

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

HELD

SEPTEMBER 24, 2001

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

The Vice Chairperson called the meeting to order at 4:30 P.M.

There were present:

Benno C. Schmidt, Jr., Vice Chairman

Satish K. Babbar  
John J. Calandra  
Wellington Z. Chen  
Kenneth E. Cook  
Joseph J. Lhota  
Randy M. Mastro

John Morning  
Kathleen M. Pesile  
George J. Rios  
Nilda Soto Ruiz  
Jeffrey S. Wiesenfeld

D. Michael Anglin, ex officio

Bernard Sohmer, ex officio

Secretary Genevieve Mullin  
Frederick P. Schaffer, General Counsel and Vice Chancellor for Legal Affairs  
Hourig Messerlian, Executive Assistant  
Lorrie Christian  
Towanda Washington

Chancellor Matthew Goldstein  
Executive Vice Chancellor Louise Mirrer  
Senior Vice Chancellor Allan H. Dobrin  
President Fred W. Beaufait  
President Dolores Fernandez  
President Ricardo Fernandez  
President Frances Degen Horowitz  
Interim President Russell K. Hotzler  
President Edison O. Jackson  
President Charles C. Kidd, Sr.  
President Christoph M. Kimmich  
President Gerald W. Lynch  
President Eduardo J. Marti  
President Byron N. McClenney

President Gail O. Mellow  
President Antonio Perez  
President Jennifer Raab  
President Edward V. Regan  
President Marlene Springer  
President Carolyn G. Williams  
President Gregory H. Williams  
Dean Kristin Booth Glen  
Dean Stanford A. Roman, Jr.  
Vice Chancellor Sherry Brabham  
Vice Chancellor Jay Hershenson  
Vice Chancellor Otis O. Hill  
Vice Chancellor Emma E. Macari  
Vice Chancellor Brenda Richardson Malone

The absence of Trustee Alfred B. Curtis, Jr. was excused.

**Vice Chairman Schmidt** stated that before we turn to any business, I would like to ask for a moment of silence in memory of the victims of the terrible tragedy that occurred on September 11. Thank you, very much. Although it is not my custom and in light of recent events, I would like to begin this meeting with a brief statement of my own on behalf of the Trustees.

**At this point, Trustees Babbar, Cook, and Mastro joined the meeting.**

**Upon motions duly made and seconded, the following statement was unanimously endorsed and approved for inclusion in the record:**

**Statement of Vice Chairman Schmidt regarding the World Trade Center tragedy:**

The bloodiest day in the history of our Nation and our City was also the most tragic day in the history of The City University of New York. We need not await the final tally of death and destruction to know that The City University of New York has suffered the greatest loss of life within its academic family from a single cataclysm of any university in American history. We have lost hundreds of our alumni and alumnae, students, and friends.

Our hearts go out to the families of every member of our academic community lost in this horrible tragedy. Our sadness is equaled only by the pride and inspiration we take in the heroes from our University who sacrificed their lives in the effort to help their fellow human beings, more than one hundred from John Jay College of Criminal Justice alone.

Our University is at one with our City, our State, and our Nation. We mourn every life lost in New York City, at the Pentagon, and in Pennsylvania, every family torn, every spirit afflicted.

As a community of learning, we have the capacity to make history a witness to our current trials. That perspective tells us that our firefighters, our police, all the uniformed services, the emergency medical personnel, and countless volunteers have written a chapter of heroism and self-sacrifice as great as any in our nation's history. The World Trade Center will take its place alongside Bunker Hill, Gettysburg, The Marne, Iwo Jima, and D-Day, as crucibles of danger that brought forth America's most inspiring demonstrations of the heroic capacity of the human spirit.

When historical perspective is joined to our knowledge of politics and the social sciences, we can see in these dark days a splendid recurrence of one of American history's central themes: that times of crisis produce inspired leadership in America. Our Mayor, our Governor, and our President have not only called us to courage, unity, and a sustaining sense of common purpose, they have exemplified these great qualities. Their leadership has been answered by the actions of thousands who have worked alongside them.

What are our leaders telling us at The City University? To have courage; to act according to our fundamental values; to be patient and to persevere; to get back to our important work; and, to rebuild our City, our University, and our own battered spirits.

Our faculty and students come from every corner of the globe. Every race, every great religious tradition, every ethnic group is part of our academic family. It seems likely that the United States will undertake military operations in countries where CUNY students and faculty have powerful roots. Times of tragedy, crisis, and military action engender strong emotions: pride and patriotism, powerful fears, acute concerns about justice and loss of life. In such times, it is important for The City University of New York to adhere to first principles.

Academic freedom, freedom of inquiry in the search for truth, the freedom of thought to challenge and to speak one's mind, these are the matrix, the indispensable condition, of any university worthy of the name.

The City University of New York has a proud tradition of academic freedom. We will defend the academic freedom of our faculty and students as essential to the preservation of the University. That these are prized American values, as well as central to the academic mission, only makes their defense in times of crisis the more essential.

Threats, harassment, discrimination of any kind, based on race, religion, national origin, political persuasion, or any other characteristic irrelevant to the academic enterprise is an assault on the foundation of the University. I have asked the Chancellor to take every appropriate measure to protect our academic mission and our students, faculty, and staff from any harassment or other inhibition on their ability to pursue their academic work in freedom.

The academic work of this University is critically important to our City, our State, our Nation. We are one of the world's most powerful enterprises in the competition between knowledge and ignorance, temperance and fanaticism, civilization and catastrophe. The University has a critical role to play in rebuilding our City, in mitigating the tragedy of September 11th, and in building a world of opportunity. This means that disruption of the University's vital work in the name of some other agenda is not only self-defeating, but intolerable. This University will remain free, will remain open and tolerant, and will function, even in, especially in, a time of crisis.

In the Idea of The University, John Henry Cardinal Newman wrote "An Alma Mater knows her children one by one." By this he meant that the university, true to its academic ideals, must treat each member of the community as a unique individual worthy of respect, to be judged solely by his or her actions, intellect, and character. A university does not stereotype its members, it does not permit them to be put into categories based on suspicion, ignorance, or prejudice; it does not deny to any of its members the full rights of academic freedom and engagement.

These were great words when Cardinal Newman wrote them 150 years ago. Were he writing today, I think he might add that an Alma Mater misses her children one by one, and mourns them everyone.

With the concurrence of my fellow Trustees, I will ask the Chancellor to consult widely within the University to plan for a lasting memorial to honor the members of our academic community who lost their lives in the darkest day for their University -- or any university -- in the history of our country.

In the shadow of evil and tragedy, let us rededicate our University and ourselves to the abiding values of our academic mission.

**Upon motions duly made and seconded, the following joint statement was unanimously endorsed and approved for inclusion in the record:**

**Joint Statement by Vice Chairman Benno C. Schmidt, Jr. and Chancellor Matthew Goldstein of The City University Of New York:**

The City University of New York joins with the City, State, and the Nation in mourning the lives of those who perished in the tragic events of September 11, 2001. We extend our deepest sympathies and profound condolences to all of the bereaved families who are suffering the loss of or injury to their loved ones. With gratitude and admiration for their boundless courage and determination, we thank all those who participated in search and rescue efforts and who continue to provide unyielding support. The Board of Trustees, Chancellor, college presidents, faculty, staff, students, and alumni are dedicated to the rebuilding of New York City. We express our full and fervent support for the United States of America during these most challenging times.

As the nation's foremost urban public university, The City University of New York holds a unique place in American democratic society, historically offering educational opportunities to all who wish to pursue the promise of a better life.

The extraordinary diversity of CUNY's student body represents one of its most remarkable features, one of its greatest strengths. Our students hail from 184 countries around the world. Immigrants comprised more than 46% of our Fall 2000 freshman class. Almost 52% of our freshman class speak one of the 162 native languages other than English represented among our student body.

Our University has from its inception prized this abundant ethnic diversity, and has been committed to the highest respect for and tolerance of the many cultures our students represent. The Preamble to Article XV of the Board of Trustees Bylaws explicitly articulates that commitment in the following statement: "A freedom to learn and to explore major social, political, and economic issues are necessary adjuncts to student academic freedom, as is freedom from discrimination based on racial, ethnic, religious, sex, political, and economic differentiations".

Our University's dedication to ethnic diversity and tolerance is firmly established in the Board's Policy on Pluralism and Diversity, which states that "The City University of New York, as an institution in an historically diverse society, is committed to engendering values and implementing policies that will enhance respect for individuals and their cultures. Our cultural, racial and ethnic diversity, our pluralism, is one of our most valued, significant, and important characteristics."

The City University commits itself to finding ways for all of us to work together in a productive, harmonious, and mutually supportive manner. The Policy affirms that in order to build on the strengths that our multi-ethnic, multi-racial, multi-generational student body offers we must first and foremost ensure sensitivity to and respect for all our students and the cultures that nourished them. We take this opportunity to reaffirm in the strongest possible terms the intent and spirit of the Board of Trustees Bylaws and Policy on Pluralism and Diversity.

We also wish to commend the college presidents for working effectively to provide the members of our many communities with opportunities to voice their grief and express their concerns, through a variety of channels including the CUNY Helpline, blood and donation drives, on-campus gatherings, panel discussions, town meetings, and ongoing counseling and support services. These and other measures taken by the administration, faculty, staff, students and alumni of The City University will continue to contribute substantially to the recovery of the University community and the entire City of New York.

**A. VIDEOTAPING OF BOARD MEETING:** Vice Chairman Schmidt stated that before we commence our regular business I would like to thank CUNY-TV, which, as usual, is transmitting this meeting of the Board live on Cable Channel 75. This is an important community service that gives the public an opportunity to observe the work of this Board and the University.

**The calendar items were considered in the following order:**

**Upon motions duly made, seconded and carried, the following resolution was unanimously adopted: (Calendar No. 10)**

**NO. 10. THE CITY UNIVERSITY OF NEW YORK – TUITION ASSISTANCE FOR FAMILIES OF WORLD TRADE CENTER TRAGEDY VICTIMS:**

RESOLVED, That the Board of Trustees of The City University of New York hereby expresses its strongest support for Governor Pataki's Executive Order 113 and related legislation to establish a World Trade Center Memorial Scholarship Program; and be it further

RESOLVED, That the World Trade Center Memorial Scholarship Program shall be consistent with the intent and spirit of Governor Pataki's Executive Order 113 declaring a disaster emergency in New York State; and be it further

RESOLVED, That the Chancellor is hereby authorized to implement immediately and to the fullest extent possible a World Trade Center Memorial Scholarship Program for The City University of New York. This program shall provide scholarships to the spouses and children of the innocent victims, who died or were severely disabled as a result of the terrorist attacks of September 11, 2001, on the United States of America; and to the spouses and children of the innocent victims, who died or were severely disabled during the on-going rescue and recovery efforts, including the children and spouses of firefighters, police officers, peace officers, and emergency medical services workers. Scholarships will also be provided to victims, who themselves were severely disabled as a consequence of the terrorist attacks of September 11, 2001, and ensuing rescue and recovery efforts. Such scholarships shall cover the cost of tuition, fees, books, supplies, transportation, and room and board, if applicable, for four years of full-time, undergraduate study or for five academic years of a program of undergraduate study as defined by the Commissioner of Education. Such scholarships shall be available to New York and non-New York residents and residents and non-residents of the United States who are matriculated students of The City University of New York.

EXPLANATION: Governor Pataki announced, on September 18, 2001, a comprehensive program to cover the costs of higher education for the victims and immediate families of victims of the September 11, 2001, disasters at the World Trade Center, the Pentagon, and in Pennsylvania. This resolution establishes City University of New York policy in support of that program.

**B. INTRODUCTION OF NEW PRESIDENT:** Vice Chairman Schmidt stated that it is my pleasure to introduce and welcome **Gregory Williams**, the new president of **City College**, to his first meeting. It is a great personal pleasure. We all look forward to working with you for the advancement of **City College** and **The City University of New York**.

**C. PRESIDENTIAL SEARCH COMMITTEE:** Vice Chairman Schmidt stated that I am pleased to announce that the **Queens College Presidential Search Committee** has been established. I am grateful to **Wellington Chen** for agreeing to serve as the chairman of the Committee. The Trustee members of the Committee are **John Calandra, Alfred Curtis, Joseph Lhota, Kay Pesile, and Jeffrey Wiesenfeld**.

At this point, Trustee Wiesenfeld joined the meeting.

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

**NO. 9. RESOLUTION OF APPRECIATION - MSGR. MICHAEL C. CRIMMINS:**

WHEREAS, The Honorable Michael C. Crimmins has served with exemplary distinction as a member of the Board of Trustees of The City University of New York from June 11, 1996 to June 30, 2001; and

WHEREAS, His distinguished leadership as Chairman of the Board of Trustees' Committee on Student Affairs and Special Programs has helped to further the educational and social mission of The City University; and

WHEREAS, He vigorously and passionately defended the concerns of the students and was committed to advocating for the development of policies and practices that would improve the quality of student life at the University; now therefore be it

RESOLVED, That the Board of Trustees extends its most sincere thanks and deepest appreciation to the Honorable Michael C. Crimmins for his service to the students, the Board, and the University; and be it further

RESOLVED, That the members of the Board of Trustees and the entire University community wishes him continued success in all his future endeavors.

**D. FACULTY HONORS:** Vice Chairman Schmidt called on Trustee Calandra, who announced the following:

**1. Distinguished Professor of Physics at City College, Herman Z. Cummins, and Morton M. Denn, Albert Einstein Professor and Director of the Benjamin Levich Institute for Physico-Chemical Hydrodynamics, have been**

elected to the American Academy of Arts and Sciences. **Professor Cummins** is one of seven physicists elected to the Academy this year, while **Professor Denn** is among six engineers who will be inducted.

**2. Dr. Steven Greenbaum**, a Physics professor at **Hunter College**, will receive the Roosevelt Gold Medal for Science given annually by the New York Council, Naval League of the United States, a civilian organization. **Dr. Greenbaum** is being cited for his "contributions to our country and particularly our national security."

**3. Dr. Dona Boccio**, Professor of Mathematics and Computer Science at **Queensborough Community College**, was a summer faculty fellow at the NASA-Marshall Space Flight Center in Huntsville, Alabama for ten weeks during the summer of 2001. Working at the Advanced Projects Group of the Flight Projects Directorate, she conducted research on tracking small objects in low-earth orbit.

**4. Paul Marchese**, Assistant Professor of Physics at **Queensborough Community College**, was an American Society for Engineering Education Summer Faculty Fellow, spending ten weeks at the Naval Research labs at the Stennis Space Center studying inertial waves with the physical oceanography group there.

**E. ALUMNI HONORS: Vice Chairman Schmidt** called on **Trustee Cook** who announced the following:

**1. Gabriela Correa**, a recent graduate of **Queensborough Community College** was awarded a scholarship from the 2001 - 2002 Coca Cola Foundation/Hispanic Scholarship Fund Community College Transfer Program. The award was issued in recognition of Ms. Correa's academic achievements and activities.

**2. Tami Shu**, a June 2001 magna cum laude graduate of **Hunter College**, was accepted into the New York City Urban Fellows Program, a prestigious nine-month internship that grooms recent college graduates from across America for careers in public service. She is the only CUNY student among the twenty-five fellows chosen this year.

**F. GRANTS: Vice Chairman Schmidt** presented for inclusion in the record the following report of Grants of \$100,000 or above received by the University subsequent to the June 25, 2001 Board Meeting:

#### **BROOKLYN COLLEGE**

- A. \$200,915 **NIH** to Magliozzo, R., Chemistry, for "Catalase-Peroxidase Catalysis in Antibiotic Activation."
- B. \$175,000 **STATE EDUCATION DEPARTMENT** to Kohler-Britton, C., Education, for "Child Care Development Block Grant."

#### **CITY COLLEGE**

- A. \$831,064 **NSF** to Fosnot, C., Education, for "Mathematics in the City: Professional Development for Teaching, Learning and Mathematizing."
- B. \$668,311 **NYC DEP** to Fillos, J., Civil Eng., for "Process Performance of Primary Settling Tanks in NYC's Water Pollution Control Plants."
- C. \$515,469 **NSF** to Benenson, G. and Neuhar, J., Mechanical Engineering, for "Teaching Technology from Everyday Stuff: Sustaining Professional Development Online."
- D. \$454,904 **U.S. DEPARTMENT OF EDUCATION** to Shapiro, N., Education, for "Preparing Tomorrow's Teachers to Use Technology – Implementation Grant."
- E. \$443,595 **NSF** to Akins, D., Chemistry, for "CCNY/UR SEM Collaborative."
- F. \$407,020 **U.S. DEPARTMENT OF EDUCATION** to Thangaraj, E., Special Prog., for "Student Support Services."
- G. \$395,178 **NYC DEP** to Fillos, J., Civil Eng., for "Nitrogen Technical Advisory Community."
- H. \$375,000 **NSF** to Holguin-Veras, J., Transportation, for "Career: Synthesis of Freight Origin-Destination

Matrices from Intelligent Transportation Systems.”

- I. \$372,514 **NIH** to Wallman, J., Biology, for “Role of Vision in Etiology of Axial Myopia.”
- J. \$345,239 **NYS DEPT. OF HEALTH** to Gliwa, B., Administration, for “Minority Participation in Medical Education.”
- K. \$268,202 **NIH** to Simmons, G., Administration, for “Marc Honors Undergraduate Research Training Program.”
- L. \$216,900 **LOCKHEED/SANDERS** to Saadawi, T., Electrical Eng., for “ARL-BAA Telecommunication.”
- M. \$202,011 **NIH** to Levitt, J., Biology, for “Mechanism of Visula Context Effects in Visual Cortex.”
- N. \$170,000 **NASA** to Alfano, R., IUSL, for “Tunable Solid State Laser and Optical Imaging.”
- O. \$159,110 **NYC BOARD OF EDUCATION** to Posamentier, A., Administration, for “NYC Teaching Fellowships.”
- P. \$157,608 **NASA** to Barba, J., Administration, for “Advancing Minorities in Science and Engineering Education.”
- Q. \$150,000 **NSF** to Baumslag, G. and Miasnakov, A., Mathematics, for “Computational Group Theory.”
- R. \$150,000 **NYS ERDA** to Diyamandoglu, V., Civil Eng., for “Disinfection by Products Formation in Sequential Application.”
- S. \$149,926 **NASA** to Parker, N., Transportation, for “Cooperative Research and Education Program: Institute on Climate and Palnets.”
- T. \$146,110 **NIH** to Laksman, M., Chemistry, for “Regio/Sterechem Defined Diol Epoxide Adducted RAS.”
- U. \$127,459 **NYC DEP** to Fillos, J., Civil Eng., for “Biological Nutrient Removal of Aeration Tank Number Four at the Tallman Island Wastewater Pollution Control Plant.”
- V. \$125,500 **METCALF & EDDY OF NY, INC.**, to Fillos, J., Civil Eng., for “Aeration Tank 13 BNR.”
- W. \$118,250 **NYC BOARD OF EDUCATION** to Posamentier, A., Administration, for “Certification Test Preparation.”
- X. \$115,428 **U.S. DEPARTMENT OF EDUCATION** to Cowin, S., Mechanical Engineering, for “Graduate Training in Mathematical Modeling of Biological Systems.”
- Y. \$112,665 **ROCKLAND TEACH CTR.** to Posamentier, A., Administration, for “Mathematics and Science Certification Program.”
- Z. \$106,600 **NSF** to Wall, D. and Rothschild, N., Anthropology, for “Reu Site: The Seneca Village Project: Developing an Archaeological Research Design Years 2 & 3.”
- AA. \$100,000 **NASA** to Austin, S., Computer Sci., for “An Urban Collaboration for Network Connectivity and Internet Access.”
- BB. \$100,000 **NSF** to Gunner, M., Physics, for “PPF: Role of Electrostatic Forces in Protein Stability and Function.”

#### THE GRADUATE SCHOOL AND UNIVERSITY CENTER

- A. \$247,233 **NIDCD** to Strange, W., for “Cross-Language Studies of Vowel Acoustics and Perception.” [Increase]
- B. \$150,000 **WILLIAM AND FLORA HEWLETT FOUNDATION** to Hellman, R., for “A Comparative Understanding of Estuary Ecosystems.”

**JOHN JAY COLLEGE OF CRIMINAL JUSTICE**

- A. \$417,727 **U.S. DEPARTMENT OF EDUCATION** to Kobilinsky, L., Carpi, A., Rothchild, R., Science Department and Flores, N., ESL, for "Strengthening Institutions – Hispanic Serving Institutions."
- B. \$325,231 **U.S. DEPARTMENT OF EDUCATION** to Texeira, K., for "Upward Bound Program."
- C. \$238,063 **U.S. DEPARTMENT OF EDUCATION** to Ray, D., for "Student Enrichment Program."
- D. \$119,556 **U.S. DEPARTMENT OF EDUCATION** to Kobilinsky, L. and Rothchild, R., Science Department, for "Minority Science and Engineering Improvement."
- E. \$113,961 **U.S. DEPARTMENT OF EDUCATION** to Clear, T., Law and Police Science, for "Crime and Justice Research Journal Training."

**KINGSBOROUGH COMMUNITY COLLEGE**

- A. \$691,640 **NYC BOARD OF EDUCATION** to Scherek, S., for "Fit for Life Program."
- B. \$600,000 **NYC HUMAN RESOURCES ADMINISTRATION** to Katz, S., for "Employment Assessment Project."
- C. \$315,000 **NYS DEPARTMENT OF EDUCATION** to Wilson, R., for "Liberty Partnership Program."
- D. \$298,275 **NATIONAL SCIENCE FOUNDATION** Fuhr, M. and Zeitlin, A., for "Advance Technology Education (ATE)."
- E. \$202,812 **U.S. DEPARTMENT OF EDUCATION** Colarossi, A., for "Trio Grant."
- F. \$123,593 **NYS DEPARTMENT OF HEALTH** to Katz, S., for "Health Workforce Retraining Initiative Grant Program."

**LAGUARDIA COMMUNITY COLLEGE**

- A. \$1,556,406 **U.S. DEPARTMENT OF EDUCATION** to Arcario, P., Academic Affairs Division, for "Electronic Student Portfolio."
- B. \$1,100,000 **NYC HUMAN RESOURCE ADMINISTRATION** to Schulman, J., Adult and Continuing Education Division, for "Employment Services and Placement (ESP)."
- C. \$599,805 **U.S. NATIONAL SCIENCE FOUNDATION** to Muller, L., Academic Affairs Division, for "ATE Articulation Partnerships."
- D. \$588,483 **U.S. DEPARTMENT OF EDUCATION (FIPSE)** to Arcario, P., Academic Affairs Division, for "e-Transfer."
- E. \$342,441 **U.S. DEPARTMENT OF EDUCATION** to Levine, R., Academic Affairs Division, for "Upward Bound Program."
- F. \$300,000 **NYC HUMAN RESOURCE ADMINISTRATION** to Schulman, J., Adult and Continuing Education Division, for "Assessment for Tanf Participants."
- G. \$250,000 **NYC HUMAN RESOURCE ADMINISTRATION** to Schulman, J., Adult and Continuing Education Division, for "Employment Center Placement."
- H. \$204,866 **U.S. DEPARTMENT OF EDUCATION** to Kranis, J., Adult and Continuing Education Division, for "Low Incidence Program."
- I. \$195,000 **NYS EDUCATION DEPARTMENT (CONTRACT)** to Schulman, J., Adult and Continuing Education Division, for "Learning Lab Project Edge IX."

- J. \$166,667 **NYS DEPARTMENT OF LABOR** to Kydd, J., Adult and Continuing Education Division, for "Jobs for Youth Program."
- K. \$153,000 **NYC DEPARTMENT OF EMPLOYMENT** to Watson, S., Adult and Continuing Education Division, for "Summer Youth Employment Program."
- L. \$140,229 **NYS EDUCATION DEPARTMENT** to Cyril, J., Adult and Continuing Education Division, for "CUNY Catch Program."

**HERBERT H. LEHMAN COLLEGE**

- A. \$400,000 **W.K. KELLOGG FOUNDATION** to Saravia-Shore, M., for "Engaging Latino Communities for Education Initiative."
- B. \$321,850 **NEW YORK CITY BOARD OF EDUCATION** to Wolfe, M. and Campos, A., for "New York City Writing Project."
- C. \$307,108 **U.S. DEPARTMENT OF EDUCATION** to Fletcher, D., for "Bronx Community Technology Centers Network."
- D. \$218,738 **NATIONAL INSTITUTES OF HEALTH** to Aisemberg, G. O., for "Hoemobox Genes and Neuronal Differentiation."
- E. \$205,868 **NEW YORK CITY BOARD OF EDUCATION** to Bruni, J., for "Summer 2001 Teaching Fellows Program."
- F. \$154,250 **NEW YORK CITY BOARD OF EDUCATION** to Wolfe, M. and Campos, A., for "New York City Writing Project."
- G. \$126,900 **NEW YORK STATE HIGHER EDUCATION SERVICES CORPORATION** to Rothstein, A. L., for "College for Me."
- H. \$100,000 **NATIONAL SCIENCE FOUNDATION** to Szabo, Z., for "Isospectral and Isotonal Metrics with Different Local Geometries."

**QUEENS COLLEGE**

- A. \$396,762 **U.S. DEPARTMENT OF EDUCATION** to Anderson, P., Dean of Students Office, for "Upward Bound Program."
- B. \$308,000 **NIH/NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES** to Michels, C., Biology Department, for "Maltose Sensing/Signaling Mechanisms in Saccharomyces."
- C. \$219,267 **U.S. DEPARTMENT OF EDUCATION** to Rosa, C., Dean of Students Office, for "Student Support Services."

**QUEENSBOROUGH COMMUNITY COLLEGE**

- A. \$573,945 **NEW YORK STATE EDUCATION DEPARTMENT** to Katz, M. D. and Call, D., for "Perkins III Formula Funds."
- B. \$276,311 **U.S. DEPARTMENT OF EDUCATION** to Parra, M., for "Student Support Services Program."
- C. \$239,861 **NEW YORK STATE EDUCATION DEPARTMENT** to Call, D., for "Project PRIZE."
- D. \$180,000 **NEW YORK STATE EDUCATION DEPARTMENT** to Meyer, M. A., for "Tech-Prep Consortium of Queens."

## YORK COLLEGE

- A. \$331,294 **NATIONAL INSTITUTES OF HEALTH** to Divale, W., Social Sciences, for "MARC Program."
- B. \$198,939 **NATIONAL INSTITUTES OF HEALTH (MBRS/SCORE)** to Levinger, L., Natural Sciences/Biology, for "Eukaryotic tRNA End-Processing by RNase P and 3'-tRNAse."

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

1. First, I would like to take a moment to again acknowledge the extraordinary leadership that we have seen in this University community over the past thirteen days starting with our presidents, who were valiant in keeping their campuses open and keeping dialogues open with students, faculty, and staff and providing truly a safe haven for many people who look to the University as more than a place to learn and to work. It is for many in our community an extension of their homes. For me the critical decision was to keep the University open and the presidents were right there leading their institutions and I think they deserve all of our gratitude for the exemplary work that they have done.

Our faculty and staff were extraordinary during this period of time. When I asked **Executive Vice Chancellor Mirrer** on the day after this horrific attack at the World Trade Center to create a CUNY Helpline, she immediately reached out to the large number of faculties across our University trained in psychotherapy, psychology, nursing, and social work, and they answered with great resolve and large numbers to assist those who were grieving in our University because we have lost many. This help line continues to work and to provide referral services and a trained ear for those who need that kind of advice. We also have established this Helpline with the New York City Partnership because we were told that the business community did not have access in many cases for this kind of referral service. We were very pleased to do that and for the very good work of **Executive Vice Chancellor Louise Mirrer** and our **University Dean Rosa Gil**. This was an important effort on behalf of all of us. Our students, faculty, and staff were extraordinary in blood drives. They served as volunteers and they donated so much of their time for those that needed help at this very difficult period. So I am just so privileged to be part of this community and to really pay tribute to them.

Our Mayor and our Governor have been absolutely extraordinary providing the leadership that this City has needed at this very dark time and they really rose to the occasion. We are blessed in the City to have our own Trustee, **Joe Lhota**, who was there right at the very beginning and continues to be there. Just being here today is an example of his commitment to this University but I know he is going to have to run back. I tried to reach him at all times of the day and night and he has been there with those that need him. **Joe Lhota**, thank you for the very good work that you do. And the incredible courage of our New York City Police Department, our fire fighters, our sanitation workers, our emergency service workers, they have been extraordinary. The more you see them portrayed in the media and the more you meet them and talk to them, these are absolutely the finest that this City has in its family of men and women and we are privileged to have them here as well.

Many things have happened and not very good things have happened in this University during this time and we have worked very hard to correct some of them. First and foremost, one of our great institutions in the CUNY family, **Borough of Manhattan Community College**, has been essentially closed since the attack. I was there with **Antonio Perez**, our very distinguished President at BMCC, on the morning following the attack and I was there again this morning. **Antonio Perez** has been working tirelessly with us here at the Central Administration and we have had a lot of help from a lot of very good people. Gene McGrath, head of Con Edison, took my call and understood how important it was to restore power to BMCC, and power was restored. We have great resolve and are making tremendous progress to get that institution open very soon for all the students who wish to study and the faculty and staff who wish to return to their jobs.

We did lose Fiterman Hall, which was donated by Miles Fiterman several years ago. It housed our Research Foundation, hundreds of classrooms, and the accelerator program that we instituted with the New York City Investment Fund. We have worked tirelessly to get those entities that were in that building moving ahead. The Research Foundation, which is a very large organization here in the University, processes about \$200 million a year in transactions, employs about 3,200 project employees, and about 130 or 140 Central Office workers. The following

day we signed a lease at 555 West 57th Street, and the Research Foundation is functioning in new quarters. We got them new servers, new computers, and new phone lines and they are in operation. We are not sure if we are going to be able to get back into Fiterman Hall and retrieve all of the files and the legal documents. But all of the transactional data were backed up and were secured in a remote location. We were able not to lose a stitch and that was something that was extremely important.

The integrated university is about the University working together on major challenges. Board of Education Chancellor Harold Levy was very helpful in identifying a large number of classrooms at a number of our high schools. If we needed to use those classrooms we would be able to call on that partnership to enable us to move forward and we are moving forward.

And **President Antonio Perez**, your leadership right from the very beginning was very important and I commend you for the work that you did in helping all of the efforts that we are doing to get BMCC back on line.

2. There are student concerns that we are dealing with. Students have been called up by the National Guard and by the Reserves. I have asked our **General Counsel and Vice Chancellor for Legal Affairs Rick Schaffer** to work on an advisory to college presidents setting forth the existing policy as it relates to military service. But let me talk about a few things so that our students, through our presidents, will have an understanding of what the University's policy is. Under existing policy students who are called up for duty in the Reserves or the National Guard before the end of the semester are entitled to a 100% refund of tuition and all other fees except application fees. Students who volunteer for military service before the fifth week of classes are entitled to 100% refund and thereafter a 50% refund. College presidents are directed to grant refunds for two additional categories of students: uniformed City employees who because of overtime duty since September 11 have been unable to attend classes and wish to withdraw for this semester, and students who have had an immediate family member who was killed, severely injured, or missing as a result of the disaster and who wish to withdraw for the semester. And lastly, college presidents are being authorized at their discretion to grant refunds or credits in other appropriate cases provided they are properly documented. This will be tightened up through **Rick Schaffer's** advisory to our presidents and we will do this in the most sensitive and productive way to insure that this University continues to be student centered, which is something that we've always held dear as a part of our value set.

3. We have worked very hard to keep the Board informed daily from the Central Office. More memos from me than you probably wanted to receive, but I felt it was important for all of you to know what we were doing and why we were doing what we were. Our web site, which continues to evolve, has been a wonderful way for me to communicate to wider communities in this University and beyond. **CUNY-TV** has been used in ways that it has never been used before and we have been working with the media to keep our students, staff, faculty, and others informed on the progress of the BMCC opening. Our very new distinguished **Senior Vice Chancellor Allan Dobrin** is working further on the uses of technology and other ways to strengthen crisis management across the University.

4. We are working with our business community and the labor community in ways that we haven't before. We are working with the New York City Partnership, the New York City Labor Council and the Consortium for Worker Education on an emergency employment clearinghouse program. This will include providing faculty expertise, demographic information, counseling support, and technical expertise. We will be working very closely with Joseph Bruno who chairs an important committee of the Business Leadership Council. Joseph Bruno, as you know, is chairman of PaineWebber and is working with us to develop a labor market survey for critical industries in New York City to become available for that clearinghouse.

5. We are in very serious talks with the State Department of Education, and with the United States Department of Education. I have had several conversations with Deputy Secretary for Education Bill Hansen, who has asked me to put together a schedule of items that we could get consideration through FEMA for disaster relief. We will be working with the City and the State and with Cassidy & Associates who has a seat at the table as the Department of Education continues to bring forward items that need to be considered for help in this University and others. The Education Department used to have programs directed for disaster relief. They no longer have specific programs. This is now being done under the auspices of FEMA and we are working diligently to make some of that happen. On

September 13, two days after the attack on the World Trade Center, Governor Pataki brought back the Legislature in Albany and a massive infusion of dollars was provided for disaster relief.

6. Unfortunately, there were no additions in any consequential way yet for the University to get further resources on top of the bare bones budget that was approved several weeks ago. This was not what we expected or had hoped for and indeed that week we had expected that the Legislature would come to an agreement with the Governor for further enhancements to that bare bones budget, but, unfortunately, that was not the result. We are having very serious discussions now with the Governor's people in the Division of the Budget to find ways of integrating in the capital budget and our operating budget to find some kind of flexibility in the way that we deploy resources for the University so that our colleges will continue to be able to do the things that they had all hoped to do at the start of the semester, but right now we don't have all of the funds to do it. So it is a work in progress, but we are hopeful that we will be able to finish that important work.

7. And, lastly, Mr. Chairman, yesterday I participated in a funeral service for a great New Yorker, Lewis Rudin. As all of you know, Lewis acceded to my request last year when we formed the Business Leadership Council to chair that important Council. Lewis Rudin always took my calls. Lewis Rudin always did what we asked him to do. He was a true icon for this University and we will remember him in the fondest ways. The last contact I had in a very formal way with Lewis, although we would dine and talk on the phone regularly, was when we presented both he and his brother Jack the Chancellor's Medal. I am so pleased that we were able to do that for an extraordinary New Yorker.

**Executive Vice Chancellor Louise Mirrer** read the following letter from the Mission Interuniversitaire de Coordination des Echanges Franco-Américains (MICEFA) for inclusion in the record:

Dear Chancellor Goldstein,

Dr. Jean Lewis Leutat, President of the MICEFA, and myself, would like to express our heartfelt sympathy to you and the C.U.N.Y. colleges at this tragic time. The unspeakably cowardly, horrendous events unleashed on the City of New York and its people can leave nobody unmoved. All the Universities of Paris and the Paris region, members of this consortium are united in their sense of outrage and compassion.

As you know I have spent many years as a faculty member of CUNY and count innumerable friends and colleagues in New York City from all walks of life. CUNY is a founding American partner in the MICEFA network through the New York-Paris Exchange Program headed by Provost William Kelly and Dr. Maxine Fisher. Over the eighteen years of our collaboration we have become a family linked by ties of affection and mutual respect. You will understand, I'm sure, if I end by expressing personal grief at this senseless loss of life and the mindless destruction of a city I look upon as home from home.

This is a dark hour. Hope must be born again in all those lives directly and indirectly affected; in a City destroyed and in the hearts and minds of all those men and women in New York, in America and beyond who place their faith and hope in values and principles steadfastly rooted in understanding compassion and respect for human dignity.

I would like you to know also that we are giving special attention at this moment to our C.U.N.Y. students many of whom are without news from home and are deeply anxious as well as being profoundly shaken.

Finally, I would be most grateful if you could share this letter with the Presidents of the C.U.N.Y. colleges.

Sincerely,  
**John D. Edwards**  
John Edwards  
Professeur des  
Universités Françaises

**President Marti** stated that on behalf of all the presidents of the colleges, and I know that I can speak for them, I would like to express my appreciation to all of the members of the Central Administration. When we needed to get information, at least I got it. In the middle of the night, the Chancellor would call us and find out how we were doing. I think this University reacted as a unit and it cannot be left unsaid that we have a Central Administration that was in command and was very helpful to all the colleges and the University. So, thank you.

**Vice Chairman Schmidt** stated that I would like to add my thanks. I called Matt shortly after ten on that day and many more times that day, I think more in need of comfort for myself and anything that I could do, and we have spoken almost daily since. He has always been on the job. He knows what is going on. He cares and he has really been, I think, a splendid example of what the Mayor and Governor and President and other leaders have been asking from all of us that we just stay at work and be patient, persevere and focus on what is important.

**President Lynch** stated that I had prepared a statement, which was really what you said. I want to thank the Chancellor from my position at John Jay in helping us with the grief of having lost 101 alumnae, staff, and faculty. It has shocked the College and the Chancellor was there with his calm leadership and his willingness to see me and to talk about it. And I want to thank him too for helping the Secret Service, which lost all of its space down at 7 World Trade Center. We asked if they wanted to move into our already very crowded space and they were delighted. The Chancellor agreed and they are there at the moment. So that is actually good just to feel we did something for another group that lost everything. Fortunately they didn't lose any personnel. I know I am speaking for the presidents too, that we appreciate his strength and his openness. Thank you.

**Trustee Lhota** stated that I would like to thank the University, but more importantly I would like to thank all the people of New York. Around ten o'clock, when you were calling the Chancellor, the Mayor and his senior staff were walking north looking for a place to find a command headquarters for the City of New York. We actually passed St. Vincent's Hospital where we saw numerous New Yorkers, without being asked, standing on line willing and ready to give blood. What I thought was absolutely amazing, because it has been a long time since we have gone through a drill on what do you do in an emergency, was that New Yorkers innately knew that they cared about their brothers and sisters. This says a lot about the City, that the City government was prepared, but there are an awful lot of other people in the City that knew exactly what to do, and this City became very orderly and everybody became very caring. I think New York showed the rest of the country if not the world that, as the Mayor has said over and over again, you can attack us, but you are not going to take us out.

**Upon motions duly made, seconded and carried, the following resolutions were adopted: (Calendar Nos. 1 through 7 and 11)**

**NO. 1. UNIVERSITY REPORT:** RESOLVED, That the University Report for September 24, 2001 (including Addendum Items) be approved:

**(a) ADDENDUM:** Add the following:

D.44 MEDGAR EVERS COLLEGE – APPOINTMENT/REAPPOINTMENT OF FACULTY TO NAMED CHAIRS

LAST NAME	FIRST NAME	TITLE	DEPARTMENT	SALARY RATE	EFFECTIVE DATE(S)
McLaughlin	Andree Nicola	Dr. Betty Shabazz Professor	Interdisciplinary Studies	\$86,619	9/1/01

Appointment to Dr. Betty Shabazz Chair with \$20,000 stipend, 9/1/01-8/31/02.

D.45 BROOKLYN COLLEGE – AWARDING OF SALARY SUPPLEMENTS TO PROFESSORIATE STAFF – RECRUITMENT/RETENTION INITIATIVE

DEPARTMENT TITLE	LAST NAME	FIRST NAME	SALARY RATE	SALARY SUPPLEMENT	EFFECTIVE DATE(S)
Computer and Information Science					
Assistant Professor	Yarmish	Gabriel	\$57,049	\$10,000	9/2/01
Associate Professor	Rudowsky	Ira	\$68,174	\$10,000	9/1/01
Economics					
Assistant Professor	Hirakubo	Nakato	\$57,049	\$6,000	9/1/01
Health and Nutrition Sciences					
Assistant Professor	Weston	Raymond	\$57,049	\$5,000	9/1/01

D.46 THE CITY UNIVERSITY OF NEW YORK – STANDARDS AND PROCEDURES FOR DISTRIBUTION OF STATE AID TO THE COMMUNITY COLLEGES

RESOLVED, That the Board of Trustees of The City University of New York adopt the Standards and Procedures for the distribution of State aid to the community colleges developed jointly by the Boards of Trustees of the State University of New York and The City University of New York as required by the New York State Education Law, Section 6304, and the adopted budget for fiscal year 2001-2002.

EXPLANATION: The 2001-2002 New York State adopted budget and the New York State Education Law require The City University of New York and State University of New York to develop joint regulations for administration of State aid to community colleges. The City University of New York and State University of New York administrations have worked collaboratively to develop appropriate changes to existing rules to allow the distribution and allocation of State aid in accordance with the 2001-2002 State adopted budget.

**GUIDELINES FOR DISTRIBUTION OF STATE AID TO COMMUNITY COLLEGES:**

**A. Non-credit remedial programs.**

Non-credit remedial programs operated by community colleges can be included for State aid if the sponsor contributes its share of operating costs and each program meets the following: Instruction concerned with diagnosing, correcting or improving such basic skills as oral and written communications, reading, analytical concepts and general study habits and patterns, to overcome in part or in whole any particular marked deficiency which interferes with a student's ability to pursue an educational objective effectively. State financial assistance shall be allowed for all non-credit remedial programs, which programs may, as a prerequisite to enrollment, require specific educational requirements heretofore or presently undertaken by community colleges.

**B. Basic State financial assistance.**

**(1) Full opportunity colleges.**

The basic State financial assistance for community colleges implementing approved full opportunity programs shall be the lowest of the following:

- (i) two-fifths of the net operating budget of the college, as approved by City University Trustees,
- (ii) two-fifths of the net operating costs of the college, or
- (iii) for the current college fiscal year [2000-2001], the total of the following:

- (a) the budgeted or actual number (whichever is less) of full-time equivalent students enrolled in programs eligible for State financial assistance multiplied by \$2,250; and
- (b) one-half of rental costs for physical space.

**(2) Non-full opportunity colleges.**

The basic State financial assistance for community colleges not implementing approved full opportunity programs shall be the lowest of the following:

- (i) one-third of the net operating budget of the college, or campus of a multiple campus college, as approved by the City University Trustees,
- (ii) one-third of the net operating costs of the college, or campus of a multiple campus college; or
- (iii) for the current college fiscal year [2000-2001], the total of the following:
  - (a) the budgeted or actual number (whichever is less) of full-time equivalent students enrolled in programs eligible for State financial assistance multiplied by \$1,875; and
  - (b) one-half of rental cost for physical space.

- (3)** Notwithstanding the provisions of paragraphs (1) and (2) of this subdivision, a community college or a new campus of a multiple campus community college in the process of formation shall be eligible for basic State financial assistance in the amount of one-third of the net operating budget or one-third of the net operating costs, whichever is the lesser, for those colleges not implementing an approved full opportunity program plan; or two-fifths of the net operating budget or two-fifths of the net operating costs, whichever is the lesser, for those colleges implementing an approved full opportunity program during the organization year and the first two fiscal years in which students are enrolled.

**(4) Federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996.**

Notwithstanding any other provision of law, rule or regulation, the chancellor or designee of The City University may allocate any portion of such basic State financial assistance on a matching basis to implement programs for the provision of education and training services to individuals eligible under the federal personal responsibility and work opportunity reconciliation act of 1996.

**C. Funded enrollment.**

Notwithstanding the provisions of this section, assistance payable for the [2000-2001] current community college fiscal year on the basis of full-time equivalent credit enrollment and non-credit remedial enrollment shall be paid on an aidable college enrollment defined to be the greater of:

- (1) The actual full-time equivalent credit enrollment and non-credit remedial enrollment for the [2000-2001] previous community college fiscal year; or
- (2) The sum of the following: 50 percent of the actual full-time equivalent credit enrollment and non-credit remedial enrollment for the previous college fiscal year [2000-2001] plus 30 percent of the actual full-time equivalent credit enrollment and non-credit remedial enrollment for college fiscal year 2 years prior [1998-99] plus 20 percent of the actual full-time equivalent credit enrollment and non-credit remedial enrollment for college fiscal year 3 years prior [1997-98]. For such enrollment full assistance is payable as provided in clause (a) of subparagraph (iii) of paragraph (1) and clause (a) of subparagraph (iii) of paragraph (2) of subdivision (c) of this section.

**D. Excess student revenues.**

Local sponsors may use funds contained in reserves for excess student revenue, excluding any excess student revenues attributable to the [2000-2001] current community college fiscal year, for operating support of the

community college program even though said expenditure may cause expenses from student revenues to exceed one-third of the college's net operating budget provided that such funds do not cause the college's revenues from the local sponsor's contributions in aggregate to be less than the comparable rates for the previous community college fiscal year.

**E. Student tuition and fees.**

The full-time tuition rate for residents of the sponsorship area, and nonresidents of the sponsorship area presenting certificates of residence, shall not exceed \$2,500 per academic year of two semesters or three quarters.

**F. Tuition limitations.**

- (1) [In accordance with the provisions of chapter 60 of the Laws of 2000, community colleges of the City University of New York for the college fiscal year [2000-2001] To the extent authorized by law, community colleges may increase tuition and fees above that allowable under paragraph d of section 6304 of the Education Law, provided the local sponsor's contribution either in the aggregate or per full-time equivalent student shall be no less than the comparable actual rates of the [1999-2000] previous community college fiscal year.
- (2) In no event shall tuition rates exceed the maximum limitations provided in subdivision (e) of these guidelines.

**NOTE: Matter underlined is new; matter in brackets is deleted.**

**NO. 2. CHANCELLOR'S REPORT:** RESOLVED, That the Chancellor's Report for September 24, 2001 (including Addendum Items) be approved:

**(a) PART A: ACADEMIC MATTERS**

**SECTION AI: SPECIAL ACTIONS:** Withdraw the following:

NEW YORK CITY TECHNICAL COLLEGE – Pages 003, 004, and 005. Withdraw the two certificate programs, Youth Studies and Alcoholism and Substance Abuse. Further information is required by the Office of Academic Affairs.

**(b) ADDENDUM:** Add the following:

D.13 THE CITY COLLEGE – FURTHER APPROVAL TO SELL FLORIDA PROPERTY KNOWN AS CUSTERS' ADDITION TO SILVER SPRINGS IN ORDER TO ESTABLISH A FUND TO BE KNOWN AS THE THOMAS AND CORNELIA JONES SCHOLARSHIP FUND.

RESOLVED, That the Board of Trustees of The City University of New York authorize the sale of real property described as East ½ of Lots 1 and 2 of Custers' Addition to Silver Springs, as per plat thereof recorded in Plat Book A, page 13, of the Public Records of Marion County, Florida to Frederick and Alfreda Pinkston at a price of \$6,500.00. The Secretary of the Board, Genevieve Mullin, is authorized to execute any additional documents required in connection with the sale. The documents shall be approved as to form by the University Office of General Counsel.

EXPLANATION: The Board previously approved the acceptance and sale of this property on behalf of City College. (See attached resolution from Chancellor's Report of 6/00.) The title company insuring the purchasers' interest in the property requires a corporate resolution that approves the specific terms of the sale.

**NO. 3. APPROVAL OF MINUTES:** RESOLVED, That the minutes of the regular Board meeting and Executive Session of June 25, 2001 be approved.

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

**A. THE CITY UNIVERSITY OF NEW YORK (CENTRAL OFFICE) – UNIVERSITY INITIATIVE FOR THE PURCHASE OF COMPUTER EQUIPMENT:**

WHEREAS, New York State law permits the Board of Trustees of The City University of New York (the “University”) to make purchases through contracts let by the federal government, the State of New York, the City of New York or the Board of Education of the City of New York; and

WHEREAS, The University is committed to providing state-of-the-art technology to every faculty member, maximizing computer access for students, streamlining administrative applications at the colleges of the University (the “Colleges”) and effectuating cross-campus compatibility in computer hardware, software, applications and connectivity; and

WHEREAS, The University is committed to decreasing costs through volume purchasing where appropriate; and

WHEREAS, The Chancellor wishes to streamline the procurement process for Colleges; and

WHEREAS, By similar Resolution dated January 29, 2001, Cal. No. 4.E., the Board of Trustees authorized the Colleges to undertake volume purchasing of computer equipment for the fiscal year ending June 30, 2001, in the amount of fifteen million dollars, which prior initiative was successful in moving towards its stated goals; now therefore be it

RESOLVED, That the Board of Trustees of The City University of New York authorize the colleges to purchase workstations, servers, networking equipment, related peripheral devices, software and professional services under any of existing federal government or State of New York or City of New York or Board of Education of the City of New York contracts pursuant to law and University regulations. Such purchases are estimated at a total cost of \$15,000,000, chargeable to any of New York State Capital or Operating Budget or New York City Capital or Operating Budget during the fiscal year ending **June 30, 2002**; and be it further

RESOLVED, That the colleges of The City University of New York submit proposed acquisitions under this resolution to the Office of the Chancellor for review.

**B. THE CITY UNIVERSITY SCHOOL OF LAW AT QUEENS COLLEGE – NETWORK INFRASTRUCTURE INITIATIVE (NII) – PHASE I:**

RESOLVED, That the Board of Trustees of The City University of New York authorize The City University School of Law at Queens College to purchase network cables from Anixter Incorporated under existing New York State Contract PT00617 pursuant to law and University regulations; and be it further

RESOLVED, That the Board of Trustees of The City University of New York authorize The City University School of Law at Queens College to purchase cable associated hardware from Anixter Incorporated under existing New York State Contract PT57878 pursuant to law and University regulations; and be it further

RESOLVED, That the Board of Trustees of The City University of New York authorize The City University School of Law at Queens College to purchase wiring and installation from Verizon Network Integration Incorporated under existing New York State Contract PT75058 CMS0276 pursuant to law and University regulations; and be it further

RESOLVED, That the Board of Trustees of The City University of New York authorize The City University School of Law at Queens College to purchase network hardware from Expanets Incorporated under existing New York State Contract PT55638 CMS0825 pursuant to law and University regulations; and be it further

RESOLVED, That the total of all such purchases shall not exceed a cost of \$629,000, chargeable to Capital Project Number 144900.

EXPLANATION: The CUNY Law School at Queens College has developed an information technology plan to provide a network infrastructure for students, faculty, and staff. Phase I will upgrade network wiring and electronics for high-speed data communication. The wiring will create and connect to a new backbone that will allow high-speed switching capabilities and will facilitate electronic communication, access to the Internet and to the Law School's e-mail servers, web servers, various databases, and multimedia applications.

**Statement of Trustee Pesile regarding the change of MBA tuition:**

As many of you know I have been a proud graduate of the School of Business at Baruch College and one of my goals both as a Baruch graduate and as a member of this Board, is to insure that the Zicklin School of Business at Baruch College remains strong academically and as a leader among business schools in this country. It is with this goal in mind that I second the motion to adopt Cal. No. 4.C. to increase tuition charges for MBA students at Baruch.

The revenue generated through the tuition increase will allow Baruch College to recruit and retain 52 new tenure-track faculty, thereby insuring the continuing academic strength of the School and its re-accreditation by the Association for the Advancement of Collegiate Schools of Business. Since virtually all tenured and tenure-track faculty at Zicklin teach at both the undergraduate and graduate levels, additional full-time tenure-track faculty will serve the needs of all Zicklin School students, both undergraduates as well as graduates. This benefit to the undergraduates will be available despite the fact that the proposal does not include an increase in tuition for undergrad students.

We know that half the MBA students are New York State residents and pursue their degree on a part-time basis, with the cost of tuition reimbursed by their employers. Further, Baruch College will expand financial aid and scholarship opportunities for any New York State resident student who meets its standards for admission but is unable financially to meet the costs of this proposed increase. Once this increase is approved in-State tuition for the Zicklin MBA program is still going to be 75% lower than the average tuition charged by the four major business schools in this City that are basically our toughest competitors. A Baruch MBA will continue to be a sound investment for its cost.

This resolution is supported by the students and faculty at Baruch and it should be supported by the Board as one voice to support approving the resolution now before us.

**C. BARUCH COLLEGE – CHANGE OF MBA TUITION:**

RESOLVED, That The City University of New York adopt a revised schedule of tuition charges for students in the Baruch College Masters of Business Administration (MBA) program in accordance with the schedule of charges and timetable for implementation detailed below; and be it further

RESOLVED, That Baruch College will ensure through its financial aid program, that no New York State resident who meets its standards for admission is barred from attending the MBA program because of financial inability to meet the tuition increase; and be it further

RESOLVED, That the increased tuition is to be used solely to support Baruch College's need to address critical accreditation issues, to enhance the quality of the Zicklin MBA, and to advance achievement of Master Plan goals.

**Revised Tuition Schedule for Graduate, Resident MBA Students**

Effective Spring 2002

Full-Time (per semester)	\$2,600
Part-Time (per credit)	\$225

Effective Fall 2002

Full-Time (per semester)	\$3,000
Part-Time (per credit)	\$265

**Revised Tuition Schedule for Graduate, Non-Resident MBA Students**

Effective Spring 2002

Full-Time and Part-Time (per credit)	\$400
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Effective Fall 2002

Full-Time and Part-Time (per credit)	\$475
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**EXPLANATION:** The proposed tuition increase is necessary to strengthen the academic foundation of the Zicklin School of Business at Baruch College, ensuring that it will remain competitive and that it will improve its national ranking to become one of the top 25 business schools in the country. The Zicklin School will ensure, through its financial aid program, that no New York State resident student who meets its standards for admission is barred from attending the MBA program because of the tuition increase. The MBA program is a professional program like law or medicine, and these programs already carry different levels of tuition from other graduate programs at CUNY and SUNY.

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

**A. THE COLLEGE OF STATEN ISLAND – M.S. IN NEUROSCIENCES, MENTAL RETARDATION, AND DEVELOPMENTAL DISABILITIES:**

RESOLVED, That the program in Neurosciences, Mental Retardation, and Developmental Disabilities leading to the Master of Science degree to be offered at The College of Staten Island be approved, effective January 2002, subject to financial ability.

**EXPLANATION:** Neurosciences is an interdisciplinary field of study that focuses on the processes that are fundamental to the human experience, such as learning and cognition, speech and vision, pain sensation and the control of most body functions, all related to brain function and development. The purpose of the proposed program is to provide students with an opportunity for master's level education that applies principles of molecular biology, physiology, neurochemistry, statistics, psychology, and quantitative analysis to the important problems in brain development. Graduates of the program will be prepared to work in clinical and research laboratories, in university-associated research programs, in federal and state agencies, the National Institutes of Health, and the Federal Drug Administration with job titles such as research scientist or clinical scientist. In addition, students may also choose to continue their studies and pursue a doctoral degree in biology, psychology, or neurosciences.

**B. THE GRADUATE SCHOOL AND UNIVERSITY CENTER – MIDDLE EAST AND MIDDLE EASTERN AMERICAN CENTER:**

RESOLVED, That the Middle East and Middle Eastern American Center (MEMEAC) 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 in February 1995.

**EXPLANATION:** The primary purpose of the proposed Center is to create an organizational structure and bring together a community of scholars from among the CUNY faculty who focus their scholarship and research on the Middle East and Middle Eastern Americans. The main objective of the center will be to stimulate the study of Middle Eastern peoples, cultures, and countries as well as Middle Eastern immigrants and their descendants who live in the

United States, especially New York City. The proposed Center will sponsor conferences, workshops, symposia, colloquia, and lecture series. It will also establish a website and sponsor occasional publications (e.g., Working Papers).

The Center will be administered by two co-directors in conjunction with an advisory board that includes representatives from CUNY colleges, which will advise on overall research and activities as well as budget issues and other Center responsibilities. In addition, both graduate and undergraduate students will participate in the work and activities of the Center. This will enrich their culture and academic experience.

The Center'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.

**C. KINGSBOROUGH COMMUNITY COLLEGE – CERTIFICATE IN HEALTH OFFICE ADMINISTRATION:**

RESOLVED, That the program in Health Office Administration leading to a Certificate to be offered at Kingsborough Community College be approved, effective January 2002, subject to financial ability.

EXPLANATION: The purpose of the proposed program is to provide students with the essential knowledge and skills necessary for entry-level employment in medical offices, managed-care facilities, home-care agencies, clinics and nursing homes. The program was designed to prepare students for the first step of a career ladder in the health services field. In addition, the program provides an alternative for students who have not demonstrated an aptitude for the rigorous science requirements necessary for completion of health professions programs offered at the College such as Mental Health, Nursing, and Physical Therapy. The certificate program articulates with the College's A.A.S. in Business Administration so that students who complete the Certificate will have the opportunity to continue their education with the complete transfer of all credits.

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

**A. FIORELLO H. LAGUARDIA COMMUNITY COLLEGE – BYLAW WAIVER FOR ELECTION OF CHAIRPERSON OF THE COUNSELING DEPARTMENT:**

RESOLVED, That the Board of Trustees of The City University of New York waive Section 9.3(c) of its Bylaws and that the Chairperson of the Counseling Department be elected from among the tenured members of the Department, such election to be in accordance with the Board Bylaws.

EXPLANATION: The Counseling Department at LaGuardia Community College has been reassigned from the Division of Enrollment Management and Student Development to the Division of Academic Affairs in order to strengthen academic advisement function. Board Bylaws Section 9.3(c) provides that where student personnel services constitute an instructional department, the dean of students shall be department chairperson. Since the Counseling Department is no longer reporting to the Dean of Students, the College President requests a Bylaw waiver to provide for the Department to have an elected chairperson.

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

**A. FIORELLO H. LAGUARDIA COMMUNITY COLLEGE – CENTER 3 RENOVATION:**

RESOLVED, That the Board of Trustees of The City University of New York authorize the Secretary of the Board to execute a contract with the firm of Einhorn Yaffee Prescott PC for professional design and construction related services as required for Center 3 Renovations at LaGuardia Community College, CUNY Project No. LG002-093. The contract cost of \$356,231 shall be chargeable to the City Capital Budget Project No. LG002-093. The contract shall be subject to approval as to form by the University Office of General Counsel.

EXPLANATION: Einhorn Yaffee Prescott PC will evaluate the existing conditions of the LaGuardia Community College Center 3 building, update the 1996 Master Plan and prepare conceptual design alternatives for renovating the entire facility. The architect will also design the first phase of the renovation to include new classrooms and new offices for Admissions, the Registrar and Financial Aid. The building contains 885,000 gross square feet and has nine stories and a basement. The College currently occupies the basement, the first three floors, and a portion of the seventh floor.

The proposed firm was selected in accordance with law and the procedures established by the University.

**B. BOROUGH OF MANHATTAN COMMUNITY COLLEGE – REHABILITATION AND UPGRADE OF THE ENTRANCE RAMP AND PLAZA:**

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 Borough of Manhattan Community College for the rehabilitation and upgrade of the exterior entrance ramp and plaza leading to the main building. 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 City Capital Budget, Project No. MC138-098, for an amount not to exceed \$1,241,230. The contract shall be subject to approval as to form by the University Office of General Counsel.

EXPLANATION: This project will repair the pedestrian ramp and plaza leading to Borough of Manhattan Community College's main entrance from Chambers Street. The project includes modifications of the ramp to provide for access for the disabled, as required by law. The work includes the addition of new lighting with raised illumination levels for safety, new drainage, and new signage at the sidewalk to identify the College. New seating and landscaping will also be provided.

A resolution for the selection of the design firm of Lee Weintraub Landscape Architecture Community Design was approved on February 22, 1999, Cal. No. 1.

**NO. 11. COMMITTEE ON STUDENT AFFAIRS AND SPECIAL PROGRAMS**

**Report of Committee Chairman Cook:**

The Committee on Student Affairs and Special Programs will devote most of its October 5th agenda to addressing issues relating to the aftermath of the World Trade Center bombing.

I would like to use this opportunity to recognize the counseling staff of the University. From the time of the earliest reports counselors were available on campus to meet with the students and staff and who were uncertain about the fate of family and friends and devastated by the events. Many of the University's counselors have volunteered to work with mental health agencies throughout the City and have participated on the University's Grief Counseling hotline. We will continue to rely on their services to the University as the weeks and months progress.

**Trustee Cook** stated that this hoarseness that I have this evening is the result of just taking a walk at 23rd Street and Lexington Avenue and breathing the air. That was last Monday and I am still trying to get over it at this time, so I can imagine what it was like at ground zero. I would at this time like to thank the Chancellor for his work. I haven't at this point really recovered, not physically but just mentally, from the devastation that occurred. It is something that, even though I participated in the Korean War, I haven't ever seen this type of devastation that occurred in so quickly a timeframe. So for those of you who are here, I ask you to bear with me that in the coming days that things will kind of get a little better. Thank you, very much.

**Trustee Ruiz** stated that I think it is also appropriate as an employee of the Board of Education to thank the University. I was very heartened to see that the University came right to the rescue of the Board when the Internet access was out and, because of **The City University** and **Chancellor Goldstein**, we were able to get our access. So a big thank you to you.

**Trustee Pesile** stated that in light of the horrific events of September 11, I would just like to make one statement to the Board and that is this evening I will address the Board of The College of Staten Island Alumnae Association and I have requested from their alumnae office an estimated number of alumnae and former students who are now listed as deceased or officially missing. Let me tell you Staten Island has been hit extremely hard. Our early count is approximately 80 persons. Once we have clarification, I will ask the CSIA Board to approve funds to provide a plaque with our students' names in honor of their ultimate sacrifice.

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

**SEPTEMBER 24, 2001**

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

The Executive Session was called the to order at 5:45 P.M.

There were present:

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

**Satish K. Babbar  
John J. Calandra  
Wellington Z. Chen  
Kenneth E. Cook  
John Morning**

**Kathleen M. Pesile  
George J. Rios  
Nilda Soto Ruiz  
Jeffrey S. Wiesenfeld**

**D. Michael Anglin, ex officio**

**Secretary Genevieve Mullin  
Frederick P. Schaffer, General Counsel and Vice Chancellor for Legal Affairs  
Hourig Messerlian, Executive Assistant**

**Chancellor Matthew Goldstein  
Executive Vice Chancellor Louise Mirrer  
Vice Chancellor Jay Hershenson  
Vice Chancellor Brenda Richardson Malone  
Mr. Raymond O'Brien**

**Randy Levine, Esq.**

The absence of Trustees Alfred B. Curtis, Jr., Joseph J. Lhota, Randy M. Mastro, and Bernard Sohmer was excused.

The Board went into Executive Session to discuss labor contract negotiations.

Upon motion duly made, seconded and carried, the Executive Session was adjourned at 5:55 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**

**SEPTEMBER 24, 2001**

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

The Public Session reconvened at 5:56 P.M.

There were present:

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

**Satish K. Babbar  
John J. Calandra  
Wellington Z. Chen  
Kenneth E. Cook  
John Morning**

**Kathleen M. Pesile  
George J. Rios  
Nilda Soto Ruiz  
Jeffrey S. Wiesenfeld**

**D. Michael Anglin, ex officio**

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

**Chancellor Matthew Goldstein  
Executive Vice Chancellor Louise Mirrer  
Vice Chancellor Jay Hershenson  
Vice Chancellor Brenda Richardson Malone**

The absence of Trustees Alfred B. Curtis, Jr., Joseph J. Lhota, Randy M. Mastro, and Bernard Sohmer was excused.

Upon motions duly made, seconded and carried, the following resolution was adopted: (Calendar No. 8)

**NO. 8. CUNY/CLASSIFIED STAFF AGREEMENT 2000-2002:**

RESOLVED, That the collective bargaining agreement between The City University of New York and District Council 37, AFSCME, AFL-CIO, and its affiliated locals, for the period July 1, 2000, through September 30, 2002, is hereby approved; and be it further

RESOLVED, That the collective bargaining agreements between The City University of New York and the International Brotherhood of Teamsters, Local 237; Service Employees International Union, Local 300; and the International Association of Theatrical and Stage Employees, Local 306; for the period April 1, 2000, through June 30, 2002, are hereby approved; and be it further

RESOLVED, That the Chancellor is hereby authorized to execute these agreements.

**NOTE: See Appendix E**

EXPLANATION: Given that the prior collective bargaining agreements between the parties have expired, this resolution approves the successor 2000-2002 agreements.

**Upon motions duly made, seconded and carried, the meeting was adjourned at 5:57 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.)**

**MEMORANDUM OF AGREEMENT  
For Successor Agreements to the  
1996 - 2000 WHITE COLLAR AGREEMENT  
and the  
1996 - 2000 BLUE COLLAR AGREEMENT  
by and between  
THE CITY UNIVERSITY OF NEW YORK  
and  
THE FOLLOWING JOINTLY RECOGNIZED UNIONS**

**MEMORANDUM OF AGREEMENT** made this 10th day of October, 2001 (hereinafter "MOA") by and between the undersigned parties, to wit, District Council 37, AFSCME, AFL-CIO, and its affiliated locals, International Brotherhood of Teamsters, Local 237, Service Employees International Union, Local 300, International Alliance of Theatrical and Stage Employees, Local 306 (collectively referred to as the "Union"), and The City University of New York ("CUNY").

**WHEREAS**, the undersigned parties desire to enter into collective bargaining agreements, including the terms of this "MOA" and agreements successor to the Blue and White Collar Agreements respectively terminating on March 31, 2000, and June 30, 2000 ("Successor Separate Unit Agreements") to cover the employees represented by the Union ("Employees");

**WHEREAS**, the respective unions and locals are as follows:

District Council 37 and its affiliated Locals 375, 384, 983, 1407, 1597, 1797, 2054, and 2627, of the American Federation of State, County and Municipal Employees, AFL-CIO,

Local 237, International Brotherhood of Teamsters, AFL-CIO,

Local 300, Service Employees International Union, AFL-CIO, and

Local 306, International Association of Theatrical and Stage Employees, AFL-CIO.

**WHEREAS**, the undersigned parties to this agreement intend by this MOA to cover all economic matters and to incorporate the following terms of this MOA into the University's White and Blue Collar successor agreements as set forth below;

**NOW, THEREFORE**, it is mutually agreed to by and between the parties as follows:

**1. Term of Agreements:**

The term of each successor agreement shall be twenty-seven (27) months from the date of termination of the applicable existing separate unit agreement.

District Council 37: July 1, 2000 – September 30, 2002

IBT, SEIU, and IATSE April 1, 2000 – June 30, 2002

**2. Continuation of Terms**

The terms of the predecessor Blue and White Collar Agreements shall be continued except as modified by this MOA.

**3. Prohibition of Further Economic Demands**

No party to this agreement shall make additional economic demands during the term of this agreement, except as provided in Sections 4(d) and 5 of this agreement.

**4. General Wage Increase**

a. The general increases, effective as indicated, shall be as follows:

- |  | <u>DC 37</u><br><u>Effective date</u> | <u>IBT, SEIU, IATSE</u><br><u>Effective date</u> |
|--|---------------------------------------|--|
| i) 4.0 percent (1 <sup>st</sup> month)   | 7/1/00                                | 4/1/00   |
| ii) 4.0 percent (13 <sup>th</sup> month) | 7/1/01 (compounded)                   | 4/1/01 (compounded)                              |
- iii) Part-time per annum, per session, hourly, per diem (including seasonal) employees and employees whose normal work year is less than a full calendar year, shall receive the increases provided in subsection 4(a)(i) and 4(a)(ii) on the basis of the computations heretofore utilized by the parties for all such employees.
- b. The increases provided in Section 4(a) above shall be calculated as follows:
- i) The general increases in Section 4(a)(i) shall be upon the base rates (including salary or incremental salary schedules) of the applicable titles in effect on the last day of the applicable predecessor Blue and White Collar Agreements;
- ii) The general increase in Section 4(a)(ii) shall be based upon the base rates (including salary or increment salary schedules) of the applicable titles in effect on the last day of the first year of the applicable successor Blue and White Collar Agreements.
- c. Other increases as follows:
- i) The general increase provided in Section 4(a) above, shall be applied to the base rates, incremental salary levels and the minimum and maximum rates (including levels) in any, fixed for the applicable titles, and to "additions to gross." "Additions to gross" shall be defined to include uniform allowance, equipment allowance, assignment differentials, service increments, longevity differentials, longevity increments, advancement increases, assignment (level) increases, and evening, or night shift differential, as may be applicable.
- ii) Notwithstanding Section 4(c)(i) above, the total cost of the increase set forth in 4(c)(i) as it applies to "additions to gross: shall not exceed a cost of 0.11 percent of the last payroll date of January 2000 (i.e., January 27, 2000 for CUNY's Senior Colleges and January 21, 2000 for CUNY's Community Colleges), including spinoffs and pensions.

d. Other provisions:

The general increases provided in subsections 4(a) or 4(c) may be subject to revision or modification in the successor Blue and White Collar Agreements, provided, however, that such revision or modification in wages or fringe benefits shall not result in any current or future cost increase or decrease as compared with the cost required to pay the increase provided in this Section 4.

**5. Additional Compensation Funds**

Effective the last day of the successor Blue and White Collar Agreements, each bargaining unit shall have available funds not to exceed 1.0 percent to purchase recurring benefits, mutually agreed to by the parties, other than to enhance the general wage increases set forth in Section 4. The funds available shall be based on the payroll, including spinoffs and pensions, as of the last payroll date of January 2000 (i.e., January 27, 2000 for CUNY's Senior Colleges and January 21, 2000 for CUNY's Community Colleges).

**6. Performance Compensation:**

- a. The Union acknowledges the right of The City University of New York to pay additional compensation for outstanding performance.
- b. The City University of New York agrees to notify the Union of its intent to pay such additional compensation.

**7. Conditions of Payment**

If there is no unresolved dispute under Section 3 above, and the unit elects in writing not to pursue its rights under Section 4(d), the general increase provided in Section 4(a)(i) and 4(a)(ii) shall be payable when due based upon ratification and execution of the MOA. If there is an unresolved dispute under Section 3 and/or the Union exercises its rights under Section 4(d), the payment provided in Section 4(a)(i) and/or 4(a)(ii) shall not be made until the certification of the successor agreements. Payments pursuant to Section 4 shall be made on or after certification of the successor agreements.

**8. Welfare Fund:**

a. Pursuant to the Health Benefits Agreement, effective the last day of the applicable successor Blue and White Collar Agreements, the contribution paid on behalf of each paid full-time per annum employee to each applicable welfare fund shall be increased by two hundred dollars (\$200) per annum, as indicated below:

<u>Increase</u>	<u>New Rate</u>	<u>DC 37 Effective Date</u>	<u>IBT, SEIU, IATSE Effective Date</u>
\$200	\$1,400	9/30/02	6/30/02

b. The per annum contribution rates paid on behalf of eligible part-time per annum, hourly, per session and per diem (including seasonal) employees and employees whose normal work year is less than a full calendar year shall be adjusted in the same proportion heretofore utilized by the parties for all such employees as the per annum contribution rates are adjusted in Section 8(a) for full-time employees.

c. The per annum contribution rates paid on behalf of employees separated from service to a welfare fund which covers such employees shall be adjusted in the same manner as the per annum contribution rates for other employees are adjusted pursuant to Section 8(a).

d. The Unions agree to provide welfare fund benefits to domestic partners of covered employees in the same manner as those benefits are provided to spouses of married covered employees.

**9. Job Security:**

University employees represented by DC37 shall have job security through September 30, 2002; and University employees represented by IBT Local 237, SEIU Local 300, and IATSE Local 306 shall have job security through June 30, 2002. The job security provisions herein will sunset on the dates specified above as applicable, unless an extension is mutually agreed to by the parties. The job security provisions are as follows:

a. Except for cause, or due to the movement of the civil service list, no full-time per annum employee covered under this agreement shall be displaced or involuntarily separated from service during the term of this agreement through June 30, 2002, or September 30, 2002, as set forth above.

b. Part-time employees not covered by 9(c) below who have two years of continuous service and who work at least 20 hours per week, shall be covered under this job security provision.

c. College Assistants, Sign Language Interpreters, and Disability Accommodation Specialists who have worked 500 or more hours in each of the last two preceding consecutive years during the periods July 1, 1999 - June 30, 2000, and July 1, 2000 - June 30, 2001, will be eligible to receive the protection of this job security provision, to the extent that they will be assigned during the period July 1, 2001 - June 30, 2002, the same number of hours previously worked during the period July 1, 2000 - June 30, 2001 (excluding overtime hours). Furthermore based on the eligibility criteria set forth above, the aforementioned eligible employees will be assigned during the period July 1, 2002 - September 30, 2002, the same number of hours previously worked during the period July 1, 2001 - September 30, 2001 (excluding overtime hours). The job security provisions apply to employees in the titles referenced above, except those employees who were released for cause or other reasons prior to July 1, 2001.

d. The above job security provisions shall not apply in the event of a declaration of fiscal exigency by the Board of Trustees of The City University of New York.

**10. Resolution of Disputes**

Any dispute, controversy, or claim concerning or arising out of the execution, application, interpretation or performance of any of the terms or conditions of this MOA shall be submitted to arbitration upon written notice therefor by any of the parties to this MOA to the party with whom such dispute or controversy exists. The matter submitted for arbitration shall be submitted in accordance with the terms of the dispute resolution provisions of the successor Blue and White Collar Agreements.

**11. Continuation of Certain Health Benefits****Health Care Flexible Spending Account:**

a. A flexible health care spending account shall be established pursuant to Section 125 of the IRS code after July

1993. Those employees eligible for New York City health plan coverage as defined on page 40, section 3(B) of the 2001 New York City Health Summary Program Description shall be eligible to participate in the account. Participating employees shall contribute at least \$260 dollars up to a maximum of \$5,000 per year. Said contribution and minimum levels may be modified by the MLC Health Advisory Committee based on experience of the plan. Any unfunded balance may be deducted from final salary payments due an employee.

b. Expenses of the account shall include but not be limited to deductibles, co-insurance, co-payments, excess expenses beyond plan limits, physical exams and health related transportation cost for vision, dental, medical and prescription drug plans where the employee and dependents are covered. In no case will any of the above expenses included those non-deductible expenses as defined as non-deductible in IRS Publication 502.

c. An administrative fee of \$1.00 per week for the first year shall be charged for participation in the program. An employee's participation in the account is irrevocable during a plan year. At the close of the plan year any excess balance in an employee's account will not be refunded.

12. Retroactivity

In the event that any payment is not paid on the date due under this MOA, such payment when made shall be paid retroactive to such due date.

13. Pension Benefits Agreement and Health Benefit Agreement

The Pension Benefits Agreement attached hereto as Appendix A, and the Health Benefits Agreement, attached as Appendix B, are deemed to be part of this MOA.

14. Savings Clause

In the event that any provision of this MOA is found to be invalid, such invalidity shall not impair the validity and enforceability of the remaining provisions of this MOA.

15. Approval and Ratification:

This MOA and the successor Blue and White Collar Agreements are subject to approval and ratification by the Board of Trustees of The City University of New York and the CUNY employed membership of the DC 37, IBT, SEIU and IATSE locals listed in the heading of this MOA.

WHEREFORE, we have hereunto set our hands and seals on this 10th day of October, 2001.

THE UNIONS

THE CITY UNIVERSITY OF NEW YORK

Lee Saunders 8/22/01  
By: Dennis Sullivan Date  
District Council 37

Matthew Goldstein 10/05/01  
By: Matthew Goldstein Date  
Chancellor

Carroll Harper 10/3/01  
By: \_\_\_\_\_ Date  
Local 237, IBT

Jim Gallo 8/22/01  
By: \_\_\_\_\_ Date  
Local 300, SEIU

Jul Clutch 10/4/01  
By: \_\_\_\_\_ Date  
Local 306, IATSE