

**MINUTES OF THE MEETING OF THE BOARD OF
TRUSTEES OF THE CITY UNIVERSITY OF NEW YORK**

HELD

APRIL 24, 2000

**AT THE BOARD HEADQUARTERS BUILDING
535 EAST 80TH STREET – BOROUGH OF MANHATTAN**

The Chairperson called the meeting to order at 4:34 P.M.

There were present:

**Herman Badillo, Chairman
Benno C. Schmidt, Jr., Vice Chairman**

**Satish K. Babbar
John J. Calandra
Kenneth E. Cook
Michael C. Crimmins
Alfred B. Curtis, Jr.**

**Ronald J. Marino
Randy M. Mastro
Kathleen M. Pesile
George J. Rios
Jeffrey S. Wiesenfeld**

Md. Mizanoor R. Biswas, ex officio

Bernard Sohmer, ex officio

**Secretary Genevieve Mullin
Roy P. Moskowitz, Acting General Counsel and Acting Vice Chancellor for Legal Affairs
Hourig Messerlian, Executive Assistant
Lorrie Christian
Anthony Vargas
Towanda Washington**

**Chancellor Matthew Goldstein
Interim Deputy Chancellor Patricia Hassett
President Fred W. Beaufait
President David A. Caputo
President Dolores Fernandez
President Ricardo R. Fernandez
President Frances Degen Horowitz
President Edison O. Jackson
President Charles C. Kidd, Sr.
President Christoph M. Kimmich
Interim President Sidney I. Lirtzman
President Gerald W. Lynch**

**Interim President Roberta S. Matthews
President Antonio Perez
Int. Pres. and Dean Stanford R. Roman, Jr.
President Marlene Springer
President Carolyn G. Williams
Interim President Michael Zibrin
Dean Kristin Booth Glen
Interim Vice Chancellor Sherry Brabham
Vice Chancellor Jay Hershenson
Vice Chancellor Emma E. Macari
Vice Chancellor Brenda Richardson Malone
Vice Chancellor Louise Mirrer**

The absence of Trustees John Morning and Nilda Soto Ruiz was excused.

A. VIDEOTAPING OF BOARD MEETING: **Chairman Badillo** announced that CUNY-TV is transmitting this afternoon's meeting of the Board of Trustees live over cable Channel 75. This is an important community service and will help provide the public with additional opportunities to observe the work of the Board and the University.

B. CONDOLENCES: On behalf of the Board and the Administration, **Chairman Badillo** offered condolences to the family of the late **Reverend Robert Ross Johnson**, who served as a member of the Board, when it was known as the Board of Higher Education, from 1969 to 1974. Reverend Johnson was a founder of **York College**, and in 1970 he chaired that College's presidential search committee. He was an advocate for the education of minorities and the development of the liberal arts faculty.

C. CITY COLLEGE PRESIDENTIAL SEARCH COMMITTEE: **Chairman Badillo** announced that he has asked **Trustee Randy Mastro** to serve as Chairman of The City College Presidential Search Committee. The other Trustee members of this Committee are **Satish Babbar**, **John Morning**, **Kathleen Pesile**, and **George Rios**. This is an important search and I'm delighted that these Trustees have agreed to serve.

D. CHANCELLOR'S HONORS: **Chairman Badillo** stated that he is pleased to announce that **Chancellor Goldstein** has been invited to serve on two prestigious committees. The first, the Group of 35, a blue ribbon Task Force on New York City Commercial Space, headed by Senator Charles Schumer, will focus on specific proposals and development sites that can alleviate the shortage of commercial space. The second, established by Governor Pataki, is an Advisory Committee that will refine the mission of the Rivers Institute, develop a business plan and organizational structure, establish a research agenda, develop affiliations with other research and educational facilities, and identify funding and endowment sources. The Rivers Institute will be a world class rivers and estuary research and educational institute in the Hudson Valley.

At this point Trustee Calandra joined the meeting.

E. FACULTY HONORS: **Chairman Badillo** called on **Trustee Curtis**, who announced the following:

1. **Professor Chang-rae Lee** of the English Department at **Hunter College**, has received a Guggenheim Fellowship.
2. **Professor Margaret E. Carhan**, Dorothy Epstein Professor of History at **Hunter College**, was awarded a Woodrow Wilson Fellowship for next year.
3. **Professor Phillip Kasinitz** of the Department of Sociology at **Hunter College**, has been awarded a Visiting Scholarship at the Russell Sage Foundation for academic year 2000-2001.
4. **Professor Heather Hendershot** of the Department of Media Studies at **Queens College**, will be serving as a Fellow at the Shelby Cullom Davis Center at Princeton University during the 2000-2001 academic year.
5. **Professor Dimitra Karabali** of the Department of Physics and Astronomy at **Lehman College**, has been named an Institute for Theoretical Physics Scholar for 2000 through 2002. The Institute, located at the University of California, Santa Barbara, is one of the world's foremost centers for theoretical physics. Only seven scholars are selected for this title each year. Dr. Karabali is the second Lehman faculty member to receive this honor. Congratulations to all the professors.

F. STUDENT/ALUMNI HONORS: **Chairman Badillo** called on **Trustee Crimmins**, who announced the following:

1. **Vivian Ka**, a student in **The City College's Sophie Davis School of Biomedical Education**, has won a Fulbright Fellowship for Study Abroad. Beginning in February 2001, she will spend a year at the University of Western Sydney at Macarthur, Australia, where she will study and conduct research on the concepts and theory of Chinese medicine.
2. **Lia Lynch**, an English/Honors/French student and a **Hunter College** Mellon Minority Undergraduate Fellow, has been awarded an Andrew W. Mellon Fellowship in Humanistic Studies. Ms. Lynch is one of 85 students from throughout the country to be awarded this most prestigious award for graduate work in the Humanities. She has also

received a President's Fellowship from Princeton University, where she will be studying 17th century English Literature.

3. Ms. Emer Martin, an alumna and recent valedictorian at **Hunter College**, has received a Guggenheim Fellowship. We congratulate all of these students for their honors.

G. GRANTS: **Chairman Badillo** presented for inclusion in the record the following report of Grants of \$100,000 or above received by the University subsequent to the March 27, 2000 Board meeting:

BOROUGH OF MANHATTAN COMMUNITY COLLEGE

- A. \$379,776 **UNITED STATES DEPARTMENT OF EDUCATION** to Kieran, M., and Murphy, C., for "FIPSE – Demonstration Project for Underrepresented Population to Gain Access to Careers in Technology."

LAGUARDIA COMMUNITY COLLEGE

- A. \$210,074 **ALFRED P. SLOAN FOUNDATION** to Saunders, W., Adult and Continuing Education Division, for "Industrial Management Resource Program (IMRP) (Year 2)."
- B. \$136,749 **NEW YORK CITY HUMAN RESOURCES ADMINISTRATION** to Watson, S., Adult and Continuing Education Division, for "Uplift Skills Training Extension Program."
- C. \$122,500 **NEW YORK CITY DEPARTMENT OF EMPLOYMENT** to Watson, S., Adult and Continuing Education Division, for "Summer Youth Employment Program."

THE GRADUATE SCHOOL AND UNIVERSITY CENTER

- A. \$181,217 **NEW YORK CITY BOARD OF EDUCATION** to Moshoyannis, T., for "Training Program for Crisis Management Paraprofessionals."
- B. \$171,886 **NEW YORK STATE EDUCATION DEPARTMENT** to Flugman, B., for "Special Topics Seminar Series on Adult Education for the Big Five."

HUNTER COLLEGE

- A. \$560,527 **PHS/NIH/NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES** to Luine, V., Biological Sciences, for "RISE Program at Hunter College."
- B. \$223,616 **NATIONAL ENDOWMENT FOR THE HUMANITIES** to Perez, N., Center for Puerto Rican Studies, for "Arranging and Describing Records on Puerto Rican Migration History."
- C. \$100,000 **NEW YORK STATE DEPARTMENT OF HEALTH/AIDS INSTITUTE** to Seals, B., and Joseph, C., Center for AIDS, Drugs and Community Health, for "Center for Community Action to Prevent AIDS: AIDS Education and Outreach Program – School Based Initiative."

NEW YORK CITY TECHNICAL COLLEGE

- A. \$200,000 **NATIONAL SCIENCE FOUNDATION** to Soiffer, S., for "Computer Science, Engineering and Mathematics Scholarship (CSEMS) Program."
- B. \$196,757 **DEPARTMENT OF HEALTH AND HUMAN SERVICES** to Richardson, K., for "Nursing Retention Enhancement Program."
- C. \$170,000 **NEW YORK CITY HEALTH AND HOSPITALS CORPORATION** to Melikian, Y., for "Medical Billing & Coding Specialist Training."
- D. \$100,839 **NEW YORK CITY BOARD OF EDUCATION** to Gawkins, A., for "Literacy Standards Project."

QUEENS COLLEGE

- A. \$148,527 **PACE/PAPER, ALLIED-INDUSTRIAL CHEMICAL & ENERGY INTERNATIONAL UNION** to Markowitz, S., Center for the Biology of Natural Systems, for "Needs Assessment for Medical Surveillance of Former Workers at the Idaho Falls Engineering and Environmental Laboratory, Phase II Implementation."

YORK COLLEGE

- A. \$190,000 **UNITED STATES EDUCATION DEPARTMENT** to Gao, P., Student Development, and Richards, L., Natural Sciences, for "McNair Postbaccalaureate Achievement Program."

H. ORAL REPORT OF THE CHANCELLOR: Chancellor Goldstein reported the following:

1. Budget deliberations continue to grind toward a conclusion in Albany. The Legislature is out this week and will be back in Albany on May 1. We continue to be in close touch with both the Governor's office and the legislative leadership. We're delighted that significant progress has been made on key issues for CUNY through the conference committee processes. We expect improvements in our full-time faculty, in base aid for community colleges, and increases in the TAP program among some other areas, as well. But we are still waiting for the process to grind to a halt, and at the end we expect to be in a much better position than we were at this time last year.
2. With respect to the City budget, we're pleased that Mayor Giuliani's Executive Budget has appropriated \$5 million for the very important College Now Program - something that is one of the high priorities for this University. In my discussions with Interim Chancellor Harold Levy we are moving ahead aggressively to start putting in the necessary architecture to build on that very successful program.
3. I'm delighted by our five legislative borough meetings, and then a sixth in the Borough of Manhattan dealing with guidance counselors, principals, and superintendents to really develop the kind of relationships that this University wants and should have with the schools. We've learned considerably from those meetings, and on the basis of the meetings we have adjusted some of our own administrative procedures here in the University. We expect that these kinds of relationships will grow and that we will learn mightily from those efforts.
4. Finally, Mr. Chairman, I would like to commend **Lehman College's Distinguished Professor of Music John Corigliano** for winning the Academy Award for his sound track in the movie, "The Red Violin." And for you opera lovers, if you haven't gotten the sound track of "The Ghost of Versailles," I strongly recommend it. It's a beautiful piece of music. We're very proud to have him among our ranks in this University.

Upon motions duly made, seconded and carried, the following resolutions were adopted: (Calendar Nos. 1 through 8)

NO. 1. UNIVERSITY REPORT: RESOLVED, That the University Report for April 24, 2000 (including Addendum Items) be approved:

NO. 2. CHANCELLOR'S REPORT: RESOLVED, That the Chancellor's Report for April 24, 2000 (including Addendum Items) be approved:

NO. 3. APPROVAL OF MINUTES: RESOLVED, That the minutes of the regular Board meeting and Executive Session of March 27, 2000 be approved.

NO. 4. COMMITTEE ON FISCAL AFFAIRS: RESOLVED, That the following items be approved:

A. HUNTER COLLEGE – NETWORK INFRASTRUCTURE INITIATIVE (NII):

RESOLVED, That the Board of Trustees of The City University of New York authorize Hunter College to purchase wiring and installation from Smartnet/Aztec Incorporated under existing General Services Administration Contract Number GS-35F-4785G; and be it further

RESOLVED, That the Board of Trustees of The City University of New York authorize Hunter College to purchase network switches and routers from Cisco Systems Incorporated under existing New York State Contract PT00313; and be it further

RESOLVED, That the total of all such purchases shall not exceed a cost of \$1,850,000 chargeable to Capital Project Number 144900.

EXPLANATION: On February 22, 1999, Cal. No. 4.D., the Board approved the first phase of Hunter College's multi-year information technology plan to upgrade its network infrastructure for faculty, staff, and students. This second phase involves wiring and electronics upgrade of the West, East, and North Buildings, to connect student laboratories and faculty and administrative offices to the existing campus-wide backbone network. The wiring will also facilitate electronic communication and access to the Internet.

At this point Trustee Mastro joined the meeting.

B. BOROUGH OF MANHATTAN COMMUNITY COLLEGE – BEQUEST FROM DENNIS L. BONNER:

RESOLVED, That, on behalf of the Borough of Manhattan Community College, the Board of Trustees of The City University of New York accepts with gratitude the bequest of the late Dennis L. Bonner for the purpose of establishing the Dennis L. Bonner Scholarship Fund at the Borough of Manhattan Community College; and be it further

RESOLVED, That the Board of Trustees of The City University of New York authorizes the transfer of principal and all accrued interest from said bequest of Dennis L. Bonner from the CUNY Investment Fund to the BMCC Fund, Inc., to be invested, managed, and administered as part of the Borough of Manhattan Community College's endowment in accordance with the agreement approved as to form by the University Office of General Counsel.

EXPLANATION: In his will, the late Dennis L. Bonner, who served for many years as Admissions Director of Borough of Manhattan Community College, instructed that one fourth of the remainder of his estate be given to the Borough of Manhattan Community College. Mr. Bonner directed that his legacy be added to the College's endowment for the purpose of establishing a scholarship fund. BMCC's endowment is managed and administered by the BMCC Fund, Inc. The income generated by Mr. Bonner's gift is to be used to award scholarships to students at Borough of Manhattan Community College.

The bequest, amounting to two hundred twenty-one thousand twenty-nine dollars and eighty seven cents (\$221,029.87), has been deposited into the CUNY Investment Fund.

C. THE CITY UNIVERSITY OF NEW YORK (UNIVERSITY CONTRACTING OFFICE) – COLLEGE OUTREACH AND PREPARATION PROGRAM:

RESOLVED, That the Board of Trustees of The City University of New York authorize the Secretary of the Board to execute a contract or contracts on behalf of the University Contracting Office to conduct a pilot College Outreach and Preparation Program. The contract or contracts shall be awarded on the basis of best value to a responsive and responsible proposer(s) after public advertisement and sealed submission of a Request For Proposal pursuant to law and University regulations. The contract or contracts shall include up to four one-year options for the University to renew in its best interest. The contract or contracts shall be subject to approval as to form by the University Office of General Counsel.

EXPLANATION: The University will conduct a pilot College Outreach and Preparation Program (“COPP”) for up to five hundred (500) adults who possess high school diplomas or equivalency diplomas but lack the essential skills necessary for success in college-level work. This acquisition represents no fiscal commitment on the part of the University; the contractor fees will be paid by its students.

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

A. MEDGAR EVERS COLLEGE – AMENDMENT TO MASTER PLAN:

WHEREAS, On January 24, 2000, the Board of Trustees of The City University of New York approved a program in Mathematical Sciences leading to the Bachelor of Science degree to be offered at Medgar Evers College; and

WHEREAS, The New York State Education Department has determined that an amendment to the College’s Master Plan is required as this program will be the College’s first baccalaureate program in the “Physical Science” discipline; now therefore be it

RESOLVED, That the Board of Trustees of The City University of New York requests that the New York State Board of Regents amend the Master Plan of Medgar Evers College so as to permit the College to offer the above-cited program in Mathematical Sciences leading to the Bachelor of Science degree.

EXPLANATION: Following the State Education Department’s review of Medgar Evers’ proposal for a Bachelor of Science degree in Mathematical Sciences, it was determined that this baccalaureate program should be classified in the “Physical Science” discipline. As this program will be the College’s first baccalaureate program in the “Physical Science” discipline, an amendment to the College’s Master Plan is required. (Pursuant to Memorandum 95-17 of the Deputy Commissioner of Education to Chief Executive Officers of Institutions of Higher Education – September 22, 1995).

At this point Trustee Biswas joined the meeting.

B. THE GRADUATE SCHOOL AND UNIVERSITY CENTER – RESEARCH INSTITUTE FOR THE STUDY OF LANGUAGE IN URBAN SOCIETY:

RESOLVED, That the Research Institute for the Study of Language in Urban Society be established at The Graduate School and University Center in accordance with the Policy Guidelines on Research Centers and Institutes set forth by the Board of Trustees, February 27, 1995, Cal. No. 5.B.

EXPLANATION: The purpose of the proposed Institute is to conduct basic and applied research on urban linguistic issues, with special emphasis on the acquisition of fluency and literacy in second and foreign languages in the University and the public schools. The Institute will facilitate articulation with University and public school faculties and administrations, providing research-based answers to language questions that affect their curriculum and professional development, as well as their basic understanding of the linguistic contexts in which they work. The Institute will also study ways to make language instruction and language acquisition at CUNY and in the New York City public schools, both in ESL and modern languages, models for multilingual universities and school systems throughout the country.

The City University of New York is located in one of the most complex linguistic environments in the US; these demographics are reflected in the linguistic characteristics of the public schools and the University. This linguistic complexity is a source of pride for all who value diversity and appreciate the positive contributions made by immigrants and minorities to life in the City, but it also poses significant educational challenges. The Institute can provide research-based answers to many of the language questions faced by the University and the public schools, by similar institutions in other cities, and by the scholarly community at large. The mission of the Institute will thus

mesh well with that of the University, among whose goals are the preparation of students for careers, graduate and professional education, and community outreach.

The Institute's activities will be conducted in accordance with standard University policies and procedures, including but not limited to those regarding contracts, grants, custody, and reimbursement of funds.

NO. 6. COMMITTEE ON FACULTY, STAFF, AND ADMINISTRATION: RESOLVED, That the following items be approved:

A. BARUCH COLLEGE – NAMING OF THE WILLIAM AND ANITA NEWMAN CONFERENCE CENTER:

RESOLVED, That the Board of Trustees of The City University of New York approve naming the conference center on the 7th floor of the 151 East 25th Street building, which houses the William and Anita Newman Library, the William and Anita Newman Conference Center.

EXPLANATION: William Newman (Class of 1947) and Anita Newman have made a gift to the Baruch College Fund of two million dollars (\$2,000,000). The Fund has received \$500,000 of the pledged two million dollars. The remainder will be given to the College in increments of \$250,000 or more.

In the past several years, the generosity of William and Anita Newman has been extraordinary. For the fourth time they are making a seven-figure gift to the College. Initially, we placed their names on our library in recognition of this generosity. With subsequent gifts we established the Steven L. Newman Real Estate Institute and in 1997 we named the facility located at 137 East 22nd Street, Steven L. Newman Hall.

Mr. Newman is a Trustee of the Baruch College Fund and contributes leadership and stature to the Fund. His commitment to the mission of Baruch College will assist in affording future generations of students the opportunity for an education of the highest caliber.

In recognition of the generosity of the Newmans, Baruch College wishes to name the Conference Center the William and Anita Newman Conference Center.

The President of the College enthusiastically supports this resolution.

B. THE CITY UNIVERSITY OF NEW YORK – AMENDMENT TO THE CUNY OPTIONAL RETIREMENT PROGRAM TO ENHANCE THE CASHABILITY OPTION – TIAA-CREF:

RESOLVED, That the Board of Trustees of The City University of New York authorize an amendment to the November 26, 1990 resolution regarding The City University's Optional Retirement Program (ORP) by permitting, upon severance from full-time employment with the University, a lump sum distribution to a maximum of 100% of the CREF accumulations within the TIAA-CREF Regular Annuity Accounts, including approved alternate funding vehicles of the participant (subject to the rules of the funding vehicle) if the participant will never meet the eligibility requirement for retiree health coverage provided by the City of New York; and be it further

RESOLVED, That the foregoing actions shall be implemented effective July 1, 2000, to the extent authorized by applicable statute.

EXPLANATION: The City University of New York's current cashability rule which limits a CUNY participant from receiving more than two-thirds of the TIAA-CREF accumulation (not to exceed 100% of CREF accumulations) was implemented in 1991 in order to assure a degree of lifetime income, as well as to assure continuity of the New York City Employee Benefits Program retiree health benefits for those eligible. The current cash policy is overly restrictive for employees who leave CUNY with less than sufficient service to qualify for retiree health coverage, in that it precludes them from receiving cash until retirement age (55 or 62). In addition, upon reaching retirement age they are eligible for only 67% of their CREF accumulations. There is no reasonable justification to continue these restrictions.

This amendment would not change the rules for participants whose entire accumulations are in TIAA. These employees would still be prohibited from obtaining a lump sum distribution directly from their accounts. With respect to these funds in TIAA, effective April 1, 1991 TIAA-CREF introduced the Transfer Payout Annuity (TPA) whereby participants may elect to transfer TIAA accumulations to CREF in ten (10) annual installments, regardless of an employer's cashability policy. These restrictions remain in effect.

C. THE CITY UNIVERSITY OF NEW YORK – AMENDMENT TO THE CUNY OPTIONAL RETIREMENT PROGRAM TO PERMIT LOANS FROM THE RETIREMENT ANNUITY – TIAA-CREF:

RESOLVED, That the Board of Trustees of The City University of New York authorize a modification to the University's agreement with the Teachers' Insurance and Annuity Association and the College Retirement Equities Fund (TIAA-CREF) amending the Optional Retirement Program of The City University of New York to permit active employees who have a vested contract and former employees, to apply for pension loans from the TIAA-CREF Regular Annuity Accounts, subject to TIAA-CREF's loan policy; and be it further

RESOLVED, That the foregoing actions shall be implemented effective July 1, 2000, to the extent authorized by applicable statute.

EXPLANATION: The City University of New York currently does not have a loan provision for the ORP participants who participate in the TIAA-CREF annuity. In contrast, the Teachers' Retirement System of New York currently permits in-service employees to apply for loans under the Qualified Pension Plan (QPP). A modification of CUNY's ORP to provide this option to active members would bring some measure of parity with the public pension system to which other instructional staff members belong. In addition, permitting former employees to obtain loans from their CUNY ORP gives participants some access to funds while still securing the individual retirement income payable upon the attainment of normal retirement age and ensuring future continuity of retiree health coverage.

D. THE CITY UNIVERSITY OF NEW YORK – REAPPOINTMENT OF A SITTING COMMISSIONER OF THE CITY UNIVERSITY OF NEW YORK CIVIL SERVICE COMMISSION:

RESOLVED, That the Board of Trustees of The City University of New York hereby authorize and consent, effective May 1, 2000 to the renaming by the Chancellor of The City University of New York of Ms. Marilyn Flood as Commissioner of the Civil Service Commission of The City University of New York, for an additional term of six years to begin on June 1, 2000 and to expire on May 31, 2006.

EXPLANATION: On June 27, 1994, Cal. No. 6.E., the Board of Trustees of The City University of New York authorized the naming of Ms. Marilyn Flood as Commissioner of The City University of New York Civil Service Commission. Furthermore, in accordance with Section 15.1(a) of the New York State Civil Service Law, and the June 27, 1994 Board of Trustees resolution, Ms. Flood was appointed for a term to expire on May 31, 2000. Through the reappointment of Ms. Flood for the statutory six-year term, this resolution enables The City University of New York to continue to operate under the rules and regulations of its own Civil Service Commission, as provided by the New York State Education Law and as governed by the New York State Civil Service Law.

Ms. Flood currently serves as Executive Director of the New York County Lawyers Association. Her previous positions include Associate Executive Director for Programs of the YWCA of the City of New York, Program Director of Child Care Action Campaign, Executive Director of the New York City Commission on the Status of Women, and Director of Employee Relations of the New York City Department of Personnel.

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

A. HUNTER COLLEGE – ESTABLISHMENT OF THE HC ECONOMIC DEVELOPMENT CORPORATION AND “INCUBATOR” PROJECT AT THE BROOKDALE HEALTH CENTER:

RESOLVED, That the Board of Trustees of The City University of New York (i) approve the establishment of the HC Economic Development Corporation, (ii) authorize the President of Hunter College to execute a five-year agreement on behalf of Hunter College with the HC Economic Development Corporation for the use of the Rotunda at the Brookdale Health Science Center at 425 East 25th Street, New York, NY, for the purpose of developing and “incubating” new businesses, and (iii) approve the execution by the HC Economic Development Corporation of a five-year agreement with the New York City Investment Fund (“Fund”) and others to use the Rotunda space for the Incubator Project. Each of the above-mentioned agreements shall be subject to approval as to form by the University Office of General Counsel.

EXPLANATION: Hunter College proposes to establish a separately incorporated not-for-profit corporation for the charitable purpose of fostering economic development in New York City and advancing the educational and research mission of the College through the enhancement of faculty, student, and staff involvement in new technology, entrepreneurship, and economic and community development. The HC Economic Development Corporation would be governed by a board of directors consisting of Hunter College personnel and members of the business and education communities. The HC Economic Development Corporation’s first venture would be to participate in the Fund’s Incubator Project, to be located in the Brookdale Health Science Center at 425 East 25th Street, New York, NY.

It is unlikely that the University will be able to fund the renovation of the Rotunda for several years. In the intervening time, these agreements will allow the Incubator to be built and use newly constructed office and research space on this floor, while also providing valuable educational and economical development opportunities for Hunter College students and faculty. The Incubator will be a private corporate partnership, spearheaded by the New York City Investment Fund, concerned with developing and “incubating” new business in the emerging new media industry. The renovated space remains the property of Hunter College.

Under the terms of the two agreements, Hunter College would receive the benefits of:

- Approximately \$2.2 million from the New York City Investment Fund to renovate the Rotunda in exchange for use of the space.
- Rental fees from the Incubator.
- Internships, employment, and research opportunities for Hunter College students and faculty with the Incubator and its clients.

In addition,

- The HC Economic Development Corporation would receive an equity interest in each of the Incubator’s clients.

Both agreements will be for a five-year period with one five-year renewal option subject to the approval of both parties.

B. NEW YORK CITY TECHNICAL COLLEGE – FIRE ALARM UPGRADE PROJECT:

RESOLVED, That the Board of Trustees of The City University of New York authorize the Secretary of the Board to execute a contract on behalf of New York City Technical College to upgrade its fire alarm system. The contract shall be awarded to the lowest responsive and responsible bidder after public advertisement and sealed bidding pursuant to law and University regulations. The contract cost shall be chargeable to the State Capital Construction Fund, Project No. NY045-092, for an amount not to exceed \$867,700. The contract shall be subject to approval as to form by the University Office of General Counsel.

EXPLANATION: This project will upgrade the fire alarm systems in the College's Namm Hall, G Building, Pearl Building, and the Atrium Building to comply with law and code.

The Board of Trustees of The City University of New York approved the design firm of Rolf Jensen & Associates on May 26, 1998, Cal. No. 7.F.

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

COLLEGE	DEGREE
BARUCH COLLEGE	
Mr. Michael R. Bloomberg	Doctor of Laws
(To be awarded at the June 2, 2000, Graduate Commencement)	
BROOKLYN COLLEGE	
Ms. Maya Angelou	Doctor of Humane Letters
Ms. Joan Ganz Cooney	Doctor of Humane Letters
Ms. Constance E. Lieber	Doctor of Humane Letters
Mr. A.M. Rosenthal	Doctor of Humane Letters
(To be awarded at the June 1, 2000, Commencement)	
LEHMAN COLLEGE	
Ruben Blades, Esq.	Doctor of Humane Letters
Mr. Oscar de la Renta	Doctor of Humane Letters
Mr. Serafin Mariel	Doctor of Humane Letters
(To be awarded at the June 1, 2000, Commencement)	

Statement of Trustee Sohmer regarding Trustee attendance in Executive Sessions:

At one point or another I was sitting in an executive session of a Committee meeting and was directed to leave that meeting. I believe that was an incorrect thing to do. Various Trustees agreed that it was the correct thing to do and, therefore, I wrote to the State Attorney General since I believe it's a transgression of the Constitution of the State of New York. I have a response from Robert Freeman, Executive Director of the New York State Department of State Committee on Open Government, which says I was right and that no Trustee may be excluded from an executive session for any reason whatsoever. They may recuse themselves, which is an entirely different question, but they may not be excluded. I have transmitted a copy to the Secretary for inclusion in the minutes (See below).

Vice Chairman Schmidt stated that if that is a copy of the letter you were kind enough to send me I think you might want to give it to our General Counsel because I think that's a letter that admits of more than one conclusion as applied to your facts. I'd be very interested in our General Counsel's view.

Chairman Badillo stated that he understands that this had to do with the salaries of the professors. And you, as one of the professors, are a person who would benefit. Therefore, it would be a conflict of interest. In the meantime, we will not have any briefing that may compromise the situation, so the proposed Executive Session on the question of salaries is cancelled. In view of the fact of your position we would not go ahead with labor negotiations until we have come to an agreement.

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(Correspondence received from Trustee Bernard Sohmer for inclusion in the minutes.)

February 17, 2000

Attorney General Elliot Spitzer
State of New York
Office of the Attorney General
The Capital
Albany, NY 12224

Dear Mr. Attorney General,

I am Bernard Sohmer, Chair of the University Faculty Senate of the City University of New York, and consequently an *ex-officio* member of the Board of Trustees (relevant portion of law 6204 attached). At a meeting of the Committee on Faculty and Staff Affairs, a standing committee of the Board, on February 1, the chair of the committee asked that the committee go into executive session, at which point I was asked to leave.

The purpose of the session was a discussion of the imminent collective bargaining sessions with the union of which I am a member. I might have recused myself, but I believe that is my decision to make, and that the other trustees behaved improperly. Would you please comment on this action?

Yours,

Bernard Sohmer
Chair

Attachment: 6204. Board of trustees. 1. The board of trustees shall govern and administer the city university. The control of the educational work of the city university shall rest solely in the board of trustees which shall govern and administer all educational units of the city university.

2. Structure of the board of trustees:

(a) The board of trustees shall consist of seventeen trustees. Ten of the trustees shall be appointed by the governor with the advice and consent of the senate. Five of the trustees shall be appointed by the mayor of the city of New York with the advice and consent of the senate. One *ex-officio* trustee shall be the chairperson of the university student senate. One *ex-officio* non-voting trustee shall be the chairperson of the university faculty senate.

(b) The *ex-officio* trustees shall be afforded the same parliamentary privileges as are conferred upon the appointed trustees. The *ex-officio* trustees shall be subject to every provision of any general, special or local law, ordinance, charter, code, rule or regulation applying to the appointed trustees of the board with respect to the discharge of their duties including, but not limited to, those provisions setting forth codes of ethics, disclosure requirements and prohibiting business and professional activities. The chair of the university faculty senate shall not participate as a voting trustee in any matter.

April 14, 2000

Mr. Bernard Sohmer
Chair
City University of New York
University Faculty Senate
535 East 80th Street
New York, NY 10021

The staff of the Committee on Open Government is authorized to issue advisory opinions. The ensuing staff advisory opinion is based solely on the information presented in your correspondence.

Dear Mr. Sohmer:

I have received your letter of March 8, as well as the materials attached to it. You have sought an advisory opinion relating to the Open Meetings Law.

You wrote that you serve as Chair of the University Faculty Senate of the City University of New York, and that in that role, you are an *ex officio* member of the Board of Trustees. Nevertheless, at a meeting of the Committee on Faculty and Staff Affairs, "a standing committee of the Board", the chair of that committee moved to enter into

executive session to discuss collective bargaining negotiations and asked that you leave. It is your view that as a Trustee, you had the right to be present.

In this regard, I offer the following comments.

First, attached to your letter is an excerpt from §6204 of the Education Law pertaining to the Board of Trustees of the City University. Subdivision (2) describes the membership of the Board and specifies that the "chairperson of the university faculty senate" is an "ex-officio" member, that the "ex-officio trustees shall be afforded the same parliamentary privileges as are conferred upon the appointed trustees" and that they are subject to the same laws as other members with respect to the discharge of their duties. In short, as an ex officio member of the Board, you have the same privileges and responsibilities as other members.

Second, § 105(2) of the Open Meetings Law states that: "Attendance at an executive session shall be permitted any member of the public body and any other persons authorized by the public body." Based on the foregoing, I believe that you have the right to attend any executive session of any public body upon which you serve as a member. For instance, because you are a member of the Board of Trustees, the Board, in my view, could not preclude you from attending any executive session that it conducts.

Third, however, the question in my opinion is whether you are a member of the Committee on Faculty and Staff Affairs, or whether, as a member of the Board of Trustees, you had the "privilege" to attend. As you may be aware, the Open Meetings Law pertains to meetings of public governing bodies, such as the Board of Trustees, and committees and similar bodies consisting of members of governing bodies. Section 102(2) of that statute defines the phrase "public body" to include:

... any entity for which a quorum is required in order to conduct public business and which consists of two or more members, performing a governmental function for the state or for an agency or department thereof, or for a public corporation as defined in section sixty-six of the general construction law, or committee or subcommittee or other similar body of such public body."

Although the original definition of "public body" enacted in 1976 made reference to entities that "transact" public business, the current definition as amended in 1979 makes reference to entities that "conduct" public business and added specific reference to "committees, subcommittees and similar bodies" of a public body.

In view of the definition of "public body", I believe that any entity consisting of two or more members of a public body would fall within the requirements of the Open Meetings Law [see Glens Falls Newspapers, Inc. v. Solid Waste and Recycling Committee of the Warren County Board of Supervisors, 195 AD2d 898 (1993); also Syracuse United Neighbors v. City of Syracuse, 80 AD 2d 984(1981)]. Therefore, a standing committee of Board of Trustees members in my view constitutes a public body subject to the Open Meetings Law that is separate and distinct from the Board of itself. Further, as a general matter, I believe that a quorum consists of a majority of the total membership of a body (see General Construction Law, §41). As such, since the Board of Trustees, by statute, consists of seventeen members, its quorum is nine [see also, Education Law, §6204(3)(d)]. If a committee consisting of five Board members is designated, its quorum would be three.

Again, as a member of the Board of Trustees, I believe that you have the right to attend its executive sessions pursuant to § 105(2) of the Open Meetings Law. If you are not a member of the Committee on Faculty and Staff Affairs, I do not believe that you would have the right to attend an executive session of that public body, unless there is some independent authority to do so based on a rule, policy or other privilege conferred by the Board of Trustees upon its members. It is suggested that you seek to ascertain whether the privilege of attending executive sessions of committees of the Board has been granted to members of the Board who are not members of committees.

I hope that I have been of assistance.

Sincerely,

Robert J. Freeman
Executive Director

(Subsequent to the above discussion, the following correspondence was sent and received.)

April 27, 2000

The Honorable H. Badillo
Chair, Board of Trustees
535 East 80 Street
New York, NY 10021

Dear Herman,

Since I have made my point, let me assure you that I have no desire to impede the workings of the Board. Therefore, were I to be asked to recuse myself, appropriately, I will absent myself from Board or Committee meetings-on my initiative.

Cordially,

Bernard Sohmer

May 2, 2000

The Honorable Bernard Sohmer
Chair
University Faculty Senate
The City University of New York
535 East 80th Street
New York, New York 10021

Dear Bernie:

Thank you for your gracious letter of April 27. I intend to schedule an executive session briefly at the Monday, May 22 meeting of the Board of Trustees on the topic of collective bargaining and request that you recuse yourself from participation.

Thank you for your cooperation.
Sincerely,

Herman Badillo

* * * * *

Upon motions duly made, seconded and carried, the Public meeting was adjourned at 5:01 P.M., to go into Executive Session.

SECRETARY GENEVIEVE MULLIN

**MINUTES OF THE EXECUTIVE SESSION OF THE BOARD OF
TRUSTEES OF THE CITY UNIVERSITY OF NEW YORK**

HELD

APRIL 24, 2000

**AT THE BOARD HEADQUARTERS BUILDING
535 EAST 80TH STREET – BOROUGH OF MANHATTAN**

The Executive Session was called to order at 5:10 P.M.

There were present:

**Herman Badillo, Chairman
Benno C. Schmidt, Jr., Vice Chairman**

**Satish K. Babbar
John J. Calandra
Kenneth E. Cook
Michael C. Crimmins
Alfred B. Curtis, Jr.**

**Ronald J. Marino
Randy M. Mastro
Kathleen M. Pesile
George J. Rios
Jeffrey S. Wiesenfeld**

Md. Mizanoor R. Biswas, ex officio

Bernard Sohmer, ex officio

**Secretary Genevieve Mullin
Roy P. Moskowitz, Acting General Counsel and Acting Vice Chancellor for Legal Affairs
Hourig Messerlian, Executive Assistant**

**Chancellor Matthew Goldstein
Interim Deputy Chancellor Patricia Hassett
Vice Chancellor Jay Hershenson
Acting University Dean Robert Ptachik**

The absence of Trustees John Morning and Nilda Soto Ruiz was excused.

The Board went into Executive Session to discuss personnel matters.

Upon motion duly made, seconded and carried, The Executive Session was adjourned at 5:30 P.M. to go into Public Session.

SECRETARY GENEVIEVE MULLIN

**MINUTES OF THE MEETING OF THE BOARD OF
TRUSTEES OF THE CITY UNIVERSITY OF NEW YORK**

HELD

APRIL 24, 2000

**AT THE BOARD HEADQUARTERS BUILDING
535 EAST 80TH STREET - BOROUGH OF MANHATTAN**

The Public Session reconvened at 5:31 P.M.

There were present:

**Herman Badillo, Chairman
Benno C. Schmidt, Jr., Vice Chairman**

**Satish K. Babbar
John J. Calandra
Kenneth E. Cook
Michael C. Crimmins
Alfred B. Curtis, Jr.**

**Ronald J. Marino
Randy M. Mastro
Kathleen M. Pesile
George J. Rios
Jeffrey S. Wiesenfeld**

Md. Mizanoor R. Biswas, ex officio

Bernard Sohmer, ex officio

**Secretary Genevieve Mullin
Roy P. Moskowitz, Acting General Counsel and Acting Vice Chancellor for Legal Affairs
Hourig Messerlian, Executive Assistant
Lorrie Christian
Towanda Washington**

**Chancellor Matthew Goldstein
Interim Deputy Chancellor Patricia Hassett
President Dolores Fernandez
President Antonio Perez
President Carolyn G. Williams
Interim President Michael Zibrin
Vice Chancellor Jay Hershenson**

The absence of Trustees John Morning and Nilda Soto Ruiz was excused.

Upon motions duly made, seconded and carried, the following resolution was adopted: (Calendar No. 9)

NO. 9 KINGSBOROUGH COMMUNITY COLLEGE – DESIGNATION OF PRESIDENT:

RESOLVED, That Dr. Byron N. McClenney be designated President of Kingsborough Community College, effective July 15, 2000, at a salary to be recommended by the Chancellor to the Board, subject to financial ability, and that he be appointed Professor with tenure in the Department of Health, Physical Education and Recreation.

EXPLANATION: The Search Committee, appointed by Chairman Herman Badillo and chaired by Trustee Alfred B. Curtis, following the conclusion of an extensive national search, recommended three finalists for the Kingsborough Community College presidency. The Chancellor is recommending Dr. Byron N. McClenney to the Board of Trustees as President of Kingsborough Community College. Dr. McClenney is nationally known as a leader in community college education. He has been a community college president for the past 29 years, and has been the President of the Community College of Denver since 1986. He was previously the Chancellor and Foundation President of the Alamo Community College District and the President of Parkersburg Community College. **Chairman Herman Badillo, and Trustees Satish K. Babbar, John J. Calandra, Kenneth E. Cook, Michael C. Crimmins, Alfred B. Curtis, Jr., Ronald J. Marino, Randy M. Mastro, Kathleen M. Pesile, George J. Rios, Jeffrey S. Wiesenfeld, and Md. Mizanoor R. Biswas voted YES. Vice Chairman Benno C. Schmidt, Jr. recused himself.**

Chancellor Goldstein stated that he supports the recommendation, and that we are honored and privileged to have a man of the stature of **Byron McClenney** join this great University. I look forward to working with him and the faculty and others at **Kingsborough Community College** as we advance the goals of that great institution.

Vice Chairman Schmidt stated that he recused himself from this vote because he has had the pleasure of working with Dr. McClenney in connection with a charter school that the Edison Project operates in Denver on whose Board he sits. For this reason he thought it was best that he not participate in the formal action.

President-designate McClenny stated that he is really excited about the opportunity to work with your Chancellor and with this Board and with the faculty and staff of **Kingsborough**. That's a very strong College and I'm thrilled to have the chance to join those good people. I think you can look forward to great things there, knowing what I know about them and knowing what I know about myself, which is that I'm very passionate about what community colleges are in business to do, and you can count on my 100 percent and beyond effort there. So thank you so much for this opportunity. We really look forward to it. New York City has always been one of my favorite places and I finally will get to live here.

Chairman Badillo thanked **Trustee Curtis** and the members of the Search Committee for the effort that they put in. I know that the search was a very difficult and time-consuming effort, so thank you on behalf of all of the members of the Board.

Upon motions duly made, seconded and carried, the following resolutions were unanimously adopted: (Calendar Nos. 10 and 11)

NO. 10. LAGUARDIA COMMUNITY COLLEGE – DESIGNATION OF PRESIDENT:

RESOLVED, That Dr. Gail O. Mellow be designated President of LaGuardia Community College, effective August 1, 2000, at a salary to be recommended by the Chancellor to the Board, subject to financial ability, and that she be appointed Professor with tenure in the Department of Social Sciences.

EXPLANATION: The Search Committee, appointed by Chairman Herman Badillo and chaired by Trustee Satish K. Babbar, following the conclusion of an extensive national search, recommended four finalists for the LaGuardia Community College presidency. The Chancellor is recommending Dr. Gail O. Mellow to the Board of Trustees as President of LaGuardia Community College. Dr. Mellow is currently the President of Gloucester County College and previously held senior administrative positions at Rockland Community College and Quinebaug Valley Community-Technical College.

Chancellor Goldstein stated that he is delighted that **Dr. Gail Mellow** will be joining this great University. **LaGuardia** has an extraordinary history and an even more splendid future, and I couldn't think of anybody who could navigate that future than Dr. Gail Mellow. I think we're privileged to have her with us.

President-designate Mellow stated that she is simply delighted to be here and honored to be chosen to be the third President of **LaGuardia Community College**. My sense is that LaGuardia is the future. It is the most diverse place that I have ever seen, and it has both the promises and the challenges. I look forward to working with the Chancellor

and with this Board, and with the really extraordinary faculty and staff to meet the demands of those students. It's just a wonderful honor and a privilege, and I look forward to working with you all. Thank you.

Chairman Badillo thanked **Trustee Satish Babbar**, who was Chairman of the search committee, and the members of the search committee for their outstanding and time-consuming effort that led to this successful conclusion.

NO. 11. HUNTER COLLEGE – APPOINTMENT OF INTERIM PRESIDENT:

RESOLVED, That Dr. Evangelos John Gizis be appointed Interim President of Hunter College, effective July 15, 2000, with an annual salary at the applicable presidential level, subject to financial ability, and that during the period of his service as Interim President, Dr. Gizis be granted a leave from his position as Vice President for Administration at Hunter College.

EXPLANATION: Dr. Gizis has been Acting Provost and Senior Vice President for Academic Affairs at Hunter College since 1998. Previously he had served as Hunter's Vice President for Administration (1996-1998). He has previously held senior administrative positions at three other CUNY colleges, including Acting President at both Hostos (1976-1977) and Borough of Manhattan Community Colleges (1985-1986), and Deputy to the President and Chief of Staff at Queens College (1995-1996).

Chancellor Goldstein stated that **Dr. Gizis** has a long and distinguished history at **City University**, having served in many capacities at Hunter and at other colleges within the system. I think that during the time he will be at the helm as Interim President he will keep that great institution moving until we are successful in recruiting and appointing a permanent president.

Upon motions duly made, seconded and carried, the Public meeting was adjourned at 5:40 P.M.

SECRETARY GENEVIEVE MULLIN

(This is a detailed summary of the Board of Trustees' meeting. The tapes of the meeting are available in the Office of the Secretary of the Board for a period of three years.)

