

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

CALENDAR

JANUARY 25, 2016

NO. 1. CHANCELLOR'S UNIVERSITY REPORT: RESOLVED, That the Chancellor's University Report for January 25, 2016 (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 November 23, 2015 be approved.

NO. 3. COMMITTEE ON FACULTY, STAFF AND ADMINISTRATION: RESOLVED, That the following items be approved:

A. THE CITY UNIVERSITY OF NEW YORK - CONTINUATION OF MILITARY LEAVE AND EMPLOYER-PAID HEALTH AND WELFARE BENEFITS COVERAGE FOR UNIVERSITY EMPLOYEES RECALLED FROM THE RESERVES TO ACTIVE MILITARY SERVICE:

RESOLVED, That the Board of Trustees of The City University of New York, in response to the continuing need for employees in the National Guard and Reserves to be activated for Military Service in response to the events of September 11, 2001, and in light of the continuing evolution of the response to September 11, 2001 into a wider campaign against terror, including military action in Afghanistan, hereby authorizes the continuation of Military Leave and Health & Welfare benefits for University employees in accordance with the following policies. These policies apply to employees of The City University of New York who are members of the National Guard, Reserve forces, or Reserve components of the Armed Forces of the United States.

1. Supplemental Military Leave

- (a) The City University of New York will provide a temporary leave category called Supplemental Military Leave at full pay. Employees of The City University of New York who have been federally activated or activated by the Governor of New York State for military service between September 11, 2001 and December 31, 2016 will be granted Supplemental Military Leave with full pay after the exhaustion of military leave with full pay pursuant to Section 242 of the New York State Military Law. While on such Supplemental Military Leave, the eligible employee will be in full pay status for a period not exceeding 30 work days, in addition to the leave that had been granted pursuant to Section 242 of the New York State Military Law. The Statutory Entitlement period is 30 work days for all Public Servant Soldiers of the City of New York in compliance with Chapter 238 of the laws of 2008.
- (b) Employees shall be eligible to receive Supplemental Military Leave through December 31, 2016. Supplemental Military Leave shall not be granted for military service performed after December 31, 2016. In no event shall more than one such grant of Supplemental Military Leave be credited to any employee for activation related to the war on terror regardless of the number of times the employee is activated between September 11, 2001 and December 31, 2016.

2. Military Leave at Reduced Pay

- (a) Employees shall be eligible to receive Military Leave at Reduced Pay through December 31, 2016. Military Leave at Reduced Pay status commences after the employee has exhausted Military Leave pursuant to Section 242 of the New York State Military Law, Supplemental Military Leave as set forth in paragraph 1 above, and any leave credits, other than temporary disability leave or sick leave, which the employee elects to use.
- (b) Employees in Military Leave at Reduced Pay status will be paid their regular City University of New York salary (base pay) reduced by military pay (base pay plus housing and food allowances). The determination of rate of payment for the Military Leave at Reduced Pay will be based upon the employee's regular City University of New York salary as of his/her last day in full pay status and the employee's military pay on the first day of his/her activation, and shall not be subject to adjustment during the period of leave at reduced pay.
- (c) Employees eligible for Military Leave at Reduced Pay will not be eligible to earn annual and temporary disability leave/sick leave accruals or to receive credit for holidays.
- (d) In no event shall Military Leave at Reduced Pay be granted for military service performed after December 31, 2016.

3. Continued Health Insurance Coverage

Covered dependents of eligible employees of The City University of New York, who are currently enrolled in a health plan with family coverage through The City University of New York and who have been federally activated or activated by the Governor of New York State for military service related to the war on terror shall continue to receive health insurance coverage with no employee contribution for a period not to exceed 12 months from the date of activation as long as the employee remains in full-pay status. If the employee is on unpaid leave, health insurance coverage will terminate at the end of 4 months. Contribution-free health insurance coverage will end at such time as the employee's active duty is terminated or the employee returns to City University of New York employment or December 31, 2016, whichever occurs first.

4. Other Provisions

The provisions of this resolution shall not apply to those employees who have voluntarily separated from City University of New York service or who are terminated for cause. Furthermore, the provisions of this resolution shall apply only for the period of time that the employee has an appointment with The City University of New York.

EXPLANATION: On October 22, 2001, November 18, 2002, March 29, 2004, February 28, 2005, January 8, 2007, January 28, 2008, January 26, 2009, January 4, 2010, January 23, 2011, January 24, 2012, February 6, 2013, February 24, 2014 and January 26, 2015 the Board of Trustees passed resolutions extending Military Leave and employer-paid health and welfare benefits coverage for University employees recalled from the Reserves to active military service in response to the events of September 11, 2001. This resolution authorizes the continuation of these benefits through December 31, 2016 in response to the need for employees to serve in the Armed Forces in light of the continuing evolution of the response to September 11, 2001 into a wider campaign against terror, including military action in Afghanistan.

This resolution, consistent with the policies being followed by the State of New York for its employees, authorizes, under certain conditions, the continuation of Supplemental Military Leave at full pay for 30 work days, in addition to the Military Leave provided pursuant to Section 242 of the New York State Military Law. Further, after exhaustion of the Supplemental Military Leave, this resolution authorizes a

Military Leave at Reduced Pay for military service performed through December 31, 2016, whereby the employee will receive salary from The City University of New York equal to the difference between the employee's regular CUNY salary and the military pay he/she is receiving. Finally, this resolution authorizes the continuation (through December 31, 2016) of dependent health care coverage, under certain conditions, for employees recalled to active service related to the war on terrorism (less any period in which the employee remains in full-pay status).

B. THE CITY UNIVERSITY OF NEW YORK - INCORPORATION OF THE CUNY GRADUATE SCHOOL OF PUBLIC HEALTH AND HEALTH POLICY FOUNDATION, INC.:

RESOLVED, That the Board of Trustees of The City University of New York authorizes the incorporation of the CUNY Graduate School of Public Health and Health Policy Foundation, Inc. pursuant to the provisions of the Not-for-Profit Corporation Law of the State of New York, and consents to the use of "CUNY Graduate School of Public Health and Health Policy" as part of the name of the Foundation. The Certificate of Incorporation and Bylaws of the Corporation shall be subject to approval as to form by the Office of the General Counsel on behalf of the Board of Trustees.

EXPLANATION: The Foundation shall be formed to support and advance the educational and research activities of the CUNY Graduate School of Public Health and Health Policy by raising funds and making contributions and grants to the Graduate School of Public Health and Health Policy. The Foundation shall operate in compliance with the Financial Management Guidelines for College Foundations issued by the Office of the University Controller.

C. HUNTER COLLEGE - NAMING OF THE OLSHAN PROFESSOR OF CLINICAL PRACTICE:

RESOLVED, That the Board of Trustees of The City University of New York approve the naming of the "Olshan Professor of Clinical Practice" in the Hunter College School of Education.

EXPLANATION: The Olshan family has pledged \$1,100,000 to the Hunter College Foundation, Inc. ("the Foundation") to establish a fund for the "Olshan Professor of Clinical Practice" within the School of Education at Hunter College. The Olshan Professor, holder of the first named chair in the School of Education's history, will expand the School's development of clinical programs and spearhead research on the skills and practices used by high-performing K-12 teachers. The Olshan Professor will also analyze the methods used in the United States to recruit, train, evaluate and compensate teachers, with the expectation that findings will be shared not only with schools in the New York City Department of Education, but also through scholarly papers, professional colloquia and public lectures. As a result, the Olshan Professor is expected to have a national impact on teacher preparation programs at departments of education across the country.

Carol Olshan received her B.A. from Hunter College in 1963, followed by a Master's Degree in 1972. She was an elementary school teacher in East Harlem for 16 years, and remains a passionate advocate for the teaching profession and for Hunter's School of Education which, she says, "literally made me who I am today." She adds, "It gave me a profession, it gave me a feeling of value. I'd wanted to be a teacher since third grade, and Hunter College gave me the wherewithal to pursue my dream."

Morton L. Olshan is the Founder and Chairman of Olshan Properties and its related entities, and is recognized as one of the leaders in the commercial real estate industry. In addition to his distinguished real estate career, Mr. Olshan has been actively involved in numerous civic and social service organizations. He is a Trustee Emeritus of the Horace Mann School, where he served on the Executive Board and was Chair of the Physical Facilities Committee. He also served as a Board member of the New York Urban Coalition, the Community Preservation Corporation, and represented the New York City Comptroller's Office on the Board of Trustees of the Metropolitan Museum of Art. He currently serves as a member of The President's Council of the New York Public Library.

D. THE CITY UNIVERSITY OF NEW YORK - AMENDMENT TO THE UNIVERSITY'S OPTIONAL RETIREMENT PLAN AND TAX DEFERRED ANNUITY PLAN:

RESOLVED, That the Board of Trustees of The City University of New York authorizes the Administrator of The City University of New York Optional Retirement Plan ("ORP") and The City University of New York Tax Deferred Annuity Plan ("TDA Plan") to reduce the number of companies serving as record-keepers to each Plan, and to designate TIAA-CREF as the sole record-keeper for each Plan. The Administrator of the Plans is authorized to take any action, enter into any agreements, and adopt any amendments to the ORP and TDA Plan documents necessary to effect this change in record-keepers, subject to review as to form by the Office of General Counsel.

EXPLANATION: Currently, each company that provides investment choices to the ORP and the TDA Plan acts as a separate record-keeper for the participants who choose to invest in its investment products. There are presently nine companies that are providing record-keeping services to either the ORP, the TDA Plan, or both.

However, more than 90% of the assets in both Plans are held by TIAA-CREF. TIAA-CREF was chosen to be the sole record-keeper after the completion of a review by the Plans' advisor, Cammack Retirement.

There are a number of advantages to using a sole record-keeper, including:

- Substantially reduced costs across the Plans;
- Significant simplification of operations, resulting in fewer compliance and audit issues; and
- The ability to offer focused communication and education services to participants of the Plans, including the ability to offer a consolidated benefits statement to all participants.

E. THE CITY UNIVERSITY OF NEW YORK - AMENDMENT TO SECTION 6.1 OF THE BYLAWS:

RESOLVED, That Section 6.1 and of the Bylaws of the Board of Trustees be amended to add two new titles in the CUNY School of Medicine; and be it further

RESOLVED, That the Board of Trustees waive the requirement in Section 5.1 of Article V that amendments to the Bylaws be proposed at a meeting preceding the meeting at which a vote is taken to permit a vote at this meeting in connection with this amendment.

NOTE: New material is highlighted, deleted material is in brackets.

SECTION 6.1. INSTRUCTIONAL STAFF.

The board hereby establishes the following instructional staff titles:

Chancellor
 Chancellor emeritus
 Executive vice chancellor
 Chief operating officer
 Senior vice chancellor
 Vice chancellor
 Associate vice chancellor
 University provost
 Secretary of the board
 University administrator
 University associate administrator
 University assistant administrator

President
Dean of the City University School of Law
Dean of the Graduate School of Journalism
Dean of the Graduate School of Journalism
Dean of the Sophie Davis School of Biomedical Education
Senior vice president
Vice president
Assistant vice president
Senior university dean
University dean
University associate dean
University assistant dean
Dean
Associate dean
Assistant dean
Administrator
Associate administrator
Assistant administrator
Distinguished professor
University professor
Professor
Associate professor
Assistant professor
Einstein professor
Visiting distinguished professor
Clinical Professor
Distinguished lecturer
Distinguished lecturer – medical series
Distinguished lecturer – law school series
Medical professor (basic sciences)
Associate medical professor (basic sciences)
Assistant medical professor (basic sciences)
Medical lecturer
Adjunct medical professor (basic sciences)
Adjunct associate medical professor (basic sciences)
Adjunct assistant medical professor (basic sciences)
Adjunct medical lecturer
Medical professor (clinical)
Associate medical professor (clinical)
Assistant medical professor (clinical)
Adjunct medical professor (clinical)
Adjunct associate medical professor (clinical)
Adjunct assistant medical professor (clinical)
Law school distinguished professor
Law school university professor
Law school non-teaching adjunct
Law school professor
Law school associate professor
Law school assistant professor
Law school instructor
Law school library professor
Law school library associate professor
Law school library assistant professor
Law school adjunct professor

Law school adjunct associate professor
 Law school adjunct assistant professor
 Law school adjunct instructor
 Law school lecturer
 Visiting professor
 Visiting associate professor
 Visiting assistant professor
 Adjunct professor
 Adjunct associate professor
 Adjunct assistant professor
 Adjunct lecturer
 Affiliated professional
 Professor of Military Science
 Affiliated medical professor
 Associate affiliated medical professor
 Assistant affiliated medical professor
Affiliated medical lecturer
Affiliated medical teacher

EXPLANATION: The amendment to Article 6.1 adds two new titles in the CUNY School of Medicine: Affiliated Medical Lecturer and Affiliated Medical Teacher.

The titles of Affiliated Medical Lecturer and Affiliated Medical Teacher are being added to supplement the titles needed for instruction at the CUNY School of Medicine, which has received preliminary accreditation by the Liaison Committee on Medical Education (LCME) to begin offering an M.D. granting program in August 2016. In order to meet the LCME requirement that clinical medical faculty supervising student learning experiences at hospitals have appointments on the institution's faculty, on December 1, 2014, the Board approved the creation of three titles in an Affiliated Medical Professor series. The University is now creating two additional titles – Affiliated Medical Lecturer and Affiliated Medical Teacher – to permit the appointment of non-physician qualified health care professionals who will be actively engaged in the training and supervision of medical students. As with the other titles for affiliated medical faculty, individuals in these affiliated titles will not receive compensation from or have employment status at CUNY.

NO. 4. COMMITTEE ON STUDENT AFFAIRS AND SPECIAL PROGRAMS: RESOLVED, That the following item be approved:

A. THE CITY UNIVERSITY OF NEW YORK - DELEGATION OF AUTHORITY TO GENERAL COUNSEL TO DESIGNATE THE NEW YORK STATE COMPTROLLER AS AN EDUCATION OFFICIAL OF THE CITY UNIVERSITY OF NEW YORK UNDER FERPA:

RESOLVED, That the Board of Trustees hereby delegates to the General Counsel of The City University of New York the authority to designate the New York State Comptroller, and his/her agents and representatives, to act as an education official of The City University of New York for the purpose of conducting audits of CUNY programs pursuant to the State Comptroller's authority under New York State law. In such designation, the General Counsel shall set forth the conditions under which the State Comptroller and his/her agents and representatives shall be granted access to "education records" under the Family Educational Rights and Privacy Act (FERPA) while conducting such audits.

EXPLANATION: The State Comptroller at times conducts audits of CUNY programs in accordance with his/her authority under Article V, Section 1 of the State Constitution and Section 8 of the State Finance Law. In the course of these audits, the State Comptroller and his/her agents and representatives may need to review records which constitute "education records" under FERPA, which prohibits an educational institution from disclosing a student's personally identifiable education records to third parties

unless the student consents or a particular exception applies. One exception under FERPA is that education records may be provided to “State and local educational officials” so long as they are “necessary in connection with the audit and evaluation of any federally or State supported education program.” 20 U.S.C. 1232g(b)(5), see also 34 CFR 99.31(a)(3) and 34 CFR 99.35.

Although the State Comptroller is not an “educational official” of CUNY at this time, the United State Department of Education has determined, in the case of SUNY, that it would be consistent with FERPA for SUNY’s governing body to designate the Comptroller as its representative for the purpose of conducting audits of State-supported education programs, and SUNY has done so.

This resolution would enable CUNY to take action appropriate action that would allow the State Comptroller to have access to records necessary to conduct its audits of CUNY programs without having to issue subpoenas (which involves another FERPA exception). The authority to designate the State Comptroller as an educational official is being delegated to the General Counsel to ensure that FERPA and all its implementing regulations are complied with and that the confidentiality of student education records is protected when they are provided to the State Comptroller’s office.

NO. 5. EXECUTIVE COMMITTEE: Notice of Actions Taken (January 4, 2016), for informational purposes:

A. THE CITY UNIVERSITY OF NEW YORK - APPROVAL OF SELECTION OF SOLIDDD CORP. TO PARTICIPATE IN THE START-UP NY PROGRAM THROUGH MEDGAR EVERS COLLEGE:

RESOLVED, That the Executive Committee of the Board of Trustees of The City University of New York approves the selection of Soliddd Corp. (“SoliDDD”) to participate in the Start-Up NY program (the “Program”) through Medgar Evers College. The President of Medgar Evers College and the General Counsel are each authorized to execute and submit all documents that are necessary or useful to effectuate SoliDDD’s participation in the Program. SoliDDD’s participation in the Program shall be subject to all University and New York State requirements. All Program documents to be executed for the University shall be subject to approval as to form by the University Office of General Counsel.

EXPLANATION: The Program 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, including Medgar Evers College, have been designated by the Board to participate in the Program. CUNY campuses other than the five designated by the Board may apply to host tax-free zones in competition with other universities.

Tax-free zones may be located within eligible College campuses, affiliated business incubators, and certain off-campus space affiliated with participating Colleges. Businesses locating within these tax-free zones will be generally exempt from State taxes, and the income paid to new employees of such businesses will be fully or partially exempt from State income taxes, for a period of ten years. In order to participate in the Program, businesses must be either a start-up 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, and must provide positive community and economic benefits. Businesses applying to participate in the Program are subject to approval by CUNY and the NYS Commissioner of Economic Development.

The five campuses designated by the Board are permitted to include an unlimited amount of campus and affiliated space in the Program. CUNY has worked with New York State Empire State Development, which administers the Program, to solicit potential businesses on an ongoing basis, and the College identified SoliDDD as offering a particularly strong fit for its academic programs. Pursuant to University policy, SoliDDD was evaluated and recommended for selection into the Program by a committee of College and Central Office staff, and by the College President and the Vice Chancellor for Facilities Planning, Construction and Management (or their designees).

B. COLLEGE OF STATEN ISLAND - EXECUTION OF NEW LEASE FOR 120 STUYVESANT PLACE, STATEN ISLAND, NEW YORK:

RESOLVED, That the Executive Committee of the Board of Trustees of The City University of New York authorizes the General Counsel to execute a new lease for fifteen years, for 16,150 rentable square feet of space on the first floor, at 120 Stuyvesant Place, Staten Island, New York, on behalf of the College of Staten Island. The lease shall be subject to approval as to form by the University Office of General Counsel.

EXPLANATION: To better serve the diverse higher educational needs of Staten Island, the College is broadening its geographic location and physical space by opening a satellite campus in the St. George section of the borough. The growing economic development of the St. George area, as well as being home to one of the borough's best transportation hubs, will enhance the College's opportunity to advance its mission of access and excellence.

The satellite campus in St. George would be located at 120 Stuyvesant Place. The proposed new lease will provide for 16,150 rentable square feet of administrative offices and academic space constituting the entire first floor of the building. The term of the lease will be for fifteen years and start upon substantial completion of the landlord's work. The base rent for the term will start at \$616,126 (\$38.15/RSF) per annum and will increase by 10% every five (5) years for the balance of the term. The rent includes the amortized cost of leasehold improvements built to the University's specifications by the landlord and increases of 1.5% per annum in lieu of operating expense escalations.

The Landlord shall be responsible for exterior, structural and roof repairs. The University will be responsible for its proportionate share of any increase on current real estate taxes.

C. CUNY GRADUATE SCHOOL OF PUBLIC HEALTH AND HEALTH POLICY - EXECUTION OF LEASE AMENDMENT FOR 55 WEST 125TH STREET, NEW YORK, NEW YORK:

RESOLVED, That the Executive Committee of the Board of Trustees of The City University of New York authorizes the General Counsel to execute a lease amendment for approximately fifteen years, for 29,104 rentable square feet of space on the fifth and sixth floors, at 55 West 125th Street, New York, New York, on behalf of the CUNY Graduate School of Public Health and Health Policy. The lease amendment shall be subject to approval as to form by the University Office of General Counsel.

EXPLANATION: The CUNY Graduate School of Public Health and Health Policy is currently located at 55 West 125th Street. The College currently occupies 26,000/RSF of space on the entire 7th floor and part of the 8th floor pursuant to a lease that started on August 3, 2015 and will expire on November 30, 2030. The base rent for the current space is \$981,500 (\$37.75/RSF) per annum.

The proposed new lease amendment will provide the college with an additional 29,104/RSF rentable square feet of offices and academic space constituting the entire 5th and part of the 6th floors of the building. The term of the lease amendment for the additional space will start upon substantial completion of the landlord's work and will expire on November 30, 2030, along with the existing space. The rent for the additional space will start at approximately \$1,251,472 (\$43.00/RSF) per annum. The combined base rent for the current space and the additional space will be approximately \$2,225,100 (\$40.38/RSF) and will increase by 12.5% on every fifth anniversary of the original start date of the lease.

The Landlord shall be responsible for all repairs, including the HVAC system. The landlord will also provide janitorial and pest control services to the School. The University will be responsible for interior maintenance and its proportionate share of any increases in current real estate taxes.