccupied, the 6,500 gsf building will be fully renovated to accommodate the Colin Powell Center as the community outreach and administrative headquarters.

PROJECT SCOPE: The proposed renovation and expansion includes a full restoration of the exterior envelope, development of a small exterior yard as a private amenity, total interior renovation, and a small addition that will house the new egress stair and ADA compliant elevator. The cellar will house mechanical spaces and a staff lounge, the first

floor will include public reception rooms, the second floor will house an office and the Center's Board Room, and the third floor will house open and private offices and a conference room.

**C. HUNTER COLLEGE - AMENDMENT AUTHORIZING TWO CONTRACTS FOR THE RENOVATION AND EQUIPMENT FIT-OUT OF THE BROADCAST MEDIA CENTER AT 695 PARK AVENUE, NY, NY:**

RESOLVED, That the Board of Trustees of The City University of New York amend the resolution adopted at the meeting of February 25, 2013, Cal. No. 5.B., authorizing the City University Construction Fund to execute two contracts on behalf of Hunter College for the Broadcast Media Center located in the North Building by authorizing an increase in the estimated total project cost. The first contract is to upgrade the existing TV Studio lighting and HVAC System and the second contract is for teleproduction fit-out from an analog production facility to a high definition production and teaching space. The two contracts shall be awarded to the lowest responsive and responsible bidders after public advertisement and sealed bidding pursuant to law and University Regulations; and be it further

RESOLVED, The cost of the two contracts shall not exceed a total of \$1,278,000 and be chargeable to the City Capital Budget, Project No. HU021-008. The contracts shall be subject to approval as to form by the Fund's General Counsel; and be it further

RESOLVED, That the City University Construction Fund be and hereby is authorized to enter into two contracts with the respective selected bidders for construction and fit-out services for the project.

EXPLANATION: In February 2013 the Board authorized CUCF to award two contracts for a combined total of \$1,129,000. At that time the contract for the renovation of the studio was estimated at \$437,000, and equipment/Integration at \$692,000. Since then CUNY has received bids, and is ready to award a contract in an amount not to exceed \$565,000 for the renovation. The difference is attributable to increased construction costs experienced over the last year. Bids for the studio equipment and integration are due this month, and are expected to increase by approximately 3% over the original budget amount of \$692,000, bringing the new equipment estimate to approximately \$713,000, and overall project cost to \$1,278,000.

**D. THE CITY UNIVERSITY OF NEW YORK - FIVE-YEAR CAPITAL BUDGET REQUEST, FY 2014-15 THROUGH FY 2018-19:**

RESOLVED, That The City University of New York Board of Trustees approve a five-year Capital Budget Request for Fiscal Years 2014-15 through 2018-19 of approximately \$6.7 billion for projects authorized by The City University Construction Fund to address critical maintenance, infrastructure, and programmatic initiatives in support of the University's mission. 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; projects shall also be supported by state minor repair funding from General Fund. The request breaks down to \$5.3 billion for the Senior Colleges and \$1.4 billion for the Community Colleges. The state provides 100% of the funding for Senior Colleges and 50% for the Community Colleges. The city provides the matching 50% for the Community Colleges; 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: 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. As in previous plans, the FY 2014-15 through FY 2018-19 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.

**The projects included in the plan originate at the campuses and are prioritized following Board of Trustees criteria:**

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. [ADDED ITEM] THE CITY UNIVERSITY OF NEW YORK - DESIGNATION OF CAMPUSES FOR START-UP NY PROGRAM:**

RESOLVED, That the Board of Trustees of The City University of New York designates the following five campuses as eligible for the START-UP NY program: The City College of New York; Medgar Evers College; York College; Bronx Community College; and The College of Staten Island.

EXPLANATION: New York State recently established the "START-UP NY" program, which authorizes the creation of tax-free zones on eligible university campuses in New York State for new and expanding businesses. Under New York State law five CUNY campuses, one in each borough, may be designated by the Board as eligible to participate in the program and host tax-free zones. Each campus designated by the Board must be located in an economically distressed community, as defined by the New York State Commissioner of Economic Development. Additional CUNY campuses may apply separately to the Commissioner in competition with other universities to host tax-free zones under the program.

Tax-free zones may be located within eligible university campuses, affiliated business incubators, and certain other space affiliated with participating universities. Businesses locating within these tax-free zones will be generally exempt from New York State taxes, including business, sales, and property taxes, and the income paid to new employees of such businesses will be fully or partially exempt from State and local income taxes, for a period of ten years. Participating campuses and the businesses that would like to locate within such tax-free zones must submit plans to the New York State Commissioner of Economic Development. In order to be located in a tax-free zone hosted by a CUNY campus, businesses must be either in the formative stage of development or a high-tech business, must create new jobs, must not compete with any existing business within the immediate community but outside the tax-free zone, must be aligned with or further the academic mission of the host campus (such as scholarships, internships, courses, mentoring, etc.), and must provide positive community and economic benefits (such as employment, training, diversification of local economy, economic growth, etc.).