

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

HELD

MARCH 2, 2015

**AT BARUCH COLLEGE VERTICAL CAMPUS
55 LEXINGTON AVENUE – BOROUGH OF MANHATTAN**

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

There were present:

**Benno Schmidt, Chairperson
Philip Alfonso Berry, Vice Chairperson**

**Valerie Lancaster Beal
Wellington Z. Chen
Rita DiMartino
Freida D. Foster
Judah Gribetz**

**Joseph J. Lhota
Hugo M. Morales
Brian D. Obergfell
Peter S. Pantaleo
Barry F. Schwartz**

Joseph K. Awadje, ex officio

Terrence F. Martell, ex officio (non-voting)

**Frederick P. Schaffer, General Counsel and Senior Vice Chancellor for Legal Affairs
Jay Hershenson, Senior Vice Chancellor for University Relations and Secretary of the Board
Hourig Messerlian, Deputy to the Secretary
Towanda Lewis
Anthony Vargas
Doris Wang**

**Chancellor James B. Milliken
Interim EVC and University Provost Julia Wrigley
EVC and C.O.O. Allan H. Dobrin
President Lisa S. Coico
President Scott E. Evenbeck
President Ricardo R. Fernández
President William J. Fritz
Interim President David Gomez
President Karen L. Gould
President Farley Herzek
President Russell K. Hotzler
President Marcia V. Keizs
Interim President Eduardo J. Marti
President Gail O. Mellow
President Antonio Pérez
President Jennifer Raab**

**President Felix V. Matos Rodriguez
President Chase Robinson
President Jeremy Travis
Dean Michelle Anderson
Dean Sarah Bartlett
Dean Ann Kirschner
Vice Chancellor Matthew Sapienza
Vice Chancellor Pamela Silverblatt
Vice Chancellor Gillian Small
Vice Chancellor Gloriana Waters
Interim Vice Chancellor Judy Bergtraum
Associate Vice Chancellor Brian Cohen
Associate VC Andrea Shapiro Davis
Senior University Dean John Mogulescu
RF President Richard F. Rothbard
Senior Advisor Marc V. Shaw**

The absence of Trustees Carol A. Robles-Roman and Charles A. Shorter was excused.

Chairperson Benno Schmidt called the meeting to order, and read the following notice into the record of the meeting:

“The meetings of the Board of Trustees of The City University of New York are open to the public, and the Board welcomes the interest of those who attend. The public has ample opportunity to communicate with the Board. Public hearings on the Board’s policy calendar are scheduled one week prior to the Board’s regular meetings and members of the public who wish to communicate with the Board are invited to express their views at such public hearings.

Furthermore, the Board holds additional public hearings each year in all of the five boroughs at which members of the public may also speak. In addition, written communications to the Board are distributed to all Trustees.

The Board must carry out the functions assigned to it by law and therefore will not tolerate conduct by members of the public that disrupts its meetings. In the event of disruptions, including noise which interferes with Board discussion, after appropriate warning, the Chairman will ask the security staff to remove persons engaging in disruptive conduct.

The University may seek disciplinary and/or criminal sanctions against persons who engage in conduct that violates the University’s rules or State laws which prohibit interference with the work of public bodies.”

A. VIDEOTAPING OF BOARD MEETING: Chairperson Schmidt announced that as usual **CUNY-TV** is making available this important community service by transmitting the Public Session of this afternoon’s meeting of the **Board of Trustees** live on cable Channel 75. The meeting is also being webcast live at www.cuny.edu/livestream providing service worldwide through personal computers and mobile devices. The Public Session of this afternoon’s Board meeting will be available as a podcast within 24 hours and can be accessed through the **CUNY** website.

Chairperson Schmidt stated that on behalf of the **Board**, he would like to **congratulate Chancellor James Milliken** and all those at **CUNY** who worked on the development, implementation and expansion of the **CUNY** ASAP program. At your seats there are samples of the most recent media coverage—including the *New York Times* editorial last week—the second one on ASAP—which has been outstanding, and the *New York Daily News* editorial yesterday. Also, the recent multi-year study by the Manpower Demonstration Research Corporation (MDRC), which evaluated ASAP and cites the program as a national model to be replicated.

Chairperson Schmidt stated that he received a telephone call last week from Governor Bill Haslam of Tennessee who expressed great interest in the program, and called it the best in the country of its kind. **Chancellor Milliken** has previously reported that the Ohio Board of Regents plans to replicate ASAP in three of its community colleges. The White House has also been quite vocal in citing **CUNY**’s ASAP program for its effectiveness. These efforts help to position **CUNY** nationally at the forefront of the college completion issue and provides a solution to the dropout epidemic which affects community colleges, particularly in urban settings throughout the United States. New York State and New York City should be particularly proud of their interest in **CUNY** and in programs like ASAP.

Chairperson Schmidt stated that he would like to thank the Trustees, Presidents, members of the Chancellery, students and faculty who attended the New York State Black, Puerto Rican, Hispanic and Asian Legislative Caucus during the weekend of February 13th through February 15th. This Board was represented by **Vice Chairperson Philip Berry, Trustee Frieda Foster, Trustee Rita DiMartino, University Student Senate (USS) Chair and Trustee Joseph Awadjie. Chancellor Milliken** made two awards presentations and he may report on it today during his remarks.

Chairperson Schmidt stated that he would like to congratulate **Trustee DiMartino** who has been appointed as a member of the Departmental Disciplinary Committee of the New York County Supreme Court Appellate Division - First Department.

Chairperson Schmidt stated that he would like to thank **Trustee Terrence Martell** and the **University Faculty Senate (UFS)** for organizing the **CUNY-SUNY UFS Poster Day** event in Albany on February 11th. This year it was the graduate students at all the collective schools who had the opportunity to display their work. It was an impressive and inspiring display at the Legislative Office Building, and **Vice Chancellor Gillian Small** represented the University.

Chairperson Schmidt stated that the Board held its Brooklyn Borough Hearing in conjunction with the Public Hearing on the Calendar of this Board meeting on February 17, 2015. **Trustee Foster** chaired the hearing that was also attended by **Trustee Wellington Chen, USS Chair and Trustee Awadjie** as well as members of the Chancellery. A summary of the proceedings has been circulated to the Trustees and to the Chancellor's cabinet, and a transcript is available in the **Office of the Secretary**.

Chairperson Schmidt stated that **Baruch College** and **Brooklyn College** played a championship doubleheader this weekend as the two schools matched up in both the men's and women's finals in the 50th Annual Event. First, the **Baruch College** women took home their eighth straight title by a score of 60-39. Next, the **Baruch College** men won their second title ever. In one of the most dramatic games in **CUNY** basketball tournament history, the **Baruch College** Bearcats won 90-83 in double-overtime. NCAA postseason draw will be announced today. The indoor track and field championships took place Sunday with **The City College of New York** taking home both the men's and the women's titles. The most important part of the track meet was actually **Lehman College's** MVP Adrianna Wright who broke two all-time NCAA Division III records and three **CUNY** championship meet records for the sixth ranked Lightning.

Chairperson Schmidt stated that on a sad note the Board mourns the passing of **President Antonio Perez'** mother, Delia Perez, who passed away on February 21st. On behalf of the Board, please accept my deepest condolences.

B. COLLEGE AND FACULTY HONORS: **Chairperson Schmidt** called on **Trustee Valerie Lancaster Beal**, who announced the following:

1. **Baruch College** ranked 4th among top colleges for finance and financial management by *USA Today* and *College Factual*; also, **Baruch College** ranked in Princeton Reviews 2015 list of top 200 colleges that pay you back. Congratulations!
2. **Queens College** Professor Alfredo Morabia, a renowned researcher, author, professor of epidemiology, and fellow of the Royal College of Physicians in Edinburgh will take the helm of the American Public Health Association's *American Journal of Public Health* in June 2015. Congratulations!

C. STUDENT AND ALUMNI HONORS: **Chairperson Schmidt** called on **Trustee Freida Foster**, who announced the following:

1. Several **CUNY** students qualified for the National Debate Tournament Championships - the most prestigious event in varsity college debate. They are: **Baruch College** students Abdullah Ayaz and Alando McIntyre, the first in the college's history to do so; **John Jay College** student Hadassah Yisrael was a semi-finalist in the Junior Varsity Regional championships at the same event. To qualify our students competed head to head with debaters from NYU, Cornell and West Point among others. Congratulations!

2. **Hunter College** High School student Kalia Firester has been named an Intel STS finalist - she is the only finalist from the New York City area. Kalia will be traveling to Washington, D.C. in March where she will compete among the nation's 40 finalists for top scholarships of up to \$150,000. Congratulations!
 3. Seven **LaGuardia Community College** students were recognized for their performances in the "Bengal Tiger at the Baghdad Zoo", rising to the next level of competition at the Kennedy Center's American Collegiate Theater Festival, Region 1. Congratulations!
- D. GRANTS: Chairperson Schmidt** presented for inclusion in the record the following list of grants and bequests of \$100,000 or above received by the University subsequent to the January 26, 2015 Board meeting.

BROOKLYN COLLEGE

1. \$156,989 **UNITED STATES DEPARTMENT OF ENERGY** to Juergen Polle, for "A Systems Biology and Pond Culture-Based Understanding and Improvement of Metabolic Processes Related to Productivity in Diverse Microalgal Classes for Viable Biofuel Production."

CITY COLLEGE

1. \$544,158 **ALFRED P. SLOAN FOUNDATION** to John Martin, for "Strengthening Spinal Cord Injury Core Facilities at CCNY."
2. \$445,131 **UNIVERSITY OF WISCONSIN** to Felice Ghilardi, for "Do Single Neurons Need To Sleep and Why?"
3. \$138,750 **ARMY** to Vinod Menon, for "Enhanced Light Emitters."
4. \$102,549 **BARCEL** to George John, for "Next Generation Multifuncl Oil Structure."
5. \$102,549 **NATIONAL SCIENCE FOUNDATION** to Themis Lazardis, for "RAPID: The Membrane-Bound Structure of Fusion Loops of the Ebola Virus Envelope Glycoprotein."

HUNTER COLLEGE

1. \$596,191 **PHS/NIH/NATIONAL INSTITUTE OF MENTAL HEALTH** to Denis Nash, for "Special Projects of National Significance."
2. \$520,976 **NEW YORK CITY DEPARTMENT OF HEALTH & MENTAL HYGIENE** to Lorna Thorpe, for "NYC Health and Nutrition Education Survey."
3. \$300,000 **FORDHAM UNIVERSITY/SUBSTANCE ABUSE & MENTAL HEALTH SERVICE ADMINISTRATION** to Robert Abramowitz, for "Creating & Sustaining the Next Generation of Trauma-Informed Practitioners."
4. \$296,125 **INTERNATIONAL INITIATIVE FOR IMPACT EVALUATION, INC.** to Elizabeth Kelvin, for "Randomized Controlled Trail: Evaluate Self-Administered Oral HIV Testing as a Choice Among Truck Drivers in Kenya."
5. \$285,944 **UNITED STATES EDUCATION DEPARTMENT** to Matthew Caballero, for "Teacher Quality Partnerships."
6. \$202,000 **NEW YORK COMMUNITY TRUST** to Gail McCain, for "Hunter-Bellevue Nursing Fund."

7. \$174,978 **HUMAN FRONTIER SCIENCE PROGRAM ORGANIZATION** to Mark Hauber, for "The Chemistry of Visual Trickery: Mechanism of Egg Colour Mimicry in Parasitic Cuckoos."
8. \$155,601 **WAYNE STATE UNIVERSITY/NATIONAL INSTITUTE ON ALCOHOL ABUSE & ALCOHOLISM** to Jeffrey Parsons, for "Comparing the Effectiveness of Two Alcohol-Adherence Interventions for HIV+ Youth."
9. \$131,975 **YALE UNIVERSITY/NATIONAL INSTITUTES OF HEALTH** to Jeffrey Parsons, for "Intervention Development for Social Stress, Mental Health and HIV Risk Among MSM."
10. \$128,509 **JOAN & SANFORD I. WEILL MEDICAL COLLEGE OF CORNELL UNIVERSITY** to Gail McCain and Elizabeth Capezuti, for "Clinical & Translational Science Center."
11. \$115,000 **HEALTH RESEARCH INCORPORATED** to Denis Nash, for "HIV Care Coordination: Comparative Effectiveness, Outcome Determinants and Costs."
12. \$109,999 **NEW YORK STATE EDUCATION DEPARTMENT** to Matthew Caballero, for "Clinically-Rich Intensive Teacher Institute in Bilingual Education & English as a Second Language."

JOHN JAY COLLEGE OF CRIMINAL JUSTICE

1. \$150,814 **FEDERAL BUREAU OF INVESTIGATION VIA UNIVERSITY OF TEXAS** to Maria Hartwig, for "High-Value Detainee Interrogation Group (HIG): Intelligence Interviewing and Interrogation."

LEHMAN COLLEGE

1. \$100,438 **NATIONAL SCIENCE FOUNDATION** to Luis Anchordoqui, for "CAREER: Particle Phenomenology at the LHC Era."

YORK COLLEGE

1. \$300,000 **AIR FORCE OFFICE OF SCIENTIFIC RESEARCH** to James Popp and Kevin Lynch, for "Develop a Portable All Weather Weapon Material Detection System."

E. ORAL REPORT OF THE CHANCELLOR: Chancellor **James B. Milliken** presented the following report:

I am happy to join with **Chairperson Schmidt** in welcoming all of you to the March Board meeting. I would also like to join with **Chairperson Schmidt** in commending **Senior University Dean John Mogulescu**, University Dean Donna Linderman, and their team for their tremendous success with ASAP. I also would like to compliment the Presidents of the **CUNY** community colleges, whose cooperation, participation and enthusiastic role have been successful. At the MDRC announcement last week of the impressive ASAP results, Mayor Bill de Blasio was represented by First Deputy Mayor Tony Shorris, who clearly took pride in the city's investment in our success.

The ASAP now operates at seven **CUNY** colleges and we are about to launch a new pilot program for ASAP at **John Jay College of Criminal Justice**. ASAP's stunning results in boosting graduation rates deserve the national attention the program has received. According to MDRC's study, not only are more than half of ASAP's students graduating within three years, nearly forty percent graduate in two and a half years, compared to fifteen percent in the comparison group. Best of all, because the program generates so many more graduates, the cost per degree is lower, despite the substantial investment to operate the

program. So ASAP produces more graduates in less time for less money. There is good reason that **CUNY** and ASAP were singled out by President Obama as a program that others should emulate. If more community colleges across the country would adopt ASAP-like programs it would significantly change the community college experience for the better.

We have received both the Governor's Executive Budget for Fiscal Year 2015-16, and the Mayor's Fiscal Year 2015-16 City Preliminary Budget and have been reviewing and discussing them with policy makers in both the city and in Albany. Both offer some positive developments, as I outlined some from the Executive Budget of the state previously. With the city's budget most notably, the multi-year \$150 million commitment from the Mayor to support STEM graduates and other programs at our community colleges including the expansion of ASAP will enter its second year as planned. I am going to ask **Vice Chancellor Matthew Sapienza** to review a few key points regarding the state budget when I am finished, including changes since the last meeting of the Board through the 30 day amendment process, but first I want to offer a few comments of my own.

Our top priority remains the resolution of collective bargaining with our faculty and staff as the University's contract with our faculty expired in 2010. It is essential that we get the state's support for the terms of an agreement that would be in line with other unions, including retroactive increases that would recognize the commitment of our faculty and staff.

Years without across the board increases are creating a deepening problem. We are in a competition for talent, and our faculty salaries are well below other public universities in the region. With record enrollments and a universally recognized need to increase educational attainment levels, we cannot afford to lose qualified faculty or be unable to recruit new faculty. The imperative of reaching a resolution for our faculty and staff is clear. If **CUNY** is to attract and retain top talent, as we must, we need a collective bargaining agreement with appropriate salary and benefits. I have made this point clear in every single conversation I have had with state and city officials.

It has been suggested to me that I could be more clear in making it known that I am including **CUNY's** dedicated and hardworking adjunct instructors when discussing the need for a new contract. I did not realize there was any confusion, but let me be very clear: our adjunct faculty deserve recognition and long overdue raises. They provide a crucial component in our ability to offer a high quality education for our students and we are grateful for their contributions.

Even without taking into account a contract with our faculty and staff, the proposed Executive Budget represents a significant cut to the senior colleges of \$51 million, or 4.25 percent of the senior college base aid budget. This includes unfunded mandatory needs of \$25 million for fringe benefits, \$10 million for energy costs, \$8 million for building rentals and \$8 million for salary steps that have previously been included in the state's budget. It is clear from the 2011 State Higher Education Act that these amounts were not to be funded from tuition; however, that is in fact the only source of available incremental funding in the budget. So unless this shortfall is addressed by the legislature, we will be in a difficult position.

In addition to the fiscal matters in the budget, there are a number of substantive policy changes that, we believe, require much discussion and review before adoption. These are matters that go to the heart of academic decision-making and governance and I will also ask **Vice Chancellor Sapienza** to review them with you when he discusses the budget.

I know that you join me in urging legislators to address these matters, both fiscal and policy. As a step in the process, on February 10th, I appeared before the New York State Senate Finance and Assembly Ways and Means Committees where I had the opportunity to meet several members of the leadership for further discussions.

I also would like to mention the good work of our Presidents, their staff, the faculty and students in carrying the same message to our elected officials. We are pleased that so many delegations have traveled to Albany on an ongoing basis. I had dinner last Thursday, with **USS Chair and Trustee Awadje**, and he was having trouble keeping his eyes open. I assumed it was my company but he assured me that it was because he got up at 4:30 a.m. that morning to join six busloads of students traveling to Albany for a Lobby Day. We could not have more authentic and effective advocates on **CUNY's** behalf and I would like to thank **USS Chair and Trustee Awadje**, his colleagues at **USS** and the student body of **CUNY** for their strong support and their good work.

Within days of my testimony I made a second visit to Albany which was downright celebratory. As **Chairperson Schmidt** mentioned, we held the **CUNY** Black, Puerto Rican, Hispanic and Asian Caucus Luncheon Awards on February 14th. I was delighted to join **Vice Chairperson Philip Berry, Trustee DiMartino, Trustee Foster** and **USS Chair and Trustee Awadje**, members of the Central Office leadership, many of our college Presidents, staff and students. We had the honor of presenting The **CUNY** Educational Leadership Award to Ms. Arva R. Rice, President and CEO of the New York Urban League, an institution that for ninety years has helped underserved communities surmount educational and economic obstacles, and most recently published the *Parents' Guide to STEM*.

The second award went to David C. Banks, a **CUNY** alumnus and founder of The Eagle Academy Foundation, which is dedicated to providing young urban men quality education and supporting them to achieve their highest aspirations. We look forward to enrolling their graduates. We were joined that day by many state legislators, including the newly elected Speaker, Carl Heastie, Secretary of State Eric Schneiderman, State Comptroller Tom DiNapoli, and City Controller Scott Stringer. We received great media coverage for the event and it was terrific to see the support **CUNY** had from so many of our state officials. If you have not been to one of these events, I would urge you to attend one in the future. Not only is it a great showing of our students and friends in Albany, but it is a chance to see why **Senior Vice Chancellor and Secretary Jay Hershenson** is a leading candidate to replace Jon Stewart on The Daily Show.

There are a number of developments relating to **CUNY's** ongoing work in sustainability in many areas. I plan to report more fully on this in the future. But today I am pleased to report that **CUNY** will receive an \$859,000 grant from the federal Department of Energy to help develop the market for resilient solar power in New York City and New York State so that solar installations can operate during power outages. This investment will be increased by the state to a total of \$1.3 million. This project is conceived and managed by University Director for Sustainability, Tria Case.

The latest New York City Executive Budget includes three new positions for Solar Ombudsmen, to continue **CUNY's** work in making the city and state make greater use of renewable energy. We are pleased to continue to play a role in this work.

Our ongoing work in Jamaica Bay, to make the federal marshlands more resilient to storm damage is continuing to progress and the New York Department of City-Wide Administrative Services announced that **CUNY's** community colleges will receive an additional \$2 million, for a total of \$8 million to make our campuses more energy efficient.

A \$500,000 grant from the New York State Energy Research & Development Authority will fund a new project by Sanjay Benerjee, Director of the **CUNY** Energy Institute, to develop a next-generation battery for energy storage that is long lasting, high energy, low cost and safe for urban environments. We continue to be deeply involved in efforts both in the city and state, and the nation to find strategies for sustainable energy and sustainable cities.

Finally, this year, **CUNY** has received an unprecedented eight regional Emmy awards nominations. I would like to commend **CUNY-TV** and Director Robert Isaacson for this impressive showing. Stay tuned for the announcement of the winners on May 2nd.

Vice Chancellor Sapienza stated that as mentioned by **Chancellor Milliken**, he would like to talk about the policy initiatives that the Governor included in his Executive proposal because there were several higher education initiatives that he proposed that have significant policy impact. The first one was announced before the budget came out, the Get on Your Feet Loan Forgiveness Program—whereby students who attended college in New York State and continued to live in New York, and who participate in the federal Pay as You Earn Program, earning less than \$50,000 a year—which states that the state would cover the costs of their loan payments for the first two years.

Some of the academic items that he proposed he called for the elimination of State Education Department approval for new program and degree requirements. So new program and degree requirements would only need **Board of Trustees** approval at both **CUNY** and SUNY and would not necessarily need approval from the State Education Department under that proposal. Another item that he proposed that has a significant academic impact is the called for a requirement for graduation for every student at SUNY and **CUNY** would need to have a component of experiential learning as part of their curriculum. He also called for some administrative changes, such as the proposal to have **CUNY** and SUNY work together to consolidate some back office function such as human resources, IT and finance.

As **Chancellor Milliken** mentioned in his remarks, I would like to spend a little time on the last two proposals because there were some changes to the Dream Act and the Performance Improvement Plans. First, the Dream Act includes support for undocumented students by allowing them to apply for state tuition assistance, something that the University has been very supportive of for many years—the Governor's budget does include support for the Dream Act. In fact, in the Governor's proposal he called for the Dream Act to be tied to another proposal, the Education Tax Credit Initiative whereby folks who provide support for education initiatives or education programs throughout the state would get a tax credit at the end of the year. The way the language was crafted for both proposals, neither one of them could be approved on their own so they had to be approved or dismissed together by the legislature.

The other proposal I would like to discuss is the Performance Improvement Plans. The Governor added \$12 million in his budget proposal for **CUNY**'s senior colleges, \$18 million for SUNY's senior colleges that would help colleges reach certain goals that is called for in the Performance Improvement Plans—improving access, improving completion rates, and improving post-graduation outcomes. There were no funds added for the community colleges as part of the Performance Improvement Plans, although the proposal called for the community colleges to participate in submitting the plans, and the Executive Budget also included language that said ten percent of **CUNY**'s appropriation at both the senior and community colleges would be held in reserve until the plans were submitted to the state.

On January 21st, the Governor proposed his Executive Budget, and as part of state law he has thirty days to submit amendments to his budget so about ten days ago the Governor submitted dozens of amendments to his Executive Budget in regards to the Dream Act and the Performance Improvement Plans. As part of the thirty day amendments, the Dream Act, as mentioned earlier, was tied to the Education Tax Credit Initiative and is still tied to each other but one change that the Governor made was that both of these items are now tied to TAP appropriations, meaning that if both items do not pass as part of the Adopted Budget, the funding for TAP would not be released by the state for the next academic year. On the Performance Improvement Plans, the thirty day amendments included another approval letter for the initial Executive Budget proposal that called for the plans to also be approved by the State Budget Director until the ten percent total appropriation that will be held in reserve would be released.

These are the initiatives that were proposed as part of the Executive Budget that have significant policy impact, including changes that were made in the thirty day amendments that changed the original Executive Budget proposal that was discussed at the **Board of Trustees**' previous meeting.

Statement of University Faculty Senate Chair and Trustee Terrence Martell:

While there may be benefits to experiential learning the abbreviated timeframe and circumvention of

normal curricular approval processes at both the faculty and the **Board of Trustees** level requires that the University identify some concerns for consideration as this process unfolds. There are three particular concerns that I would like to raise, student concerns, institutional concerns and curricular concerns.

With regard to student concerns, unpaid experiential learning requirements resulting in additional non classroom hours may unduly burden working students and/or students who are primary caregivers. Some students may already have ample experiential learning. International students and students attending online have limitations on their ability to work. Some community college students may be unclear about their ultimate career aspirations complicated in the identification of suitable experiential learning opportunities.

Institutional concerns that this Board should think about includes implementing an experiential learning program across twenty-one campuses and a quarter of a million students who require significant allocation of resources, revising curriculum, securing placements, interviewing students and providing oversight in the field. Given in to this mandate may negatively impact **CUNY's** budget in the future as the Governor moves to a pay for the Performance Improvement Plans. Since completion of experiential learning opportunities may be beyond the University's control it will impact retention and graduation rates. In addition, the University may be exposed to workplace issues including compensation, sexual harassment, discrimination, workplace violence, etc. The addition of experiential learning for credit will require either expanding current programs or eliminating academic coursework. This carries implications for previous curricular policies of the Board.

The Governor's proposal depending on how it evolves will impact the life of every student of **CUNY** in an uncertain way. More fundamentally the Governor's proposal creates a dangerous precedent and opens this University to whatever the then current curricular flavor of the month will be. Taking the decisions out of the hands of the faculty and the Board is a mistake. Having said that the **UFS** hopes the Board will engage with the Chancellery and the faculty on these and other concerns, and the faculty look forward to collaborating to make this policy as palatable as possible.

Vice Chancellor Sapienza stated that he would like to add to **UFS Chair and Trustee Martell's** remarks on experiential learning that although the requirement is included in the Executive Budget proposal there were no additional funds added in the Executive Budget proposal to implement this new requirement.

In response to a question from **Trustee Joseph Lhota**, **Vice Chancellor Sapienza** stated that there would be no TAP appropriations that would be made in the next academic year if those two proposals are not passed together by the legislature.

In response to a question from **Trustee Barry Schwartz**, **Vice Chancellor Sapienza** stated that there is a concern that has been communicated in response to the recent changes over the last thirty days in the legislature, as a result, those amendments will be a big part of the negotiations with the Executive branch as part of the Adopted Budget.

Senior Vice Chancellor and Secretary Jay Hershenson stated that the legislature has to first agree to what are called avails, how much revenues are available. Once there is agreement on avails, both houses are moving toward one house resolutions, where the Senate and Assembly will express is views on the Executive Budget. That is when the real negotiations begin.

Upon motions duly made, seconded and carried, the following resolutions were adopted: (Calendar Nos. 1 through 5)

NO. 1. CHANCELLOR'S UNIVERSITY REPORT: RESOLVED, That the Chancellor's University Report for March 2, 2015 (including Addendum and Errata Items) be approved:

NO. 2. APPROVAL OF MINUTES: RESOLVED, That the minutes of the regular Board meeting of January 26, 2015 be approved.

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

A. THE CITY UNIVERSITY OF NEW YORK - VETERANS' TUITION RATE:

RESOLVED, That eligible veterans, as well as eligible spouses and dependents of certain service members, be charged the same tuition rate as New York State residents to the extent required under federal or state law, effective immediately.

EXPLANATION: On June 24, 2013, CUNY adopted a policy providing that veterans would be charged the same tuition as New York State residents for a period of 18 months from the first date of attendance at a CUNY college. This policy was adopted to enable veterans to attend CUNY using their GI benefits, because those benefits only paid tuition at the resident tuition rate at public colleges. Charging veterans the in-state rate for the first 18 months of their attendance at CUNY gave veterans time to establish New York State residency under CUNY's guidelines, after which they would be charged the in-state resident rate.

Subsequent to the promulgation of CUNY's policy in June 2013, both a federal law and a New York State law regarding tuition rates for veterans were enacted. The federal Veterans' Access to Care through Choice, Accountability, and Transparency Act of 2014, enacted on August 7, 2014, requires public colleges to provide in-state tuition rates for covered veterans regardless of their residency status. It also requires the same treatment for the spouse and children of service members who died in the line of duty after September 11, 2001, and for the spouse and children who receive educational assistance that is transferred from eligible service members. The federal law becomes effective during a quarter, semester or term that begins after July 1, 2015.

In addition, on August 18, 2014, the Governor of New York signed Chapter 328 of the Laws of 2014, which amended Section 6206 of the New York State Education Law to require the Trustees of CUNY to provide that the payment of tuition and fees for any student shall be no greater than the resident tuition rate where such student is attending CUNY in accordance with federal GI bills and in compliance with all applicable eligibility requirements thereof.

In light of these statutes, CUNY is adopting a revised policy that ensures that its tuition policy on veterans and the spouses and dependents of service members is consistent with federal and state law. This policy supersedes the June 24, 2013 policy. It is effective immediately and is applicable in the Spring 2015 term and thereafter.

B. CUNY SCHOOL OF LAW - PURCHASES OF GOODS AND SERVICES FROM NEW YORK STATE CONTRACT:

RESOLVED, That the Board of Trustees of The City University of New York authorizes the CUNY School of Law (the "Law School") to purchase goods and services for the upgrade of the audiovisual system in the Law School's Dave Fields Auditorium (the "auditorium") and the addition of video teleconferencing and lecture capture systems from a vendor authorized under existing New York State Office of General Services contracts, pursuant to law and University regulations. Such project shall not exceed \$800,000.00, chargeable to the appropriate CUNYfirst code for the Law School.

EXPLANATION: The purchases consist of a major replacement, update and upgrade of the audiovisual system in the auditorium, as well as the addition of video tele-conferencing and lecture capture systems. The proposed project includes the design, purchase, installation, and maintenance of the system.

The auditorium, which seats about 200, is heavily used. All the Law School's large classes meet there, and the auditorium is also the site of school-wide meetings and major school-sponsored events, such as Public Square evenings dedicated to important and trending legal and social issues, and similar programs that are open to the public, so that they simultaneously educate the Law School's students and enlighten the many members of the legal and allied professions, as well as interested members of the public, who attend. It is also available for use by community groups. For example, a public hearing by the New York Court of Appeals, to hear comments on the future of the bar exam, took place there on January 20, 2015.

Although the Law School moved into its current facility in 2012, all of the audiovisual equipment in its auditorium was inherited from the building's previous owner, and most of it had been in place since the facility was originally built in 2006. Thus, the existing audiovisual infrastructure has reached (and in some cases, gone beyond) the end of its useful life. The current system is obsolete, no longer functions properly, and requires frequent repairs.

The upgrade will provide many needed benefits. It will enable the Law School to implement distance learning capabilities for the auditorium. The renovation will also provide upgrades to audio transcription systems, necessary for the Law School to further enhance compliance with ADA requirements for the hearing impaired.

The Law School is expanding its academic program, launching an ABA-accredited part-time (primarily evening) program in the Fall of 2015. This additional usage will place further strain on the obsolete audiovisual equipment, limiting its usefulness and further increasing the probability of a failure at a critical time.

Report of Fiscal Affairs Committee Chair Joseph Lhota:

Following the approval of the action items, **Vice Chancellor Sapienza** gave a report on the FY2015-2016 State Executive Budget. Following his report, the **Subcommittee on Audit** was convened under the chairmanship of **Trustee Peter Pantaleo** and after approval of the minutes of its November 3, 2014 meeting, the Subcommittee approved the FY2014 A-133 Draft Audit Report, following a presentation by KPMG. After adjourning the **Subcommittee on Audit**, the **Subcommittee on Investment** was convened. After the approval of the minutes of its November 3, 2014 meeting, the Subcommittee was adjourned to go into Executive Session. With no additional items on the agenda for the **Subcommittee on Investment**, the meeting was adjourned.

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

A. BARUCH COLLEGE - B.S. IN FINANCIAL ENGINEERING:

RESOLVED, That the program in Financial Engineering leading to the Bachelor of Science at Baruch College be approved, effective March 3, 2015, subject to financial ability.

EXPLANATION: Building upon their success with the MS in Financial Engineering, which is ranked #4 nationally ahead of similar programs at many highly selective private institutions, the Weissman School of Arts and Sciences at Baruch College seeks to launch a similar program at the undergraduate level. In addition to preparing students for direct employment and doctoral programs it will also serve as a feeder program for the MS degree. Coursework for the program includes economics, probability and statistics, calculus, computer programming and data analysis and simulation for financial engineers. Students will do oral presentations in some classes to improve their business communications skills. The MS has a 90% employment rate for graduates and we expect similar results from the undergraduate program.

B. HUNTER COLLEGE - B.S.W. IN SOCIAL WORK:

RESOLVED, That the program in Social Work leading to the Bachelor of Social Work at Hunter College be approved, effective March 3, 2015, subject to financial ability.

EXPLANATION: The Silberman School of Social Work at Hunter College seeks to capitalize on the outstanding reputation of its highly competitive MSW program by offering an undergraduate social work major. In addition to this program attracting students directly to Hunter College, the program will also be attractive to students interested in the social sciences looking for an academic program leading directly to employment. The curriculum will include traditional social work courses plus electives in the social sciences and two internships.

C. CITY COLLEGE - M.S. IN TRANSLATIONAL MEDICINE:

RESOLVED, That the program in Translational Medicine leading to the Master of Science at City College be approved, effective March 3, 2015, subject to financial ability.

EXPLANATION: Translational Medicine, as applied to technology, refers to the process of transforming — or “translating” - basic science discoveries into practical medical technologies for use with patients. Such technologies include therapeutic drugs, medical devices, diagnostic reagents, and computer applications. CCNY’s proposal for the development of a Translational Medicine degree program is driven by the mounting demand for engineers, physicians, biomedical scientists, and other professionals who can successfully translate our abundant science and technology innovations into actual advances in patient health and healthcare. The Grove School of Engineering developed this program with a grant from the Grove Foundation.

D. SCHOOL OF PROFESSIONAL STUDIES OF THE GRADUATE SCHOOL AND UNIVERSITY CENTER - M.A. IN PSYCHOLOGY:

RESOLVED, That the program in Psychology leading to the Master of Arts at the School of Professional Studies of the Graduate School and University Center be approved, effective March 3, 2015, subject to financial ability.

EXPLANATION: The proposed MA in Psychology allows students to concentrate in one of two subspecialties of the field, industrial/organizational psychology or developmental psychology, both of which have direct employment opportunities. The program also requires two courses in research methods and a thesis. With this program, SPS continues to expand its offerings that are delivered in a fully on-line format. This will be the first on-line graduate program in psychology at CUNY.

E. GRADUATE SCHOOL AND UNIVERSITY CENTER - M.A. IN WOMEN’S AND GENDER STUDIES:

RESOLVED, That the program in Women’s and Gender Studies leading to the Master of Arts at the Graduate School and University Center be approved, effective March 3, 2015, subject to financial ability.

EXPLANATION: Despite the fact that Women’s and Gender Studies has been a well-established discipline for over thirty years, there is no free standing master’s program in the field in NYC. The CUNY Graduate Center has a rich array of faculty teaching in this field. This program will draw heavily upon existing courses in health, public policy, international women’s issues and LGBTQ Studies that are already being offered at The Graduate Center. This will allow students to focus their studies to their particular interests while keeping the operational costs of the program low. Graduates are expected to find or advance career opportunities in venues such as non-profit organizations, colleges and universities, and community health organizations, as well as continue on for doctoral studies.

F. YORK COLLEGE - M.S. IN PHYSICIAN ASSISTANT:

RESOLVED, That the program in Physician Assistant leading to the Master of Science at York College be approved, effective March 3, 2015, subject to financial ability.

EXPLANATION: York College's BS Physician Assistant Program (PA) is nationally accredited by the Accreditation Review Commission on Education for the Physician Assistant. The published *Standards* of the Commission regarding eligibility for continued accreditation require programs accredited prior to 2013 that do not currently offer a graduate degree transition to doing so. At this time 92% of existing programs are already at the graduate level. Courses from the existing undergraduate program have been revised, and new courses have been added to warrant a higher credential. York will now be able to recruit from a wider geographical range to meet its enrollment targets for this program.

G. BROOKLYN COLLEGE - ESTABLISHMENT OF THE DEPARTMENT OF FINANCE:

RESOLVED, That a new department called Department of Finance be created and the existing Department of Finance and Business Management be renamed Department of Business Management effective July 1, 2015, subject to financial ability.

EXPLANATION: Pursuant to academic and institutional planning, and following consultation of the President and the Provost with the Dean and the faculty involved and with the College's governance bodies, Brooklyn College proposes to create a new department called Department of Finance. Since finance programs and courses will henceforth reside in the new Department of Finance, the Department of Finance and Business Management will be renamed the Department of Business Management.

The new Finance Department and the renamed Department of Business Management will better reflect the diverse academic disciplines in which the current Finance and Business Management faculty are credentialed. It is anticipated that the proposed organizational changes will enhance scholarship, research, and faculty development and collaboration, as well as improving curricular development and increasing educational opportunities for students. The Department of Finance and Business Management currently houses the highest enrolled major program in Brooklyn College, the BBA degree. Plans are under way to establish the Finance concentration in this major as a freestanding degree program housed in the new Department of Finance.

On October 14, 2014, the Department of Finance and Business Management reviewed its current programs and course offerings and determined which would be transferred to the new Department of Finance. On the recommendation of the department chairperson and the chairperson of the department's curriculum committee, the department faculty unanimously approved the changes for submission to Faculty Council.

Support and staffing needs of the new Department of Finance and the renamed Department of Business Management will, with assistance from the administration, be addressed more directly as a result of the departmental reorganization. To support the establishment of the new Department of Finance, the provost has allocated funds to fill two faculty positions. One of the positions is an assistant professorship of finance and the other position is an associate professorship of finance. The candidate selected to fill the associate professor position will also assume the Herb Kurz Endowed Chair in Finance and Risk Management. A search committee has been formed and the committee is in the process of reviewing applications. We began campus interviews during December 2014 and anticipate that they will continue through February 2015. The successful candidates will join the existing four faculty members, and hence six full-time faculty members will compose the new Department of Finance as of the beginning of fall semester 2015.

The leadership and governance arrangements for the new Department of Finance and the renamed Department of Business Management will be as follows:

1. Sunil Mohanty will be the Acting Chairperson of the Department of Finance, with a departmental election to take place by September 4, 2015 (at which time the department will have the new hires in place to bring it up to full strength). That election will fill the position of department chairperson, the membership of the department's appointments committee and the other

governance positions as required by the Brooklyn College Governance Plan for the remaining two years of their triennial cycle (with the next election to be held in May 2017; this schedule will ensure appropriate staggering of triennial cycles in the School of Business);

2. A chairperson for the Department of Business Management will be elected, and any vacancies in other governance positions will be filled, during triennial election week in May 2015, by faculty remaining in the renamed department (as listed in the separate resolution noted below). The elected chairperson will serve for the final year of the Department of Business Management's triennial cycle; the next triennial election is scheduled for May 2016.

Separate resolutions will be submitted to the Board of Trustees via the Chancellor's University Report regarding the transfer and appointment of faculty to the new departments, with four (4) designated faculty members to be transferred from the Department of Finance and Business Management to the new Department of Finance and twenty-three (23) designated faculty members to remain in the renamed Department of Business Management, effective July 1, 2015.

- H. HONORARY DEGREES:** RESOLVED, That the following honorary degrees, approved by the appropriate faculty body, the college president and recommended by the Chancellor, be presented at the commencement exercise as specified:

COLLEGE

DEGREE

CITY COLLEGE

Ursula Burns
John Michael O'Keefe

Doctor of Humane Letters
Doctor of Science

(To be conferred at the commencement ceremony on May 29, 2015)

HUNTER COLLEGE [approved by CAPPR 4/7/14]

Frayda B. Lindemann

Doctor of Humane Letters

(To be conferred at the commencement ceremony on May 27, 2015)

LEHMAN COLLEGE

Tonio Burgos
Micki Grant
Jaime Lucero

Doctor of Laws
Doctor of Fine Arts
Doctor of Commercial Science

(To be conferred at the commencement ceremony on May 28, 2015)

I. THE CITY UNIVERSITY OF NEW YORK - AMENDMENTS TO RESEARCH MISCONDUCT POLICY:

RESOLVED, That the Board of Trustees adopt the revised Research Misconduct Policy as set forth.

EXPLANATION: The Board of Trustees adopted the Research Misconduct Policy on June 25, 2007. Because of changes in federal regulations and experience under the policy, it is necessary and advisable to make amendments to the policy, especially with a view to streamlining the process for dealing with allegations of research misconduct. These amendments were developed by the Office of the Vice Chancellor for Research and the Office of the General Counsel and with consultation with the University Faculty Senate. The changes may be summarized as follows:

- Under the new Section 2, the Policy applies to all research conducted not only by University faculty, staff, and/or post-doctoral associates, but to research conducted by students as well.

- Procedures regarding allegations from additional sources within the University and from regulatory agencies and research sponsors are described in the new Sections 3.2 and 3.3.
- The decision that an Inquiry is warranted will be made by the Research Integrity Officer (“RIO”) at the College under the new Section 6.1, rather than by the College President in consultation with the RIO under Section 2.4 of the current policy.
- Under the new Section 6.2, promptly following the RIO’s determination whether or not an Inquiry is warranted, the RIO will consult with the Office of the Vice Chancellor for Research regarding the determination and, if an Inquiry is warranted, regarding the appropriate scope of the Inquiry and the requirements and procedures for securing related research records and evidence. (Under Section 2.4 of the current policy, the College President consults with the Office of the Vice Chancellor for Research only if the decision is not to begin an Inquiry.)
- As under Section 6.9 of the current policy, the procedures for securing related research records and evidence through the Inquiry stage are the responsibility of the RIO under the new Section 8.1, but with any necessary assistance from the Legal Affairs Designee at the College and in consultation with the University Director for Research Compliance. If, however, it is determined that an Investigation is warranted, these procedures become the responsibility of the University Director for Research Compliance under the new Section 8.3.
- Under the new Sections 6.4 and 6.5, the RIO will conduct the Inquiry, prepare the Inquiry reports, and make a recommendation to the College President as to whether or not an Investigation is warranted, rather than have an Inquiry Staff appointed by the College President handle these responsibilities, as provided under Sections 3.1, 3.3, and 3.6 of the current policy.
- Under the new Section 7.1, the Vice Chancellor for Research will appoint the members of the Investigation Committee, but there is no requirement to consult with the College President as provided in Section 4.1 of the current policy. The new Section 7.1 prescribes certain requirements for the composition of the Investigation Committee.
- A provision has been added to the new Section 7.4 permitting the Investigation Committee to draw adverse inferences if the Respondent refuses to make any Research Records and Evidence available for the Investigation.
- The optional provisions in Sections 3.8 and 4.4 of the current policy for making available to the Complainant all or a portion of the Inquiry and Investigation reports have been deleted from the revised policy.
- The Investigation Committee will make the finding of research misconduct under the new Section 7.7, rather than make a recommendation to the Chancellor, who, under Section 4.6 of the current policy, decides whether or not to accept the recommendation.
- Under the new Section 7.8, the Investigation Committee will submit the final Investigation report to the Vice Chancellor for Research, who will discuss it with the College President, who will then have the specific responsibility to decide whether any subsequent disciplinary actions are warranted.
- There are several sections in the revised policy that have been changed to indicate that regulatory agencies other than federal ones may be involved with CUNY’s research activities and that regulatory agencies may have involvement with these research activities even if they are not sponsoring them.
- The President of the Research Foundation no longer has any specific administrative role under the revised policy; however the President of the Research Foundation will receive copies of communications with research sponsors.

NOTE: New material is underlined; deleted material is struck out in red font.

**POLICY REGARDING THE DISPOSITION OF ALLEGATIONS OF RESEARCH MISCONDUCT
~~IN RESEARCH AND SIMILAR EDUCATIONAL ACTIVITIES~~**

1. ~~4.~~—GENERAL STATEMENT OF POLICY

A fundamental purpose of the University is to foster an environment that promotes the responsible conduct of research and similar educational activities (collectively, “research”), discourages Research

Misconduct, and deals promptly with any ~~allegations~~[Allegations](#) or ~~evidence~~[Evidence](#) of possible Research Misconduct. (Definitions of “Research Misconduct”, [“Allegation”](#), [“Evidence”](#) and other terms in this Policy that appear with initial capital letters are set forth in Section [812](#) below.) It is the University’s basic expectation that all research conducted by members of the University community will adhere to the highest ethical and moral standards. This Policy describes the procedures to be followed by the University in connection with any ~~allegation~~[Allegation](#) that University faculty, staff, ~~and/or~~ post-doctoral associates, ~~and/or~~ [students](#), whether paid by the University or through other funding sources, may have engaged in Research Misconduct. This Policy is ~~based primarily on the regulations codified in the Final Rule regarding Public Health Service Policies on Research Misconduct issued by the U.S. Department of Health and Human Services, effective on June 16, 2005. Like the Final Rule, this~~[also intended to comply with the requirements of applicable regulatory agencies and the sponsors of research.](#)

2. APPLICABILITY

[This](#) Policy applies only to ~~allegations~~[Allegations](#) of Fabrication, Falsification, and Plagiarism in research, as such terms are defined in Section [812](#) below, and not to ~~any~~ other ~~kinds~~[kind](#) of academic misconduct or dishonesty. This Policy applies to all research conducted by University faculty, staff, ~~and/or~~ post-doctoral associates, ~~and/or~~ [students](#), regardless of the academic discipline of the researcher or the sponsorship or source of support for the research. This Policy does not supersede or establish an alternative to any existing University or governmental regulations, procedures, or policies regarding fiscal improprieties, conflicts of interest, ethical treatment of human or animal subjects, or criminal matters, all of which remain in effect.

[It is the University’s expectation that all members of the University community will cooperate in reporting suspected Research Misconduct, responding to Allegations, providing relevant Research Records and other relevant information, and participating in Research Misconduct Proceedings.](#)

[This Policy replaces the University’s Policy Regarding the Disposition of Allegations of Misconduct in Research and Similar Educational Activities, adopted on June 25, 2007.](#)

3. REPORTING ALLEGATIONS OF RESEARCH MISCONDUCT

[Allegations of Research Misconduct may be brought to the University’s attention as follows:](#)

- [3.1.](#) [Any individual may report suspected Research Misconduct by one or more persons orally or in writing. Such individual \(the “Complainant”\) should address such Allegation to the Research Integrity Officer \(“RIO”\) of the College where the subject of the Allegation \(the “Respondent”\) has an appointment. In cases where the Respondent is a faculty member with joint appointments, the Allegation should be reported to the RIO of the “home College”, as determined in accordance with the University’s Joint Appointment Guidelines. If the Allegation is reported to the RIO orally, the RIO will contemporaneously create a written record of the Allegation.](#)
- [3.2.](#) [If an Allegation is received by another University administrator or identified in the course of another University process, such as an internal audit, the responsible administrator must immediately notify the RIO of the Allegation in writing. The RIO may initiate a Research Misconduct Proceeding regardless of the conduct or outcome of the other University processes.](#)
- [3.3.](#) [A regulatory agency or research sponsor may forward an Allegation of Research Misconduct at the University to the Vice Chancellor for Research or his or her designee, and the Vice Chancellor for Research or his or her designee will then determine whether to accept the responsibility of an Inquiry or an Investigation of the Allegation on behalf of the University. If the regulatory agency or research sponsor has conducted an Inquiry, the University’s Research Misconduct Proceeding may begin at the Investigation stage. The Vice Chancellor](#)

for Research will give notice of the Allegation to the President and the RIO at the appropriate College and, if the Allegation involves sponsored research, the President of the Research Foundation. The University Director for Research Compliance, in collaboration with the RIO, will notify the Respondent of the Allegation.

4. INDIVIDUAL OBLIGATIONS REGARDING INVESTIGATIONS CONDUCTED BY A REGULATORY AGENCY OR RESEARCH SPONSOR

If a University faculty or staff member, post-doctoral associate, or student becomes the subject of an Investigation of any kind conducted by a regulatory agency or research sponsor concerning an Allegation of Research Misconduct, such individual must report the existence of the Investigation immediately in writing to the Chief Academic Officer of his or her College. Upon receiving such notification, the Chief Academic Officer will give notice of the pending Investigation to the Vice Chancellor for Research and, if the pending Investigation involves sponsored research, the President of the Research Foundation. Failure to disclose a pending Investigation pursuant to this section may subject the University faculty or staff member, post-doctoral associate, or student to disciplinary or other appropriate action.

~~Sections 2, 3, and 4 of this Policy establish the procedures for the initial evaluation, Inquiry, and Investigation of allegations of Research Misconduct involving University faculty, staff, and/or post-doctoral associates. Section 5 sets forth the University's responsibility to notify federal agencies and other sponsors of research, if any, of certain circumstances that may arise during a Research Misconduct Proceeding, and Section 6 sets forth certain general considerations in connection with the implementation of this Policy. Section 7 sets forth the obligation of each University faculty or staff member and post-doctoral associate to report to the University any inquiry or investigation by a federal agency or other sponsor of research concerning allegations of Research Misconduct involving him or her. This Policy replaces the University's Interim Policy and Procedure Statement regarding the Disposition of Allegations of Misconduct in Research in Science, adopted on January 29, 1990.~~

~~2. INITIAL EVALUATION~~

~~2.1. The President of each College within the University, after consulting with the appropriate faculty governance body at the College, will designate a Research Integrity Officer to receive allegations of Research Misconduct involving faculty, staff, and/or post-doctoral associates at the College. The Research Integrity Officer will be an administrator or tenured faculty member at the College with experience in research and will be provided appropriate training to carry out his or her responsibilities under this Policy. The Research Integrity Officer will notify the subject of the allegations, the President, the University Dean for Research, and, if the research involved in the allegations is supported by a grant or contract from a federal agency or other sponsor, the President of the Research Foundation, of any allegations that have been filed. The Research Integrity Officer will then conduct an evaluation of the allegations in order to determine whether an Inquiry is warranted. All efforts should be made to complete the evaluation as expeditiously as possible.~~

~~2.2. An Inquiry is warranted if: (1) there is a reasonable basis for concluding that any of the allegations falls within the definition of Research Misconduct in Section 8.15; and (2) such allegation is sufficiently credible and specific so that potential evidence of Research Misconduct may be identified.~~

~~2.3. The evaluation of allegations of Research Misconduct will be conducted by the Research Integrity Officer of the College where the subject of the allegations has an appointment. In cases where the subject of the allegations is a faculty member with joint appointments, the evaluation will be conducted by the Research Integrity Officer of the "home College", as determined in accordance with the University's Joint Appointment Guidelines.~~

5. CONFIDENTIALITY

~~2.4.—After the evaluation, the Research Integrity Officer will make a recommendation to the President of the College as to whether an Inquiry is warranted, and the President, in consultation with the Research Integrity Officer, will make the decision as to whether to begin an Inquiry. The President will also consult with the University Dean for Research and, if the research involved in the allegations is supported by a grant or contract from a federal agency or other sponsor, the President of the Research Foundation before making a decision not to begin an Inquiry. If the President of the College decides that no Inquiry is warranted, the Research Integrity Officer will notify the subject of the allegations of this decision in writing.~~

In order to protect the privacy and professional reputations of those involved, all Research Misconduct Proceedings will be conducted in a fashion designed to maintain confidentiality. Knowledge of the Research Misconduct Proceedings and the disclosure of the identity of the Respondents and the Complainants will be limited, to the extent possible, to those who need to know, consistent with a thorough, competent, objective, and fair Research Misconduct Proceeding, and as allowed by law. Except as may otherwise be prescribed by applicable law, confidentiality of any Research Records or Evidence from which research subjects might be identified must be maintained. Disclosure of such Research Records or Evidence will be limited to those who have a need to know to carry out a Research Misconduct Proceeding. All individuals having knowledge of the identity of the Respondents and the Complainants and access to information in any reports or drafts thereof prepared in connection with a Research Misconduct Proceeding must keep such knowledge and information confidential.

~~2.5.—If the President decides that an Inquiry is warranted, the Research Integrity Officer will notify the subject of the allegations, the University Dean for Research, and, if the research involved in the allegations is supported by a grant or contract from a federal agency or other sponsor, the President of the Research Foundation, in writing at the time of or before the beginning of the Inquiry. The Research Integrity Officer will prepare a summary of the results of the evaluation for use in the Inquiry and provide a copy of the summary to the subject of the allegations, the President, the University Dean for Research, the President of the Research Foundation (if applicable), and the Inquiry Staff, as appointed pursuant to Section 3.1.~~

6. 3.—INQUIRY

6.1. Upon receipt of an Allegation of Research Misconduct, the RIO will promptly determine whether or not an Inquiry is warranted. An Inquiry is warranted if the Allegation (a) falls within the definition of Research Misconduct in Section 12.17 below; (b) is made against a person to whom this Policy applies; and (c) is sufficiently credible and specific so that potential Evidence of Research Misconduct may be identified. The purpose of an Inquiry is preliminary information-gathering and preliminary fact-finding to determine whether the Allegation warrants a formal Investigation, as described in Section 7 below. An Inquiry is not a formal hearing requiring a full review of all Research Records and Evidence related to the Allegation.

6.2. Promptly following the RIO's determination of whether or not an Inquiry is warranted, the RIO will consult the Vice Chancellor for Research or his or her designee regarding the determination and, if an Inquiry is warranted, regarding the appropriate scope of the Inquiry and the requirements and procedures for securing related Research Records and Evidence. Either before or at the time the RIO notifies the Respondent of the Allegation as provided in Section 6.3 below, the RIO will secure the related Research Records and Evidence in accordance with Section 8.1 below. If the RIO determines that an Inquiry is NOT warranted, he or she will give notice of such determination and a summary of the Allegation to the President in writing.

6.3. 3.1. ~~If the President decides that an Inquiry of the allegations of Research Misconduct is warranted, the President will, after consulting with the University Dean for Research, appoint~~

- ~~two tenured faculty members actively involved in research in the same field as the subject of the allegations or a related field to serve with the Research Integrity Officer as members of an Inquiry Staff to conduct the Inquiry. The two additional members of the Inquiry Staff need not be members of the faculty of the College where the Inquiry will be conducted. Once the RIO determines that an Inquiry is warranted, the RIO will notify the Respondent, the Complainant, and the President in writing of the Allegation that has been filed and that an Inquiry will be conducted. If the Inquiry subsequently identifies additional Respondents, the RIO will also notify them in writing.~~
- 6.4. ~~3.2. The purpose of the Inquiry is to conduct an initial review of the evidence~~ Promptly following the RIO's determination that an Inquiry is warranted, the securing of the related Research Records and Evidence, and the notifications required under Section 6.3 above, the RIO will conduct an Inquiry to determine whether ~~any of the allegations warrants~~ an Investigation of the Allegation is warranted. An Investigation is warranted if: ~~(1)~~ (a) a reasonable basis for concluding that ~~any of the allegations~~ Allegation falls within the definition of Research Misconduct ~~in under~~ Section 8.15; 12.17 below, and ~~(2b)~~ (2b) preliminary information-gathering and preliminary fact-finding from the Inquiry ~~indicate~~ indicates that ~~such allegation~~ the Allegation may have substance.
- 6.5. ~~3.3. Upon~~ Promptly following the completion of the Inquiry, the ~~Inquiry Staff~~ RIO will prepare ~~and submit~~ a preliminary Inquiry report ~~to the President, the University Dean for Research, and, if the research involved in the allegations is supported by a grant or contract from a federal agency or other sponsor, the President of the Research Foundation, including a recommendation by the majority of the Inquiry Staff as to whether the President should find that an Investigation is warranted. The President will then make the decision whether~~ that will include the following information: (a) the name and position of the Respondent; (b) a description of each Allegation of Research Misconduct; (c) whether the Allegation is associated with sponsored research, and the related contract or grant number, if any; (d) a summary of the steps taken during the Inquiry; (e) a summary of the results of the Inquiry; (f) the basis for concluding that the Allegation falls within the definition of Research Misconduct; (g) a recommendation to the President as to whether or not an Investigation is warranted; provided, however, that the President will consult with the University Dean for Research and (if applicable) the President of the Research Foundation before making a decision that an Investigation is not warranted. The President will notify the Inquiry Staff, the University Dean for Research, and (if applicable) the President of the Research Foundation, of the decision in writing and (h) attachments of any relevant materials used in the Inquiry.
- 6.6. The RIO will provide the Respondent an opportunity to review and comment on the preliminary Inquiry report. Upon receipt of the comments from the Respondent, the RIO will attach the Respondent's comments to the preliminary Inquiry report and submit this final Inquiry report to the President. Upon receipt of the final Inquiry report, the President, in consultation with the RIO, will make the decision as to whether to refer the case to the Vice Chancellor for Research for an Investigation.
- 6.7. ~~3.4. The Inquiry Staff will~~ All efforts should be made to complete the ~~preliminary Inquiry report described in Section 3.3 within 45 calendar days of the first meeting of the Inquiry Staff unless circumstances warrant a longer period. The President will make a decision whether to proceed to an Investigation within 15 calendar days of receipt of the preliminary Inquiry report from the Inquiry Staff unless circumstances~~ Inquiry as expeditiously as possible, and within 60 calendar days of its initiation, unless circumstances clearly warrant a longer period. If the Inquiry takes longer than ~~a total of~~ 60 calendar days to complete, the Inquiry record ~~of the Inquiry will~~ must include documentation of the reasons for exceeding the 60-day period.
- 6.8. ~~3.5. If the President decides that an Investigation is not warranted~~ NOT warranted, he or she must consult with the Vice Chancellor for Research prior to closing the case. If the Vice Chancellor for Research is in agreement with the President, the matter will be closed and all

records of the proceedings treated as confidential pursuant to Section ~~6.4~~⁵ to respect the rights and protect the reputations of all parties involved. All reasonable and practical efforts, if requested and as appropriate, will be undertaken to protect or restore the reputation of ~~a subject alleged to have engaged in Research Misconduct when it is determined that an investigation of the allegations against the subject is not warranted.~~ the Respondent. The RIO will notify the Respondent and the Complainant of this decision in writing.

6.9. If the President decides that an Investigation is warranted, the RIO will so notify the Respondent and the Complainant in writing within a reasonable time after the President's decision, but before the Investigation begins. The notice to the Respondent must include a copy of the final Inquiry report and include a copy of, or refer to, this Policy and the relevant regulations or policies of the applicable regulatory agency and/or research sponsor, if any.

6.10. ~~3.6.~~ If the President decides that an Investigation is warranted, the Inquiry Staff he or she will prepare a final Inquiry report that includes the following information: (1) the name and position of the subject of the allegations; (2) a description of the allegations of Research Misconduct; (3) the federal agency or other sponsor support, if any, including, for example, grant or contract numbers, grant or contract applications, grants or contracts, and publications listing the support; and (4) the basis for recommending that the alleged actions warrant an Investigation. send the final Inquiry report to the Vice Chancellor for Research for Investigation of the case within 14 calendar days of this decision. If the research involved in the Allegation is supported by a grant or contract from a research sponsor, the Vice Chancellor for Research will notify the President of the Research Foundation and the sponsor in accordance with sponsor requirements.

~~3.7.—The Research Integrity Officer will notify the subject of the allegations in writing whether the President has decided that an Investigation is warranted. If the President has decided that an Investigation is warranted, the notice will include a copy of the final Inquiry report and a copy of or reference to this Policy and, if applicable, the Final Rule. In such a case, the notice and copies of documents will be given before the date the Investigation begins, in sufficient time to provide the subject of the allegations an opportunity to review and comment on the final Inquiry report. The Inquiry Staff will attach any comments received from the subject to the final Inquiry report.~~

~~3.8.—The Inquiry Staff may notify the individual who made the allegations whether the President has decided that an Investigation is warranted and, if the President has decided that an Investigation is warranted, may provide relevant portions of the final Inquiry report to such individual for comment. Any comments received from such individual will be attached to the final Inquiry report.~~

~~3.9.—If the research involved in the allegations is supported by a grant or contract from a federal agency or other sponsor, within 30 calendar days of the President's decision that an Investigation is warranted (but before the date the Investigation begins), the University Dean for Research will provide the applicable federal agency or other sponsor and the President of the Research Foundation with the written decision by the President and a copy of the final Inquiry report with any comments on the report from the subject of the allegations and the individual making the allegations attached.~~

7. 4.—INVESTIGATION

7.1. ~~4.1.~~ If the President decides that an Investigation of the allegations of Research Misconduct is warranted, he or she will notify the University Dean. Upon receipt of the final Inquiry Report, the Vice Chancellor for Research, who will then appoint at least three members of University or College staff and/or tenured faculty at any College to an Investigation Committee to conduct the Investigation. A majority of the members of the Investigation Committee will be tenured faculty actively involved in research in the same field as the subject of the allegations Respondent or a related field. In making the appointments, the University Dean for Research will consult with the President of the College and, if the research involved in the allegations is supported by a grant or contract from a federal agency or other sponsor, the

- ~~President of the Research Foundation.~~, and a majority of the members of the Investigation Committee will be tenured faculty members at Colleges other than the Respondent's College. In addition, no staff member of the Respondent's College may serve on the Investigation Committee.
- 7.2. ~~4.2.~~ The Investigation will begin within 30 calendar days after the President's ~~decision that an investigation is warranted.~~ referral of the case to the Vice Chancellor for Research. The Investigation Committee will give the ~~subject of the allegations~~ Respondent written notice of any new ~~allegations~~ Allegations of Research Misconduct not addressed during the Inquiry or in the initial notice of the Investigation within a reasonable amount of time after a determination to pursue any such new ~~allegations.~~ Allegations.
- 7.3. The University will take reasonable steps to ensure an impartial and unbiased Investigation to the maximum extent practicable, including participation of persons with appropriate expertise who do not have unresolved personal, professional, or financial conflicts of interest with, or biases against, those involved with the Inquiry or the Investigation.
- 7.4. ~~4.3.~~ ~~The University will take reasonable steps to ensure an impartial and unbiased investigation to the maximum extent practicable.~~ The Investigation Committee will use diligent efforts to ensure that the Investigation is thorough and sufficiently documented and that it includes an examination of all ~~research records~~ Research Records and ~~evidence~~ Evidence relevant to reaching a decision on the merits of the ~~allegations.~~ Allegations. If the Respondent refuses to make any such Research Records and Evidence available for the Investigation, the Investigation Committee may draw adverse inferences from such refusal.
- 7.5. The Investigation Committee will comply with the requirements of any applicable regulatory agency and/or research sponsor regarding the interviewing of individuals in connection with the Investigation, will use reasonable efforts to interview each Respondent, the Complainant, and any other available person whom the Investigation Committee has identified as having information regarding any relevant aspects of the Investigation, and will keep written records of each interview.
- 7.6. ~~4.4.~~ Upon completion of the Investigation, the Investigation Committee will prepare a draft Investigation report and will provide the ~~subject of the allegations an opportunity to review and comment on~~ Respondent a copy of the draft Investigation report and, concurrently, provide the Respondent and/or his or her union representative or legal counsel, if any, a copy of, or supervised access to, the ~~evidence~~ Evidence on which the draft Investigation report is based. The comments of the ~~subject of the allegations~~ Respondent on the draft Investigation report, if any, must be submitted within 30 calendar days of the date on which the ~~subject~~ Respondent received the draft report. ~~The Investigation Committee may also provide the individual who made the allegations a copy of the draft Investigation report or relevant portions of the draft report, and the comments of such individual, if any, must be submitted within 30 calendar days of the date on which he or she received the draft report or relevant portions of it.~~
- 7.7. ~~4.5.~~ The Investigation Committee will promptly review any comments on the draft Investigation report by the ~~subject of the allegations and the individual who made the allegations and either decide not to make a finding of Research Misconduct or recommend that the Chancellor make a finding of Research Misconduct. If the Investigation Committee decides not to make a finding of Research Misconduct, it will promptly notify the President, the Research Integrity Officer, the University Dean for Research, the subject of the allegations, the individual who made the allegations, and, if the research involved in the allegations is supported by a grant or contract from a federal agency or other sponsor, the President of the Research Foundation.~~ ~~4.6.~~ If the Investigation Committee recommends a finding of Research Misconduct, it will submit to the Chancellor a copy of the draft

~~Investigation report and any comments on it by the subject of the allegations and the individual who made the allegations, and the Chancellor will decide whether to accept the Investigation Committee's recommendation. Respondent and decide whether or not to make a finding of Research Misconduct.~~ The Chancellor will notify the Investigation Committee of the decision, and the Investigation Committee will promptly notify the President, the Research Integrity Officer, the University Dean for Research, the subject of the allegations, the individual who made the allegations, and, if the research involved in the allegations is supported by a grant or contract from a federal agency or other sponsor, the President of the Research Foundation. 4.7. Promptly following the Investigation Committee's decision not to make a finding of Research Misconduct, or the decision by the Chancellor as to whether to accept the Investigation Committee's recommendation of a finding of Research Misconduct, the Investigation Committee will prepare a will document its decision in the final Investigation report. The final Investigation report will be in writing and will:

- a) ~~(1) — describe~~ Describe the nature of the ~~allegations~~ Allegations of Research Misconduct;
- b) ~~(2) — describe and document the federal agency or other~~ Identify the research sponsor support, if any, ~~including, for example, and include~~ any grant or contract numbers, grant or contract applications, grants or contracts, and publications listing the support;
- c) ~~(3) — describe~~ Describe the specific ~~allegations~~ Allegations of Research Misconduct for consideration in the Investigation;
- d) ~~(4) — if not already provided to the federal agency or other sponsor with the Inquiry report, include~~ Include the University policies and procedures under which the Investigation was conducted;
- e) ~~(5) — identify~~ Identify and summarize the ~~research records~~ Research Records and ~~evidence~~ Evidence reviewed, and identify any ~~evidence~~ Evidence taken into custody but not reviewed;
- f) ~~(6) — for~~ For each separate ~~allegation~~ Allegation of Research Misconduct identified during the Investigation, provide a finding as to whether Research Misconduct did or did not occur, and if so:
 - i) ~~(a) — identify~~ Identify whether the Research Misconduct was Falsification, Fabrication, or Plagiarism, and if it was intentional, knowing, or in reckless disregard, ~~as such terms are used in the Final Rule;~~
 - ii) ~~(b) — summarize~~ Summarize the facts and the analysis that support the conclusion and consider the merits of any reasonable explanation by the ~~subject of the allegations~~ Respondent;
 - iii) ~~(c) — identify~~ Identify the specific ~~federal agency or other~~ research sponsor support, if any;
 - iv) ~~(d) — identify~~ Identify whether any publications need correction or retraction;
 - v) ~~(e) — identify~~ Identify the person(s) responsible for the Research Misconduct; and
 - vi) ~~(f) — list~~ List any current support or known applications or proposals for support that the ~~subject of the allegations~~ Respondent has pending with any ~~federal agencies or other~~ research sponsors; and

- g) ~~(7) — include and consider any comments made by the subject of the allegations and the individual making the allegations on the draft Investigation report; and~~ Include and consider any comments made by the Respondent on the draft Investigation report.
~~(8) — maintain and provide to the federal agency or other sponsor, if any, upon request, all relevant research records and records of the Research Misconduct Proceeding.~~

7.8. The Investigation Committee will submit the final Investigation report to the Vice Chancellor for Research, who will then discuss the report with the President. The President will notify the RIO, the Respondent, and the Complainant of the Investigation Committee's finding as to whether Research Misconduct did or did not occur and, in the case of a finding of Research Misconduct, will decide whether any subsequent disciplinary actions by the University are warranted. If the President finds that subsequent disciplinary actions are warranted as a result of the Investigation, the University may conduct a disciplinary proceeding in connection with the finding in accordance with applicable collective bargaining agreements, the University Bylaws, and/or other applicable policies of the University.

7.9. ~~4.8. If the research involved in the allegation Allegations is or was supported by a grant or a contract ~~from a federal agency or other sponsor, the University Dean for Research will give the federal agency or other sponsor of the research and, the Vice Chancellor for Research or his or her designee, in collaboration with the Grants Officer at the College, will report and respond to any applicable regulatory agency and/or research sponsor as outlined in Section 9 below and send a copy of any such communication to the President of the Research Foundation: (1) a copy of the final Investigation report and all attachments; (2) a statement of whether the Investigation resulted in a finding of Research Misconduct, and if so, who committed the Research Misconduct; (3) a statement of whether the University accepts the findings of the Investigation; and (4) a description of any pending or completed administrative action by any federal agency against the subject of the allegations to the extent such action relates to the subject matter of the sponsored research.~~~~

7.10. ~~4.9. All aspects of the Investigation, including conducting the Investigation, preparing the draft Investigation report and providing it for comment in accordance with Section 4.4, deciding whether or not to make a finding of Research Misconduct in accordance with Sections 4.5 and 4.6, preparing the final Investigation report in accordance with Section 4.7, and sending the final Investigation report to the federal agency or other, and notifying any applicable regulatory agency and/or research sponsor, ~~if any,~~ in accordance with ~~Section 4.8,~~ its requirements, will be completed within 120 calendar days of the beginning of the Investigation.~~

7.11. ~~4.10. —~~ If, upon the conclusion of an Investigation, it is determined that the ~~subject of the allegations~~ Respondent has ~~not~~ NOT committed any Research Misconduct, the matter will be closed, ~~the Vice Chancellor for Research or his or her designee will notify in writing any applicable regulatory agency and/or research sponsor and, if the Allegation involves sponsored research, the President of the Research Foundation,~~ and all records of the proceedings will be treated as confidential pursuant to Section ~~6.45~~ above to respect the rights and protect the reputations of all parties involved. All reasonable and practical efforts, if requested and as appropriate, will be undertaken to protect or restore the reputation of ~~a subject~~ persons alleged to have engaged in Research Misconduct but against whom no finding of Research Misconduct is made.

8. SECURING OF RESEARCH RECORDS AND EVIDENCE

8.1. Pursuant to section 6.2 above, the RIO will comply with the requirements and procedures for securing Research Records and Evidence based on consultation with the Office of the Vice Chancellor for Research. Either before or at the time the RIO notifies the Respondent of the

Allegation and at any other time during the course of an Inquiry when additional Research Records or Evidence are discovered, the RIO, with any necessary assistance from the Legal Affairs Designee at the College and in consultation with the University Director for Research Compliance, will take all reasonable and practical steps to (a) obtain custody of all the Research Records and Evidence needed to conduct the Research Misconduct Proceeding, (b) inventory the Research Records and Evidence, and (c) sequester the Research Records and Evidence in a secure manner; except that where the Research Records or Evidence encompass scientific instruments shared by a number of users, custody may be limited to copies of the Research Records or Evidence on such instruments, so long as those copies are substantially equivalent to the evidentiary value of the instruments. To the extent that compliance with the requirements and procedures for securing Research Records and Evidence involves monitoring or inspecting the activity and accounts of individual users of the University's computer resources, the RIO, the Legal Affairs Designee at the College, and the University Director for Research Compliance will comply with the requirements of Section 13(c) of the University's Policy on Acceptable Use of Computer Resources.

8.2. The RIO will maintain the Research Records and Evidence as required under Section 11 below.

8.3. If, in accordance with Section 6.4 above, it is determined that an Investigation is warranted, the University Director for Research Compliance, with assistance from the RIO and the Legal Affairs Designee at the College, will perform at the Investigation stage the responsibilities of the RIO regarding the securing and maintenance of Research Records and Evidence as set forth in Sections 8.1 and 8.2 above.

~~4.11 — If the Chancellor finds Research Misconduct as a result of the Investigation, the University may conduct a disciplinary proceeding in connection with the finding in accordance with applicable collective bargaining agreements, the University Bylaws, and/or other applicable policies of the University.~~

8.4. Where appropriate, the Respondent will be given copies of, or reasonable supervised access to, the Research Records or Evidence to allow the Respondent to continue to do his or her work during an Inquiry, Investigation, and/or any related disciplinary proceedings.

9. ~~5. — NOTIFYING FEDERAL REPORTING AND RESPONDING TO REGULATORY AGENCIES AND OTHER RESEARCH SPONSORS OF SPECIAL CIRCUMSTANCES~~

9.1. The Vice Chancellor for Research or his or her designee, in collaboration with the Grants Officer at the College, will report and respond to all applicable regulatory agencies and research sponsors with regard to Allegations of Research Misconduct in accordance with applicable regulations and sponsor policies. Depending on the regulatory agency or the research sponsor, reporting requirements may begin immediately upon receipt of an Allegation and continue during and after the Research Misconduct Proceedings. If the Allegation involves sponsored research, the Vice Chancellor for Research or his or her designee will send to the President of the Research Foundation a copy of all such reports and responses to the research sponsor, as well as a copy of any follow-up communications with the research sponsor.

9.2. The ~~University Dean~~ Vice Chancellor for Research or his or her designee will immediately notify ~~any federal~~ the applicable regulatory agency and/or ~~other research~~ sponsor providing support for research that is the subject of an ~~allegation~~ Allegation of Research Misconduct, as well as the President of the Research Foundation, if, at any time during any related Research Misconduct Proceeding, the University has reason to believe that any of the following conditions exist:

a) ~~(1) — health~~ Health or safety of the public is at risk, including an immediate need to protect human or animal subjects;

- b) ~~_____ (2) _____ federal agency or other~~ Research sponsor resources or interests are threatened;
- c) ~~_____ (3) _____ research~~ Research activities should be suspended;
- d) ~~(4) _____ there~~ There is reasonable indication of possible violations of civil or criminal law;
- e) ~~(5) _____ federal~~ Governmental or other ~~_____ governmental~~ action is required to protect the interests of those involved in the Research Misconduct Proceeding;
- f) ~~_____ (6) _____ the~~ The University believes the Research Misconduct Proceeding may be made public prematurely, so that the ~~_____ federal~~ regulatory agency and/or ~~_____ other~~ research sponsor may take appropriate steps to safeguard ~~_____ evidence~~ Evidence and protect the rights of those involved; and
- g) ~~_____ (7) _____ the~~ The research community or the public should be informed.

10.6. ~~_____~~ GENERAL CONSIDERATIONS

10.1. ~~_____ 6.1. _____~~ When being interviewed by the ~~_____ Inquiry Staff~~ RIO or appearing before the Investigation Committee, the ~~_____ subject of an allegation of Research Misconduct~~ Respondent may be accompanied by ~~_____ an adviser, who may be~~ a union representative and/or legal counsel. However, neither the Inquiry nor the Investigation is a trial-type proceeding, and the ~~_____ adviser~~ union representative or legal counsel may not actively participate in the proceeding, such as by directing questions or answers or offering argument on behalf of the ~~_____ subject of the allegations.~~ Respondent.

10.2. ~~_____ 6.2. The subject of an allegation of Research Misconduct~~ The Respondent may be suspended or removed from work under a research grant or contract by the President ~~_____ of the College~~, in consultation with the ~~_____ University Dean~~ Vice Chancellor for Research ~~_____ and the President of the Research Foundation~~, any time following the commencement of an Inquiry regarding ~~_____ such allegation~~ an Allegation of Research Misconduct about such research if, in the judgment of the President ~~_____ of the College~~, such suspension or removal is warranted by the circumstances. Depending on developments in the Inquiry or Investigation, the President ~~_____ of the College~~ may, in consultation with the ~~_____ University Dean~~ Vice Chancellor for Research ~~_____ and the President of the Research Foundation~~, restore the ~~_____ subject of the allegation~~ Respondent to the work under the research grant or contract. The ~~_____ University Dean~~ Vice Chancellor for Research or his or her designee will notify ~~_____ the federal~~ any applicable regulatory agency and/or ~~_____ other~~ research sponsor ~~_____ of the research~~ of any suspension, removal, or restoration decision under this section. and will send the President of the Research Foundation a copy of any such notice and any follow-up communications with the regulatory agency or research sponsor.

10.3. ~~_____ 6.3.~~ If the ~~_____ subject~~ Respondent admits the accuracy of an ~~_____ allegation~~ Allegation of Research Misconduct ~~_____ admits the accuracy of the allegation~~ in the course of an ~~_____ evaluation,~~ Inquiry, or Investigation, the matter will be directly forwarded to the President for appropriate action, which may include disciplinary action under applicable collective bargaining agreements, the University Bylaws, or other applicable policies of the University.

~~_____ 6.4. _____~~ In order to protect the privacy and reputation of innocent parties and good faith accusers, ~~_____ all Research Misconduct Proceedings will be conducted in a fashion designed to maintain confidentiality. Knowledge of the Research Misconduct Proceedings and the disclosure of the identity of the subjects of allegations and the individuals making them, will be limited, to the extent possible, to those who need to know, consistent with a thorough, competent, objective and fair Research Misconduct Proceeding, and as allowed by law. Except as otherwise prescribed by applicable law, confidentiality will be maintained for~~

~~any records or evidence from which research subjects might be identified, and disclosure of such records or evidence will be limited to those who have a need to know to carry out a Research Misconduct Proceeding.~~

10.4. ~~6.5.~~ Allegations that are brought in good faith may not be the basis of any ~~retaliation~~ Retaliation against the ~~individual making them~~ Complainant, even if the ~~allegations~~ Allegations are not substantiated upon Inquiry or Investigation. All reasonable and practical efforts will be undertaken, ~~if requested and~~ as appropriate, to protect or restore the position and reputation of any ~~individual making allegations in good faith~~ Complainant and any witness or other individual involved in a Research Misconduct Proceeding, and to counter potential or actual ~~retaliation~~ Retaliation against such individuals.

10.5. The RIOs, members of the Investigation Committee, the President and all others responsible for carrying out any part of a Research Misconduct Proceeding, the Vice Chancellor for Research, and the University Director for Research Compliance:

~~6.6. The Research Integrity Officers, any other members of the Inquiry Staff, members of the Investigation Committee, all others responsible for carrying out any part of a Research Misconduct Proceeding, the University Dean for Research, and the President of the Research Foundation a)~~ will take precautions to ensure that they do not have real or apparent personal, professional, or financial conflicts of interest with ~~any subject of allegations, any individual making the allegations, or biases against, any Respondent, any Complainant,~~ or any witness in a Research Misconduct Proceeding.;

~~6.7. The Research Integrity Officers, any other members of the Inquiry Staff, members of the Investigation Committee, all others responsible for carrying out any part of a Research Misconduct Proceeding, the University Dean for Research, and the President of the Research Foundation b)~~ will at all times conduct their activities related to the implementation of this Policy in a fashion that is consistent with their obligations under applicable federal, state, and local laws, rules, and regulations.;

~~6.8. The Research Integrity Officers, any other members of the Inquiry Staff, members of the Investigation Committee, all others responsible for carrying out any part of a Research Misconduct Proceeding, the University Dean for Research, and the President of the Research Foundation c)~~ may request the assistance of legal counsel from the University's Office of the General Counsel during the course of their activities related to the implementation of this Policy.

11. RECORD KEEPING

~~6.9. The University has a continuing obligation under this Policy to ensure that it maintains adequate records of a Research Misconduct Proceeding. Therefore, the Research Integrity Officer will:~~

- (1) ~~either before or when he or she notifies the subject of the allegations of the allegations or an Inquiry or Investigation, promptly take all reasonable and practical steps to (a) obtain custody of all the research records and evidence needed to conduct the Research Misconduct Proceeding, (b) inventory the records and evidence, and (c) sequester them in a secure manner; except that where the research records or evidence encompass scientific instruments shared by a number of users, custody may be limited to copies of the data or evidence on such instruments, so long as those copies are substantially equivalent to the evidentiary value of the instruments. Whenever possible, custody of the research records and evidence will be taken before or at the time the subject is notified of the allegations, and whenever additional items become known or relevant to an Inquiry or Investigation;~~

- (2) ~~where appropriate, give the subject of the allegations copies of, or reasonable, supervised access to, the research records;~~
- (3) ~~undertake all reasonable and practical efforts to take custody of additional research records or evidence discovered during the course of a Research Misconduct Proceeding; except that where the research records or evidence encompass scientific instruments shared by a number of users, custody may be limited to copies of the data or evidence on such instruments, so long as these copies are substantially equivalent to the evidentiary value of the instruments;~~
- and (4) The RIO will maintain in a secure manner sufficiently detailed documentation of ~~the Research Misconduct Proceeding~~ each Inquiry, including related Research Records and Evidence, and the University Director for Research Compliance will maintain in a secure manner sufficiently detailed documentation of each Investigation, including related Research Records and Evidence, for seven years after (a) the completion of the Research Misconduct Proceeding or (b) the completion of any ~~federal~~ regulatory agency or ~~other~~ research sponsor proceeding involving the Allegations of Research Misconduct ~~allegations~~, whichever is later, in order to permit a later assessment by the ~~federal agency or other sponsor or otherwise~~. regulatory agency or research sponsor or otherwise. To the extent that the RIO forwards such original detailed documentation of an Inquiry to the Office of the Vice Chancellor for Research in connection with an Investigation, the University Director for Research Compliance will be responsible for maintaining such documentation for the period provided in this section.

~~7. FACULTY AND STAFF OBLIGATIONS REGARDING INQUIRIES OR INVESTIGATIONS CONDUCTED BY A FEDERAL AGENCY OR OTHER SPONSOR~~

~~If a University faculty or staff member or post-doctoral associate becomes the subject of an inquiry or investigation of any kind conducted by a federal agency or other sponsor of research concerning allegations of Research Misconduct by him or her, such individual must report the existence of the inquiry or investigation immediately in writing to the Chief Academic Officer of his or her College. Upon receiving such notification, the Chief Academic Officer will notify the University Dean for Research and the President of the Research Foundation about the pending inquiry or investigation. Failure to disclose a pending inquiry or investigation pursuant to this Section 7 may subject the University faculty or staff member or post-doctoral associate to disciplinary action or other appropriate action.~~

12.8. ~~DEFINITIONS~~

~~8.1. "Chancellor" means the Chancellor of the University or his or her designee.~~

12.1. ~~Allegation~~ means a disclosure of possible Research Misconduct through any means of communication. The disclosure may be by written or oral statement or other communication.

12.2. ~~8.2.~~ "College" means an educational unit of the University, including all senior colleges and community colleges, the Graduate School and University Center, ~~and~~ (including, without limitation, the School of Professional Studies, the Graduate School of Journalism, and the CUNY School of Public Health), the City University School of Law, and the University's Central Office (which, for purposes of this Policy, includes the University's Advanced Science Research Center).

12.3. ~~Complainant~~ means a person who makes an Allegation of Research Misconduct.

12.4. ~~Evidence~~ means any document, tangible item, or testimony offered or obtained during a Research Misconduct Proceeding that tends to prove or disprove the existence of an alleged fact.

12.5. ~~8.3.~~ "Fabrication" means making up data or results and recording or reporting them.

12.6. ~~8.4.~~ “*Falsification*” means manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record.

~~8.5.~~ “*Final Rule*” means the ~~Final Rule regarding Public Health Service Policies on Research Misconduct issued by the U.S. Department of Health and Human Services, effective on June 16, 2005 (42 CFR Parts 50 and 93).~~

12.7. ~~8.6.~~ “*Inquiry*” means preliminary information-gathering and preliminary fact-finding to determine whether an ~~allegation of Research Misconduct may have~~ Allegation has substance and ~~warrants~~ if an Investigation ~~is warranted. An Investigation must be undertaken if the Inquiry determines the Allegation has substance.~~

~~8.7.~~ “*Inquiry Staff*” means the ~~Research Integrity Officer and two tenured faculty members actively involved in research in the same field as the subject of the allegations or a related field who are appointed by the President of a College to conduct an Inquiry into particular allegations of Research Misconduct against University faculty, staff, and/or post-doctoral associates.~~

12.8. ~~8.8.~~ “*Investigation*” means the formal development, examination, and evaluation of a factual record ~~and the examination of that record leading to a decision not to make a finding of Research Misconduct or to a recommendation for a finding of Research Misconduct, which may include a recommendation for other appropriate actions~~ to determine whether Research Misconduct has taken place, to assess its extent and consequences, and to evaluate appropriate action.

12.9. ~~8.9.~~ “*Investigation Committee*” means the committee consisting of at least three members of University staff or tenured faculty at any College actively involved in research in the same field as the ~~subject of the allegations~~ Respondent or a related field who are appointed by the ~~University Dean~~ Vice Chancellor for Research to investigate charges of Research Misconduct against faculty, staff, ~~and/or~~ post-doctoral associates, and/or students.

12.10. Legal Affairs Designee means the individual at each College designated by the President to deal with legal issues at the College in conjunction with the University’s Office of the General Counsel.

12.11. ~~8.10.~~ “*Plagiarism*” means the appropriation of another person’s ideas, processes, results, or words without giving appropriate credit.

12.12. ~~8.11.~~ “*Policy*” means this ~~University~~ Policy regarding the Disposition of Allegations of Research Misconduct ~~in Research and Similar Educational Activities.~~

12.13. Preponderance of the Evidence means proof by information that, compared with that opposing it, leads to the conclusion that the fact at issue is more probably true than not.

12.14. ~~8.12.~~ ~~Except~~ President, except for the President of the Research Foundation, “*President*” means the President or Dean of each College, as applicable. For purposes of this Policy, the Chancellor or his or her designee will be deemed to be the President of the University’s Central Office. ~~With respect to the Research Foundation, “President” means the President of the Research Foundation or, except with respect to Sections 2.4, 3.3, 4.1, 6.2, and 7, his or her designee.~~

12.15. ~~8.13.~~ “*Research Foundation*” means ~~The~~ the Research Foundation of The City University of New York.

- 12.16. ~~8.14.~~ —“*Research Integrity Officer (“RIO”)* means the official at each College designated by the President of the College after consulting with the appropriate faculty governance body at the College to be responsible for receiving ~~allegations~~Allegations of Research Misconduct, ~~making recommendations~~determining whether such ~~allegations~~Allegations warrant Inquiries, ~~servng on any Inquiry Staff~~conducting the Inquiries and preparing the Inquiry reports, ~~recommending to the President whether or not Investigations are warranted,~~ and assisting in the Investigations ~~at the College~~by the Investigation Committee. The RIO must be an administrator or tenured faculty member at the College with experience in research and will be provided appropriate training to carry out his or her responsibilities under this Policy.
- 12.17. ~~8.15.~~ —“*Research Misconduct*” means Fabrication, Falsification, or Plagiarism in proposing, ~~or performing,~~or research, reviewing research, or in reporting research results. ~~Research Misconduct~~ does not include honest error or differences of opinion. A finding of Research Misconduct made under this Policy requires that: ~~(4a)~~ there be a significant departure from accepted practices of the relevant research community; ~~(2b)~~ the misconduct be committed intentionally, knowingly, or recklessly; and ~~(3c)~~ the ~~allegation~~Allegation be proven by a ~~preponderance of the evidence, as such terms are used in the Final Rule~~Preponderance of the Evidence.
- 12.18. ~~8.16.~~ —“*Research Misconduct Proceeding*” means any action related to alleged Research Misconduct taken under this Policy, including but not limited to, ~~evaluations of allegations~~determinations of whether or not an Inquiry is warranted, Inquiries, Investigations, ~~federal and regulatory agency or research sponsor~~ oversight reviews, hearings, and administrative appeals.
- 12.19. Research Record means the record of data or results that embody the facts resulting from a research inquiry, including, but not limited to, research proposals, laboratory records, both physical and electronic, progress reports, abstracts, theses, oral presentations, internal reports, journal articles, and any documents and materials provided in the course of a Research Misconduct Proceeding.
- 12.20. Respondent means the person against whom an Allegation of Research Misconduct is directed or who is the subject of a Research Misconduct Proceeding.
- 12.21. Retaliation means an adverse action taken against a Complainant, witness, or other participant in a Research Misconduct Proceeding in response to (a) a good faith Allegation of Research Misconduct, or (b) good faith cooperation with a Research Misconduct Proceeding.
- 12.22. ~~8.17.~~ —“*University*” means The City University of New York.
- 12.23. ~~8.18.~~ —“*University Dean Vice Chancellor for Research*” ~~means the University Dean for Research or, except with respect to Sections 2.4, 3.3, 4.1, 6.2, and 7, his or her designee. The University Dean for Research will be responsible for monitoring the implementation of this Policy, cooperating with and making all reports to federal agencies and other sponsors and governmental bodies as required by law, and acting as the Research Integrity Officer for employees of the University’s Central Office.~~ means the University’s Vice Chancellor for Research. If there is a vacancy at any time in the position of ~~University Dean Vice Chancellor~~ for Research, the University’s Executive Vice Chancellor for Academic Affairs or his or her designee will assume the responsibilities assigned to the ~~University Dean Vice Chancellor~~ for Research under this Policy. Similarly, if there is a vacancy at any time in the position of University Director for Research Compliance, the Vice Chancellor for Research or his or her designee will assume the responsibilities assigned to the University Director for Research Compliance under this Policy.

~~This policy was approved by the Board of Trustees of The City University of New York on June 25, 2007, and is effective as of July 1, 2007.~~

NO. 5. COMMITTEE ON FACILITIES PLANNING AND MANAGEMENT: RESOLVED, That the following items be approved:

A. BARUCH COLLEGE - NEW BUILDING AUTOMATION SYSTEM FOR THE ADMINISTRATION BUILDING:

RESOLVED, That the Board of Trustees of The City University of New York request the City University Construction Fund to execute a purchase order on behalf of Baruch College with The Trane Company, for services to design and install a new Building Automation System in the Administration Building under the existing New York State Office of General Services Contract. The total cost of all such purchases shall be chargeable to the State Capital Construction Fund, Project No. 3238709999 for an amount of not to exceed \$900,000. The contract shall be subject to approval as to form by the University Office of General Counsel; and be it further

RESOLVED, That City University Construction Fund be and hereby is requested to enter into a contract to design and install a new Building Automation System in the Administration Building.

EXPLANATION: Baruch College will utilize these services and equipment to provide a functioning HVAC System in the Administration Building. A new Building Automation System is required to provide adequate heating, cooling, and ventilation for the building's occupants.

B. BROOKLYN COLLEGE - CAMPUS-WIDE FIRE ALARM AND SECURITY SYSTEM:

RESOLVED, That the Board of Trustees of The City University of New York request the City University Construction Fund to execute a contract with the firm of Johnson Controls, Inc. to purchase construction and equipment installation to complete the Phase 1 portion of a multi-phase project to upgrade the entire campus-wide fire alarm and security systems at Brooklyn College under existing New York State Office of General Services Contract No. PT63103. The total cost of all such purchases shall be chargeable to the State Capital Construction Fund, Project No. 2875209999 for an amount not to exceed \$15,000,000.00. The contract shall be subject to approval as to form by the University Office of General Counsel; and be it further

RESOLVED, That City University Construction Fund be and is hereby requested to enter into a contract to construct Phase 1 of the Brooklyn College Campus-Wide Fire Alarm and Security Project.

EXPLANATION: Brooklyn College will utilize these services and equipment to complete the installation of the Phase 1 work which includes complete installation of campus-wide infrastructure to allow for work in future phases, a complete fit-out of a new Central Command Station in Ingersoll Hall, testing, and commissioning. This proposed construction and installation will be CUNY-managed through the CUCF.

C. HOSTOS COMMUNITY COLLEGE - ALLIED HEALTH AND NATURAL SCIENCES BUILDING COMPLEX:

RESOLVED, That the Board of Trustees of The City University of New York request the City University Construction Fund to execute a consultant contract for an amount not to exceed \$10,000,000 with Facility Leaders in Architectural/Engineering Design, P.C. (FLAD) for the design of the Hostos Community College Allied Health and Natural Sciences Building Complex. The design contract is being awarded to the firm ranked highest during an interview process of firms expressing interest to the Request for Qualifications (RFQ) developed by the CUNY Central Office of Design, Construction and Management. The contract shall be chargeable to the City University Construction Fund (CUCF) for an amount not to

exceed \$10 million. The contract shall be subject to approval as to form by the University Office of General Counsel.

EXPLANATION: The construction of the Hostos Community College Allied Health and Natural Sciences Building Complex will accommodate the existing programs in dental hygiene, radiologic technology and nursing and will provide growth space for the College's expanding Allied Health and Natural Sciences offerings.

D. HOSTOS COMMUNITY COLLEGE - 500 GRAND CONCOURSE RENOVATION OF THE 4TH FLOOR, SUB-CELLAR AND INSTALLATION OF ROOF-TOP EMERGENCY GENERATOR:

RESOLVED, That the Board of Trustees of The City University of New York accept the design and Renovation of the 4th Floor, Sub-Cellar and Installation of the Roof-top Emergency Generator at the Hostos Community College 500 Grand Concourse building, as prepared by Goshow Architects LLP, who were selected through a DASNY Request for Proposal process; and be it further

RESOLVED, That the Board of Trustees of The City University of New York request the Dormitory Authority of the State of New York to complete the contract documents, bid and award contracts and supervise the construction of this project. The contracts shall be subject to approval as to form by the University Office of General Counsel.

EXPLANATION: The project will renovate the 4th Floor and Sub-Cellar and install a Roof-top Emergency Generator at the 500 Grand Concourse Building in order to bring these areas into compliance with applicable codes and standards. The total project is estimated to cost approximately \$12,000,000.

E. YORK COLLEGE - CAMPUS-WIDE DESIGN AND INSTALLATION OF NEW AIR CONDITIONING EQUIPMENT IN INFORMATION TECHNOLOGY CLOSETS:

RESOLVED, That the Board of Trustees of The City University of New York request the City University Construction Fund to execute a purchase order on behalf of York College, with Siemens Industry, Inc., for services to design and install new air conditioning equipment in 38 IT closets throughout the York campus under the existing New York State Office of General Services Contract. The total cost of all such purchases shall be chargeable to the State Capital Construction Fund, Project No. 3237009999 for an amount not to exceed \$1,000,000; and be it further

RESOLVED, That the City University Construction Fund be and hereby is requested to enter into a contract to design and install new air conditioning equipment in 38 IT closets throughout the campus.

EXPLANATION: York College will utilize these services and equipment to increase the air conditioning capacity in 38 IT closets campus wide. The improved air conditioning is required, due to the increase in heat-generating IT and security equipment in these closets. The current cooling systems at York were not designed to meet the heat loads created by the servers and other equipment that are needed to run the college's IT and security systems.

NO. 6. COMMITTEE ON STUDENT AFFAIRS AND SPECIAL PROGRAMS: RESOLVED, That the following item be approved:

A. BROOKLYN COLLEGE - AMENDMENT TO BYLAWS OF AUXILIARY ENTERPRISES CORPORATION:

RESOLVED, That the Board of Trustees of The City University of New York approve the amended Bylaws of the Brooklyn College Auxiliary Enterprises Corporation.

EXPLANATION: The CUNY Board of Trustees approved the original bylaws of the Brooklyn College Auxiliary Enterprises Corporation on June 6, 1996. No changes to the bylaws have been approved by the

Board since that time. The Auxiliary has determined that it is in its best interests to make certain changes to the bylaws to better meet its needs. In accordance with Board Bylaw section 16.10, the amended bylaws of the Auxiliary have been approved by the Brooklyn College President and reviewed by the University Office of the General Counsel. The Auxiliary will retain its board structure of eleven members composed of the Brooklyn College President or his/her designee as Chair, five students, three administrators and two faculty members.

In addition to technical revisions, changes to the bylaws include (a) that the Assistant Vice President for Facilities Planning and Operations will be an ex officio voting member of the Auxiliary board and shall also serve as Vice Chair and (b) changes involving handling conflicts of interest as required pursuant to the New York Not-for-Profit Revitalization Act.

**BYLAWS
OF
BROOKLYN COLLEGE
AUXILIARY ENTERPRISES CORPORATION**

ARTICLE I - ORGANIZATION

Section 1 – Name. This corporation shall be known as the BROOKLYN COLLEGE AUXILIARY ENTERPRISES CORPORATION (the “Corporation”).

Section 2 – Purpose. The Corporation is organized under the New York Not-for-Profit Corporation Law and is operated exclusively for the charitable purpose of supporting Brooklyn College of The City University of New York (the “College”), as is more fully set forth in the Corporation’s Certificate of Incorporation.

Section 3 – Members. The Corporation shall have no members.

ARTICLE II – BOARD OF DIRECTORS

Section 1 - Powers and Composition. The property, affairs, business and concerns of the Corporation shall be vested in a Board of Directors consisting of eleven Directors. The composition of the Board of Directors shall be as follows:

- The College President or his/her designee;
- The Senior Vice-President for Finance and Administration of the College;
- The Associate Vice President for Budget and Planning and Chief Financial Officer of the College
- The Assistant Vice President for Facilities Planning and Operations of the College
- Two members of the College faculty appointed by the College President from a panel of four full-time faculty members elected by the College’s Faculty Council; and
- Five students, three of whom shall be the student government presidents, and two of whom shall be elected by the student governments from among the elected members of the student governments, with the student seats allocated on a basis that will provide representation, as nearly as practicable, in proportion to the student enrollment by headcount from the respective constituencies.

In the event that any of the foregoing administrative positions does not exist at the College at any time, the College President shall designate an administrator to fill such vacancy on the Board for all purposes of these By-laws.

Each Director shall have the right to vote.

Section 2 - Term of Office. Each administration Director shall serve during his or her tenure in office by virtue of which he or she was appointed to the Board. Each faculty Director shall serve for a two-year term and until his or her successor is elected, appointed and qualified. Each student Director shall serve for a one-year term and until his or her successor is elected or appointed and qualified. Directors' terms shall commence on July 1. Directors may be elected or appointed to consecutive terms.

Section 3 – Qualification. Each Director shall be eighteen years of age or older. Each administration and faculty Director shall be a full-time employee of the College.

Section 4 – Removal. Any Director who ceases to occupy the position that qualified him or her to be elected or appointed as a Director will cease to be a Director. The College President may at any time remove a Director whom he or she has appointed. A Director may also be removed by the Board for cause, such as excessive absences or violation of these By-laws, upon the affirmative vote of seven members of the Board (i.e., a supermajority of the Board not counting the Director whose removal is being considered, although that individual has the right to vote on the matter) at any regular meeting or special meeting of the Board called for that purpose, provided that due notice of the proposed action is given to the full membership of the Board.

Section 5 – Vacancies. Vacancies on the Board shall be filled as follows:

- Administration Director vacancies shall be filled by the College President.
- Faculty Director vacancies shall be filled by the College President from a list of nominees submitted by the College's Faculty Council that is twice the size of the number of vacancies to be filled.
- Student Director vacancies shall be filled by the president of student government from the members of student government elected by the student body.

However, if a vacancy remains unfilled for three months after it occurs, and by reason of the absence, illness, or other inability of one or more of the remaining Directors a quorum of the Board cannot be obtained, a majority of the remaining Directors may appoint a Director from the relevant constituent group to fill the vacancy. A Director elected or appointed to fill a vacancy will hold office until his or her successor is elected or appointed and qualified.

Section 6 – Compensation. No Director shall receive any compensation from the Corporation for services performed in his or her official capacity, but Directors may be reimbursed for reasonable expenses incurred in the performance of official duties. This Section does not preclude any Director from serving the Corporation in any other capacity or from receiving compensation for services in such other capacity, including reimbursement for his or her related expenses.

ARTICLE III – MEETINGS OF THE BOARD OF DIRECTORS

Section 1 - Time and Place. Meetings of the Board of Directors may be held at such times and places as the Board of Directors determine.

Section 2 - Annual Meeting. The first regular meeting of the College's fall semester each year will be the Annual Meeting of the Board of Directors, for the presentation by the Chair and the Treasurer of the annual financial report of the Corporation for the prior year and of current year financial priorities and objectives, for the election or appointment of officers, and for the transaction of such other business as may properly come before the meeting.

Section 3 - Regular Meetings. The Board of Directors shall hold a minimum of one regular meeting each semester.

Section 4 - Special Meetings. Special meetings of the Board of Directors may be held at any time upon the call of the Chair of the Corporation, or upon the written request of not less than two Directors directed to the Chair or the Secretary.

Section 5 - Notice. Notice of every meeting of the Board of Directors shall be given personally, by electronic transmission or by first class mail to each Director at least seven days before the day on which the meeting is to be held. Each such notice shall state the time and the place where the meeting is to be held. Notices are deemed to be given when mailed and shall be sent to each Director at his or her address as it appears in the records of the Corporation.

Section 6 - Waiver. No notice of the time, place or purpose of any meeting of the Board of Directors need be given to any Director who submits to the Chair or Secretary of the Corporation a signed waiver of notice, either before or after the meeting, or who attends the meeting without protesting, prior to or at its commencement, the lack of notice to the Director. Such waiver of notice may be written or electronic.

Section 7 - Quorum and Vote. At each meeting of the Board of Directors, the presence of six Directors, including at least one student Director, shall constitute a quorum for the transaction of any business. Unless otherwise specified in these By-laws or by law, a majority vote of the Directors present at the time of the vote, if a quorum is present, will be the act of the Board of Directors. Each Director shall be entitled to one vote. Directors shall vote in person and not by proxy.

Section 8. Audio and Video Conference Calls. Any Director or committee member who is not physically present at a meeting of the Board or a committee may participate by means of a conference telephone or similar communications equipment or by electronic video screen communication. Participation by such means shall constitute presence in person as long as all persons participating in the meeting can hear each other at the same time and each Director can participate in all matters before the Board.

Section 9 – Adjournment. Any meeting of the Board may be adjourned by a majority vote of the Directors present at the meeting. If a quorum is not present, a majority of the Directors present may adjourn the meeting to another place and time. Notice of any adjourned meeting need not be given if the new place and time are announced at the meeting.

Section 10 - Conflict of Interest. As further set forth in the Corporation's conflict of interest policy, each Director shall disclose to the Board the material facts as to his or her interest in any contract or transaction, including any directorships or offices held or financial interest, prior to any action by the Board regarding that contract or transaction. A Director that is interested in a contract or transaction may be counted in determining the presence of a quorum at a meeting of the Board to authorize the contract or transaction if this disclosure is made, *provided, however*, that the Director's vote may not be counted when determining whether a sufficient number of Directors has approved the contract or transaction.

Section 10 - Order Within Meetings. Meetings of the Board of Directors of the Corporation shall be governed by *Robert's Rules of Order*, most current edition.

ARTICLE IV - OFFICERS

Section 1 - Number. The officers of the Corporation shall be a Chair, a Vice Chair, a Treasurer, and a Secretary, and such other officers as the Board of Directors may from time-to-time determine.

Section 2. Election and Tenure. The officers of the Corporation, except for officers serving *ex officio*, shall be elected annually at the first regular Board meeting of the fall semester of the College (the Annual Meeting). Each such officer shall hold office until the first regular Board meeting of the next fall semester and until a successor is duly elected and qualifies.

Section 3 – Chair. The College President, or his/her designee (who must be a Director of the Corporation), shall be the Chair of the Corporation. The Chair shall be the chief executive officer of the Corporation and shall preside at all meetings of the Board of Directors. The Chair shall be responsible for

the general supervision and control of the affairs of the Corporation and shall ensure that all policies, orders and resolutions of the Board of Directors are implemented. The Chair shall perform such other duties as requested by the Board of Directors or as are reasonably incidental to the office of chief executive officer and chair.

Section 4 - Vice Chair. The Assistant Vice President for Facilities Planning and Operations of the College shall be the Vice Chair of the Corporation. The Vice Chair shall perform the duties of the office of the Chair in case of a vacancy in the position of Chair, or in the Chair's absence or inability to act. The Vice Chair shall perform such other duties as assigned by the Board of Directors or the Chair.

Section 4 – Treasurer. The Associate Vice President for Budget and Planning and Chief Financial Officer of the College shall be the Treasurer of the Corporation. The Treasurer shall be the chief financial officer of the Corporation and shall have charge and custody of, and be responsible for, all the funds of the Corporation and shall keep full and accurate accounts of receipts and disbursements in books belonging to the Corporation and shall deposit all moneys and other valuable effects in the name of and to the credit of the Corporation in such banks or other depositories as are designated by the Board of Directors. The Treasurer shall disburse the funds of the Corporation as ordered by the Board of Directors, taking proper vouchers for the disbursements, and shall render to the Chair and Directors at the regular meetings of the Board of Directors whenever they may require it, a statement of all transactions as chief financial officer and an account of the financial condition of the Corporation. The Treasurer shall perform all other duties incident to the office of Treasurer and such other duties as assigned by the Board of Directors or the Chair.

Section 6 – Secretary. The College President shall appoint the Secretary of the Corporation from among the Directors. The Secretary shall issue notices of all meetings of the Board of Directors where notices are required by law or these By-laws. The Secretary shall attend and keep the minutes of the meetings of the Board of Directors, shall keep the seal of the Corporation and shall, when necessary, attest to the official acts of the Chair and the Board of Directors. The Secretary shall perform all other duties incident to the office of Secretary and such other duties as assigned by the Board of Directors or the Chair.

Section 7 - Compensation. No officer shall receive any compensation from the Corporation for services performed in his or her official capacity, but officers may be reimbursed for reasonable expenses incurred in the performance of official duties, subject to the approval of the Board of Directors.

ARTICLE V- COMMITTEES

Section 1 – Committees of the Board. The Board of Directors may, by resolution or resolutions adopted by a majority of the entire Board, establish such committees (including their term, duties and powers) as it shall deem necessary and advisable, each consisting of three or more Directors and each of which, to the extent provided in the resolution, shall have the authority of the Board, except that no committee shall have authority as to following matters: (a) any action related to the Certificate of Incorporation, (b) any amendments to, or repeal of, these By-laws, (c) the filling of vacancies in the Board or in any committee, (d) the fixing of compensation of Directors for serving on the Board or on any committee, (e) the amendment or repeal of any resolution of the Board which by its terms shall not be so amendable or repealable or (f) any action otherwise prohibited by law. The committees of the Board shall include the following:

(a) Executive Committee. The Board of Directors shall have an Executive Committee consisting of the officers of the Corporation. The Chair of the Corporation shall serve as Chair of the Executive Committee. The committee, when College classes are not in session and in emergency situations, shall have and may exercise all powers of the Board of Directors except as otherwise provided in this Section 1. The Executive Committee shall keep minutes of its proceedings and shall report on these proceedings to the Board at or before the next scheduled Board meeting.

(b) Budget and Contract Committee. The Board of Directors shall serve as the Budget and Contract Committee to develop all contract and budget allocation proposals.

Section 2. Committees of the Corporation. The Board of Directors may establish such other committees as it deems necessary and advisable. The Chair of the Corporation shall appoint the members of such committees. These committees shall be committees of the Corporation, not of the Board, and shall have only the powers specifically delegated to them by the Board and shall have no authority to bind the Board.

Section 3. Committee Operating Procedures. Each committee shall meet upon call of its chair or of any two (2) of its members upon such notice given to its members as is provided in these By-Laws for the giving of notice to Directors for meetings of the Board of Directors or upon such other notice, if any, as the committee may determine. A majority of members of a committee shall be present to constitute a quorum. The chair of each committee shall be appointed by its members unless appointed by the Board of Directors, the Chair of the Corporation, or otherwise set forth in these By-Laws. Acts and decisions of the committees shall be by majority vote of those present at the time of the vote, if a quorum is present at such time. The committees shall keep regular minutes of their proceedings and shall report to the Board upon request.

ARTICLE VI - BOOKS AND RECORDS; FINANCIAL MATTERS

Section 1 - Books. The Corporation shall keep complete books of all the business transactions of the Corporation and minutes of the proceedings of its Board of Directors and committees, as well as copies of its Certificate of Incorporation, these By-Laws, any and all annual financial statements of the Corporation, and any quarterly income statements or balance sheets of the Corporation prepared by it.

Section 2 - Fiscal Year. The fiscal year of the Corporation shall be July 1 through June 30.

Section 3 - Ownership of Assets. No director, officer or employee of the Corporation shall have any right, title or interest in any of the assets and funds of the Corporation; all assets and funds of the Corporation shall be owned exclusively by the Corporation.

Section 4 – Banks Accounts, Deposits. All funds of the Corporation shall be deposited in an account or accounts in the name of the Corporation in a bank or banks designated by the Board and shall be used solely to pay the proper expenses of the Corporation.

Section 6 - Signatures. All checks, drafts, notes, orders for the payment of money, withdrawals, and evidences of indebtedness of the Corporation shall be signed by signatories determined annually by the Board of Directors and approved by the College. Instruments regarding amounts over \$2,500 must be signed by two authorized signatories.

Section 7 - Contracts. No contract may be entered into on behalf of the Corporation unless and except as authorized by the Board of Directors; any such authorization may be general or confined to specific instances. The Chair, his or her designee from among the other Directors, and the Treasurer are authorized to sign contracts on the Corporation's behalf.

Section 8 – Investments. Any funds or other assets of the Corporation which, in the judgment of the Board of Directors, shall not immediately be required to effect the purposes of the Corporation, may be invested, reinvested, and administered by the Board of Directors in such investments as in the judgment of the Board of Directors are sound and proper. The Treasurer shall have the authority to invest and reinvest such funds in Bank Certificates of Deposit, Bank Savings Accounts, U.S. Treasury Notes and Certificates, or the CUNY Investment Pool, without further action of the Directors.

Section 9 - Financial Records and Accounts. The Corporation's financial records and accounts shall be kept in a form consistent with generally accepted accounting principles.

Section 10 - Audit. The Corporation's financial records and accounts shall be audited annually, and at such other times as directed by the Board of Directors, by an independent certified public accountant or firm designated by the Board of Directors.

ARTICLE VII - GOVERNANCE

The Corporation shall operate consistent with the bylaws, policies and regulations of The City University of New York and any policies, regulations and orders of the College, including by not limited to the Financial Management Guidelines for Auxiliary Enterprise Boards. Nothing contained in these By-Laws shall be construed as diminishing the rights, duties and intentions as defined in Article XVI of the By-laws of the Board of Trustees of The City University of New York.

ARTICLE VIII - AMENDMENTS

The Certificate of Incorporation and By-laws of the Corporation may be amended, altered or repealed in whole or in part, by the affirmative vote of at least seven Directors at any regular or special meeting of the Board, provided that written notice of the substance of the amendment is given with notice of the meeting, to all Directors, in accordance with the notice provisions set forth in Article III, Section 5 of these By-laws. Any proposed amendment to the Certificate of Incorporation or By-laws of the Corporation is subject to the approval of the Board of Trustees of The City University of New York.

ARTICLE IX - INSURANCE AND INDEMNIFICATION

Section 1 - Insurance. The Corporation will purchase appropriate insurance for the protection of the Directors, officers and employees of the Corporation.

Section 2 - Indemnification. The Corporation shall, to the full extent authorized by law, indemnify any person made, or threatened to be made, a party to any action or proceeding by reason of the fact that he or she was a director, officer, employee, or agent of the Corporation. The Corporation shall also indemnify to the full extent permitted by law any officer, director or employee serving any other corporation, partnership, joint venture, trust, employee benefit, or other enterprise in any capacity at the request of the Corporation.

ARTICLE X - DISSOLUTION

In event of dissolution of the Corporation, all of the remaining assets and property of the Corporation, after deduction of necessary expenses, shall be distributed, as determined by the Board of Directors and approved by order of a Justice of the Supreme Court of the State of New York, to The City University of New York for the use and benefit of the College or any successor thereof, or to an organization which supports the College or any successor thereof and which satisfies Section 501(c)(3) of the Internal Revenue Code of 1986, as amended.

Approved by the Corporation on November 6, 2014.

Approved by the CUNY Board of Trustees on _____

Report of Faculty, Staff, and Administration Committee Chair Valerie Beal:

I would like to report to the Board on the work of the **CUNY** Defined Contribution Investment Oversight Task Force. As you are aware, in January 2014 the Board adopted an Investment Policy Statement for the University's Optional Retirement Program (ORP) and Tax Deferred Annuity Plan (TDA). A Task Force comprised of individuals from the Board, the University's finance, legal and human resources groups, and the Faculty Senate has been working with a consultant, Cammack Retirement Group, to review the pension investment opportunities that **CUNY** offers its employees.

As I have previously reported, we have ascertained that the University is in compliance with all applicable laws and regulations, and the Task Force is moving ahead to establish policies, procedures and best practices to make **CUNY** a leader in this area.

The University's present program includes multiple vendors, hundreds of fund offerings, and numerous advisors and educational channels that compete with each other. A detailed evaluation of the benefits of this administrative model, its impact on the cost of funds and services, and the effectiveness of the education being provided to Plan participants, is being undertaken by the Task Force and Cammack to determine whether alternative approaches would be in the best interest of the University and its employees.

I would like to now share with you some of our preliminary findings. Some specific recommendations that are being considered are: adding mutual funds to the TIAA contract for elective deferrals to the TDA plan; adding a Roth option to the TDA plan to further enhance savings opportunities for participants; eliminating the 15-year catch-up election in the TDA plan. Currently, this option allows long-term employees—those with fifteen years or more of service and meet certain criteria—to put aside additional pre-tax funds in any calendar year. However, inaccurate administration of this feature can cause tax liabilities for the individual and penalties for the University as well as substantial abuse of this strategy by certain employees; and reviewing loan options in both the ORP and the TDA plans. Instances of loan over-utilization and defaults are high in the retirement plan, and can result in substantially reduced retirement accumulations and tax penalties. The Task Force will be reviewing these matters, and others, for recommendation to the Board.

In addition, we continue to examine the vast array of investment opportunities that **CUNY** offers its employees, and the fees associated with them. Finally, we are looking at the education and investment advice that **CUNY** employees receive, and we find that it varies widely according to the vendor, or in some instances is offered to only a small number of Plan participants. We will be looking at how availability of this important retirement education and advice can be expanded to all University employees, to ensure that they can retire with an adequate portfolio of investments.

I would like to take this opportunity to thank the members of the Investment Oversight Task Force for their diligent work on behalf of the University's employees: **UFS Chair and Trustee Martell, Vice Chancellor Gloriana Waters, Vice Chancellor Sapienza**, University Director for Benefits Leslie Williams, Attorney Richard Naddeo, and Chief Investment Officer Janet Krone.

Upon motion duly made, seconded and carried, the public meeting was adjourned at 5:32 P.M.

SECRETARY AND SENIOR VICE CHANCELLOR JAY HERSHENSON

(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.)