Minutes of the Meeting of the Board of Trustees
of The City University of New York
December 14, 2020

The Board of Trustees of The City University of New York (CUNY) met on December 14, 2020 via Zoom videoconference, pursuant to a Notice sent by the Office of the Secretary of the Board on November 30, 2020.


Others present: Chancellor Félix V. Matos Rodriguez, EVC&UP José L. Cruz, EVC&COO Hector Batista, SAC and Board Secretary Gayle M. Horwitz, General Counsel and SVC Derek Davis, SVC and Special Counsel Glenda G. Grace, SVC&CFO Matthew Sapienza, SVC Pamela S. Silverblatt, VC&CIO Brian Cohen, Vice Chancellor Doriane K. Gloria, Vice Chancellor Maite Junco, Vice Chancellor Richard R. White, Interim Vice Chancellor Denise Maybank, and Interim Vice Chancellor Andrea Shapiro Davis

Absent and Excused: Trustees Lorraine A. Cortés-Vázquez and Una S. T-Clarke

CONVENING OF PUBLIC MEETING
Chairperson William C. Thompson, Jr. called the Public Meeting to order at 4:35 p.m., and he immediately moved to go into Executive Session. The motion was seconded by Trustee Sandra Wilkin.

CONVENING OF EXECUTIVE SESSION
Chairperson Thompson, Jr. called for an Executive Session pursuant to Section 105, Article 7, of the Public Officers Law, to discuss matters pertaining to investigations, personnel, and litigation. The Board met in Executive Session from 4:35 p.m. to 5:09 p.m.
Moved by Chairperson Thompson, Jr. and seconded by Trustee Wilkin, the public session was reconvened at 5:49 p.m.

CHAIRPERSON’S REPORT

Statement of William C. Thompson, Jr.:
“On March 7, 2020, Governor Cuomo issued Executive Order 202 declaring a State of Emergency in response to the COVID-19 outbreak. On March 13, 2020, Governor Cuomo issued Executive Order 202.1, which included a suspension of law allowing the attendance of meetings telephonically or other similar service.

Article 7 of the Public Officers Law, to the extent necessary to permit any public body to meet and take such actions authorized by the law without permitting in public in-person access to meetings and authorizing such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed.

In accordance with the Executive Order, this Board meeting is being held via video conference with a live stream found at the CUNY Board of Trustees website.

A copy of the calendar/agenda of items is also available online at the CUNY Board of Trustees website. Additional items may be added during the meeting. As a reminder, please mute your phones so we can ensure that everyone can hear.”

William C. Thompson, Jr.’s Remarks:
“On behalf of the CUNY Board of Trustees, let me say how good it is to see all of my colleagues. I’m able to see the members of the Chancellery and it’s good to see all of our Presidents with us today on Zoom. We have some new faces - 9 new Presidents and I just want to welcome you all:

• Ken Adams, LaGuardia Community College
• Doris Cintron, Guttman Community College
• Daisy Cocco de Flippis, Hostos Community College
• Berenecea Eanes, York College
• Robin Garrell, The Graduate Center
• Christine Mangino, Queensborough Community College
• Anthony Munroe, BMCC
• David Wu, Baruch College
• Frank Wu, Queens College

We look forward to working with you!
Since we last met, the Trustees have also been very involved in searches for Lehman, Medgar Evers, and Guttman and I want to thank you for your time and effort on this critical task.

As you know, the CUNY Board of Trustees could not convene its December 7, 2020 Public Hearing in person. Instead, the Office of the Secretary accepted written and video testimony and statements from concerned individuals on items on the calendar for this December 14, 2020 Board Meeting via email. Testimonies were accepted until 11:30 pm on Monday, December 7, 2020 and shared with the Trustees on December 11, 2020.

A total of (24) written and (5) video testimonies were submitted and are attached for your review.

Students and faculty expressed concerns regarding increased class sizes, which negatively impact the student experience and faculty’s ability to provide adequate in class and office hour support to students. Students and faculty also urged CUNY to extend the Credit/No Credit policy for the duration of the pandemic. Students also testified about the lack of access to on-campus resources and support systems because of the pandemic.

Professors at LaGuardia Community College urged President Adams to continue to fund The English Language Center program and reinstate adjunct professors who were teaching in this program.

1,065 faculty, students and staff jointly signed a letter in opposition to the resolution to renew the University’s contract with Turnitin, emphasizing that: “(1) misunderstanding about the nature and intent of this software, as represented in the resolution; (2) Turnitin’s violation of the CUNY University Faculty Senate’s Resolution Affirming the Privacy of Learning Data and Principles for Working with Third-Party Vendors, approved in May 2020; (3) the lack of consultation with relevant and interested faculty, staff, and student groups across CUNY; and (4) the questionable wisdom of a commitment by the University to the exorbitant cost of this contract during a moment of fiscal crisis” (Testimony 36).

Thank you to all who submitted. Testimonies are available for review in the Office of the Secretary.

I would like to close my remarks today by thanking everyone for their tireless efforts on behalf of the University and our students, faculty and staff during 2020. It has been a difficult year and one we will never forget but you have all met the challenges with dignity and grace. On behalf of the entire Board, we wish everyone a happy and healthy 2021.

On a personal basis, it has not been easy, we have lost people which continues to be heartbreaking for all of us. I would like to thank and single out the Chancellor and his staff for being flexible—first for rising to the challenge and for meeting it head-on.

The one thing I could say as we end 2020 - we are looking forward to a better 2021 as we see individuals who are starting to receive the vaccine. Hopefully, it is not going back to normal—clearly there will be a new normal but as that becomes more widespread. I looking forward to the days when
all of us can get together in a room again and not have to do it virtually. To our students, faculty and others whom have adjusted and made the transition to this difficulty year well, I would like to just thank them.

Last, but not least, Gayle M. Horwitz and her staff in the Office of the Secretary, job well done. We are able to see each other and I will say I’m looking at so many of you, presidents and members of staff, others and my colleagues, I’ve missed you all, I’ve miss seeing you all in person.

Again, I am looking forward toward a 2021 where we all can be together and celebrate the City University system and our individual schools in person.”

CHANCELLOR’S REPORT

Félix V. Matos Rodriguez’ Remarks:
“Thank you, Chair Thompson for your words, and I echo your sentiments. It’s great to be back with you today to make my final report of 2020.

I think we can all agree it’s been quite a year — for the challenges we have faced and the unprecedented steps we have taken to keep our community safe, our University running efficiently and our students on track to reach their educational goals. Sincere thanks to all of you for the work you have done in sustaining CUNY through these difficult times. Your input and support are vital.

I would like to start by acknowledging the exciting news today that one of our own made history in the battle against COVID-19 — Lehman College alumna Sandra Lindsay, who works as an intensive care nurse in Queens and has been treating patients throughout the pandemic, was the first person to receive the approved COVID-19 vaccine here in New York. The moment was fitting for our City and our State that faced the brunt of the pandemic in the Spring. It also underscores CUNY’s tangible presence and impact on the city and region. Sandra was vaccinated this morning during the live-stream of Governor Cuomo’s press conference, and she is one of many frontline workers from CUNY who have worked tirelessly during this time to keep us safe. Today, she continues to give us hope and confidence that we are on our way to putting this difficult chapter behind us. What a hero and wonderful representative of the University on the world stage.

Speaking of hope and support — It is my privilege to report that, once again, our campuses have heeded the call of CUNY Tuesday and come to the aid of our students with nearly $2.4 million raised so far from over 6,000 donors, a testament to the compassion and goodwill of our University community and some supporters who have no affiliation with CUNY but value the work that we do. Funds raised will go toward addressing food and housing insecurity and other basic needs for our students. We are grateful to those who have donated.
Staying with good news — I couldn’t be happier to share that we saw a 36 percent increase in procurement expenditures for Minority- and Women-Owned Business Enterprises last fiscal year, making the University’s vendor program more inclusive – and advancing one of my early initiatives as Chancellor to boost CUNY’s support for MWBEs.

CUNY’s rate of engagement for MWBEs was 31.88 percent in State Fiscal Year 2020, marking an increase of 3 percentage points from the previous year and exceeding the 30 percent target set by Governor Cuomo, which is the highest MWBE goal by any state in the nation. University expenditures on State contracts totaled $22.3 million. With City-funded contracts included, CUNY’s system-wide expenditures on MWBEs rose by $8.5 million in FY2020 to $31.9 million, a 36 percent increase. Much thanks to the Governor and the Board of Trustees for their leadership and support on this issue.

Earlier this month, we also announced that in our ongoing efforts to maintain the health and safety of the CUNY community — priority COVID-19 testing is now available for everyone at CUNY who works or lives on campus or attends or teaches an in-person class. Testing is conducted at designated NYC Health + Hospital testing sites thanks to a partnership between CUNY and the City of New York.

On the same day of that announcement, the CUNY Graduate School of Public Health and Health Policy launched CONVINCE USA, one branch of a global awareness project to promote inclusive public dialogue to reduce reluctance for taking an approved vaccine. Our response to this health crisis has been informed at every step by the core principles of safety, inclusiveness and accessibility, and we are fortunate to have partners who share in this vision.

Last month, CUNY received a $10 million gift from BNY Mellon to help launch a new workforce development program — the NYC Future of Work Initiative — that will provide educational and professional development training to more than 40,000 New Yorkers to aid in the city’s economic recovery. The grant will also expand the BNY Mellon Transfer Scholarship Program to support 900 high-achieving, low-income associate degree graduates who have transferred to a CUNY senior college for their bachelor degree.

Speaking of transfer, let me briefly turn to enrollment figures. Reflecting downward trends across the country, CUNY recorded a 5.5 percent decline in enrollment that has resulted in a $52 million loss in revenue for the University. The reduction is driven by undergraduate enrollment that saw a system-wide decline of 6.6 percent, while graduate enrollment actually increased by 3.2 percent. Broken down further: Enrollment at CUNY’s seven community colleges dropped by 15.4 percent. 40 percent of that decrease had to do with non-degree students coming from programs like College Now, while the systems’ 11 senior colleges and graduate, honors or professional schools were nearly flat, posting a 0.5 percent decrease.

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CUNY’s efforts to boost enrollment include working with the New York City Department of Education to recruit high school graduates who had indicated that they would enroll in college in Fall 2020, but did not, and recruiting adult students who previously earned college credits, but stopped attending school because of life circumstances that may have since changed. CUNY is also developing micro-credential programs at community colleges. Micro-credentials are certificates that a student achieves by completing a set of courses. CUNY works with companies to build the certificates. Two recent efforts in this area include, first, the launch of the New York Jobs CEO Council, a partnership with 27 leading CEO’s to connect underserved New Yorkers with the skills that they need for today’s and tomorrow’s workplace and, second, a grant from the Education Design Lab to work with six CUNY community colleges to create workforce-relevant credentials for low-wage and unemployed workers starting with launching micro-pathways that will prepare over 4,000 learners for stable employment in growing fields.

Thanks to this grant, our community colleges will continue to create and implement educational credentials that will lead to the family-sustaining wages and employment opportunities that working New Yorkers deserve. We also developed several pilots this semester that added flexibility to some community colleges’ academic calendars to create additional entry points to enroll."

Chancellor Félix V. Matos Rodríguez reported on CUNY Central’s first community college-specific advertising campaign.

***VIDEO PRESENTATION ON CUNY’S 2-YEAR COLLEGES CAMPAIGN***
https://www.canva.com/design/DAEQPiPAxE8/-sfU2vNPqOYN1sjtdTjqVg/view?utm_content=DAEQPiPAxE8&utm_campaign=designshare&utm_medium=link&utm_source=publishsharelink

Chancellor Félix V. Matos Rodríguez’ Remarks, continued:
“On the academic front, I can report news involving the extension of the Spring 2020 Special COVID-19 Flexible Grading Policy for the current semester. After consulting with the Board of Trustees, college presidents, deans and provosts, student and faculty campus leaders, we have decided to extend the Spring 2020 Credit/No Credit Policy to the Fall 2020 term in the face of escalating challenges for our students.

We are requiring that college presidents and deans first engage with their campuses to consider how this policy will best fit within their localized framework. To ensure flexibility, campuses will have three variations of the policy from which to implement. Moreover, students will be encouraged to consult with their academic and financial aid advisers before they make their own decision on this policy for the semester.
I have tried to keep the University community informed and engaged through virtual town halls and forums; in-person campus visits and published op-ed columns and essays, touting CUNY’s success. I had a chance to meet virtually with students, faculty and staff at virtual town halls at The City College of New York on November 19th and Kingsborough Community College on December 8th where we addressed the University’s response to the pandemic and spoke with campus representatives. The conversations were candid and informative and addressed questions about the University’s operations going forward.

I was privileged to give remarks at the New York State MWBE forum on December 3rd to celebrate its tenth year of creating opportunities for businesses owned by women and minorities in the state. I elaborated on CUNY’s successes in working with MWBEs, the contents of which I mentioned at the top of my report.

While there’s no doubt we face daunting challenges in the months ahead, one thing I am confident about is the role CUNY will play in the city’s recovery as an engine of economic strength. I wrote about the impact of CUNY’s cutting-edge graduate programs and professional schools and the contributions they are making in the battle against COVID-19 in a Nov. 30th column for amNY.

Also in November, I had the pleasure to team up with my counterpart at SUNY, Chancellor Jim Malatras for an op-ed in Newsday on the benefits of Governor Cuomo’s recent policy change that allows all students enrolled at least half time in career and technical education programs (CTE) through CUNY or SUNY eligible to receive SNAP benefits without having to fulfill a separate, 20-hour-a-week work requirement.

That was the second time I had the good fortune to collaborate with Chancellor Malatras after we participated in a virtual “fireside chat” in late October on the topic of how CUNY and SUNY are managing their responses to the current health crisis and more precisely how we are closing equity gaps to support a statewide economic recovery through workforce development.

Earlier this month, I was asked to join a lineup of experts and industry leaders at the intersection of business, policy, education and culture for a NY Times DealBook initiative in which we all advanced one idea that we thought will put the country on a path toward success. In my essay, I proposed providing a paid internship for every college graduate who wants one as a way to move them into rewarding career tracks. I cited CUNY’s numerous partnerships with employers, nonprofits and government agencies and data that indicates that students who have paid internships get jobs after graduation quicker than those with unpaid internships, and at higher salaries.

I was happy to make a number of in-person visits to campuses in October and November. I visited Bronx Community College, John Jay College, the College of Staten Island, BMCC, and Queensborough Community College, for a chance to greet and thank essential staff, students and faculty who are running our food pantries, early childhood centers and other crucial services. There’s just no replacing face-to-face interaction and the energy that comes from meeting in person and
expressing gratitude, particularly to our very dedicated public safety officers and our personnel from buildings and grounds.

With the holidays approaching, we thankfully will have a chance to carefully spend time with our loved ones. I would like to close by wishing everyone a happy and safe holiday. I hope that you can all find peace and an appreciation for the lessons we have learned on our journey this year and the opportunities that await us in 2021. I really believe we are standing on the threshold of a positive and resurgent new year. I know I speak for everyone when I say that I look forward to putting the struggles of 2020 behind us and anticipate a fruitful and productive 2021. Thank you.”

Chairperson Thompson, Jr. stated, “Given that all Board members are participating remotely and we cannot see everyone on the screen at the same time, I will read the resolutions and ask for members to respond only if you would like to abstain or oppose an item, otherwise your vote will be recorded as a yes vote. If you are voting no or abstaining, please state your name and vote. Additionally, if you wish to second an item or have any questions, please state your name first for the record and let’s try to avoid speaking over one another.

For clarity and coordination, I will read all of the items rather than turning to committee chairs.”

**APPROVAL OF MINUTES:** Chairperson Thompson, Jr. called for a motion to approve the minutes of the regular Board meeting of October 26, 2020, which was seconded by Trustee Brian Obergfell. He asked if there were any amendments. Upon hearing none, the item was unanimously adopted by the Board:

1. **Approval of Minutes:**

RESOLVED, That the minutes of the regular Board meeting of October 26, 2020 be approved.
2. COMMITTEE ON AUDIT:
Chairperson Thompson, Jr. reported that at the November 23, 2020 meeting of the Committee on Audit, the Committee approved the following resolution, and Trustee Kevin Kim recommended its approval by the Board.

Moved by Chairperson Thompson, Jr. and seconded by Trustee Jill O’Donnell-Tormey, the following resolution was presented and opened for discussion:

A. CUNY Central Office – Approval of a Gramm-Leach Bliley Act (GLBA) Financial Information Security Program Policy:

WHEREAS, The Gramm-Leach Bliley Act ("GLBA") is a law that applies to financial institutions, including colleges and universities, and includes privacy and information security provisions that are designed to protect consumer financial data; and

WHEREAS, GLBA regulations include both a Privacy Rule and a Safeguards Rule, both of which are enforced by the Federal Trade Commission (FTC) for higher education institutions; and

WHEREAS, Colleges and universities are deemed to be in compliance with the GLBA Privacy Rule if they are in compliance with the Family Educational Rights and Privacy Act (FERPA); and

WHEREAS, The Federal Trade Commission’s Safeguard Rules, which implements the security provisions of the GLBA went into effect on May 23, 2003; and

WHEREAS, The Safeguard Rules require financial institutions, which includes colleges and universities, to protect the security, confidentiality and integrity of customers financial records including non-public personally identifiable information; and

WHEREAS, In response to the new requirements, in 2004, the University issued written guidance to the college campuses on GLBA; and

WHEREAS, To further emphasize the importance of GLBA compliance, the University has determined that such guidance should be converted to a Policy of the University; and

WHEREAS, The Policy requires any college, office or department that collects, stores or processes non-public personally identifiable data, to implement data protection standards; and
WHEREAS, The Policy covers the five key areas including; (i) designating an employee(s) to coordinate the GLBA program, (ii) identifying internal and external risks to the security and confidentiality of non-public personally identifiable data, (iii) designing and implementing safeguards to control the identified risks and regularly test and monitor the effectiveness of these safeguards, (iv) overseeing service providers and contracts, and (v) evaluating the information security program; now therefore be it

RESOLVED, That the Board of Trustees adopt the CUNY GLBA Financial Information Security Program Policy, effective immediately; and be it further

RESOLVED, That this Policy shall be codified in the University’s Manual of General Policy as Policy 4.011, the Gramm-Leach Bliley Act (GLBA) Financial Information Security Program Policy.

EXPLANATION: The Gramm-Leach Bliley Act ("GLBA") requires domestic financial institutions to “protect the security and confidentiality of their customers' non-public personal information.” Under the GLBA, the Federal Trade Commission (FTC) was granted rulemaking and enforcement authority to establish technical requirements in furtherance of the same. Accordingly, on May 23, 2002, the FTC published its final Privacy Rule and Safeguard Rule. The Privacy Rule expressly provides that higher education institutions that comply with the Federal Educational Rights and Privacy Act ("FERPA") and its implementing regulations are deemed to be in compliance with the GLBA’s Privacy Rule, however, no such cross-regulatory relief is provided from the requirements of the Safeguard Rule. The Safeguard Rules requires financial institutions, which includes colleges and universities, to protect the security, confidentiality and integrity of customer financial records including non-public personally identifiable information.

The University’s FERPA policy covers the FTC’s requirements relating to the Privacy Rules, while our GLBA Policy focuses on the requirements of the FTC’s safeguard rules.

*Chairperson Thompson, Jr. asked for a vote. Cal. No. 2.A. was unanimously adopted.*
3. COMMITTEE ON FISCAL AFFAIRS:
Chairperson Thompson, Jr. reported that at the November 23, 2020 meeting of the Committee on Fiscal Affairs, the Committee approved the following resolutions, and Trustee Fernando Ferrer recommended their approval by the Board.

Moved by Chairperson Thompson, Jr. and seconded by Trustee Ferrer, the following resolution was presented and opened for discussion:

A. CUNY Central Office - Approval of a Contract with Mathworks for Mathematical Computing Software:

WHEREAS, The University currently holds an enterprise license with Mathworks ("Mathworks") for the mathematical computing software products MATLAB and Simulink which are used throughout the University for a wide variety of academic disciplines, including engineering, computational biology, business, medicine, social sciences, data science, robotics, machine learning, and signal processing; and

WHEREAS, This license provides unlimited use of MATLAB and Simulink and their more than 50 products both on and off the campus for all students, faculty, staff, and researchers at all of the University’s colleges, and these products are deeply integrated into many instructional offerings, curriculums, and research programs; and

WHEREAS, Mathworks’ current enterprise wide license expires on November 30, 2020; and

WHEREAS, CUNY wishes to renew its Mathworks’ enterprise license for MATLAB and Simulink for three (3) years with the option to renew for two (2) additional one (1) year terms, pursuant to a single source procurement, which was approved by the Office of the State Comptroller; now therefore be it

RESOLVED, That the Board of Trustees of The City University of New York (the “Board of Trustees”) authorize the General Counsel or his designee, and that they hereby are, and each of them hereby is, authorized to execute, seal, and deliver a contract permitting the University to make expenditures and purchases not to exceed $1,197,181 over a five (5) year period, together with any and all agreements, documents, and other instruments related thereto, and to take any and all such other actions, as such officer so acting may deem necessary or appropriate, and that such execution by such duly authorized officer of the University shall be conclusive evidence of his or her authority to perform all such acts and to execute and deliver all such documents and instruments on behalf of the University; and be it further
RESOLVED, That any material changes to the terms and conditions of the contract shall be submitted to the University Board of Trustees for its consideration and approval.

EXPLANATION: A wide variety of faculty have been using MATLAB and Simulink software in their engineering, computational biology, business, medicine, social sciences, data science, robotics, machine learning, and signal processing courses. The license includes support for the products, along with online training courses and the MATLAB Grader for interactive course assignments and instant feedback. The license also includes the MATLAB Parallel Server, which allows users to scale MATLAB programs and Simulink simulations to clusters, clouds, and the University’s High Performance Computing Center. This software provides students with experience in using some of the leading software in these above-listed disciplines. In addition, researchers in these disciplines rely on this software for computing and analysis, including those using the High Performance Computing Center for especially complex analytics. This contract would renew the MATLAB and Simulink software for another 5 years at the price of $239,436 per year.

Chairperson Thompson, Jr. asked for a vote. Cal. No. 3.A. was unanimously adopted.

Moved by Chairperson Thompson, Jr. and seconded by Trustee Ferrer, the following resolution was presented and opened for discussion:

B. CUNY Central Office - Approval of a Contract with Turnitin for Plagiarism Detection Software:

WHEREAS, To ensure academic integrity, CUNY’s colleges require a plagiarism detection software to confirm that students are submitting original work for their class assignments; and

WHEREAS, In 2015, the CUNY Taskforce on Plagiarism recommended the cloud technology solution *Turnitin* based on its ability to scale to meet the needs of large complex higher education institutions, for its unique features, and that it easily integrates with Blackboard and other learning management systems (LMS); and

WHEREAS, One of *Turnitin’s* proprietary features includes the ability to search the Internet to find potential acts of plagiarism and can compare submitted papers to a database of more than 1.2 billion previous papers and 170 million articles. This database now also contains many thousands of CUNY papers assembled through CUNY’s years of using the *Turnitin* solution; and
WHEREAS, CUNY’s current contract with *Turnitin* is set to expire on November 11, 2020 after five (5) years of use that included an initial three (3) year term, and two (2) additional one (1) year renewals; and

WHEREAS, After consultation with the campuses, the University wishes to enter into a new agreement with *Turnitin* for a period of three (3) years with the option to renew for two (2) additional one (1) year terms, pursuant to a single source procurement, which was approved by the Office of the State Comptroller; now therefore be it

RESOLVED, That the Board of Trustees of The City University of New York (the “Board of Trustees”) authorize the General Counsel or his designee, and that they hereby are, and each of them hereby is, authorized to execute, seal, and deliver a contract permitting the University to make expenditures and purchases not to exceed $1,985,050 over a five (5) year period, together with any and all agreements, documents, and other instruments related thereto, and to take any and all such other actions, as such officer so acting may deem necessary or appropriate, and that such execution by such duly authorized officer of the University shall be conclusive evidence of his or her authority to perform all such acts and to execute and deliver all such documents and instruments on behalf of the University; and be it further

RESOLVED, That any material changes to the terms and conditions of the contract shall be submitted to the University Board of Trustees for its consideration and approval.

EXPLANATION: Plagiarism is a pervasive problem across higher education institutions. To guard against plagiarism, faculty have been using a plagiarism detection tool to compare submitted papers against other papers, books and articles. *Turnitin* was selected as a plagiarism detection tool for use at the University five years ago and has operated successfully to date. Once a faculty member submits a paper to *Turnitin*, a Similarity Report is generated within minutes that shows word matching to pre-existing documents and pattern-recognition matching; in addition, Faculty also use *Turnitin’s* peer review tool (Peermark) and its proprietary Online Grading tools that are included in the license agreement.

University Faculty Senate Chair and Trustee Martin Burke stated, “On behalf of my over 1,000 colleagues, students, and members of staff, I want to thank Chairperson Thompson, Jr. for so clearly summarizing the lighter than one ounce point-by-point. I've been asked to make the case, I need not make it, since the Chairperson made it so well.”

Executive Vice Chancellor and University Provost (EVC&UP) José Luis Cruz provided additional context about the procurement processes, noting, “Turnitin was first adopted by the University in 2015 per the recommendation of the Blackboard administrators across the system.”
A discussion about the plagiarism detection software followed, including consultation with students regarding the server and proctoring system.

Chairperson Thompson, Jr. suggested, “Going forward at the very least, and understand we may be working with limited time options, but at the same point, we should make sure that in the future students are part of the consultation process, even on an expedited basis.” EVC&UP Cruz agreed.

Chairperson Thompson, Jr. asked for a vote. Cal. No. 3.B. was adopted. University Student Senate Chair and Trustee Juvanie Piquant abstained.

4. COMMITTEE ON ACADEMIC POLICY, PROGRAMS, AND RESEARCH:
Chairperson Thompson, Jr. reported that at the November 23, 2020 meeting of the Committee on Academic Policy, Programs, and Research, the Committee approved the following resolutions, and Trustee Jill O’Donnell-Tormey recommended their approval by the Board.

Moved by Chairperson Thompson, Jr. and seconded by Trustee O’Donnell-Tormey, the following resolution was presented and opened for discussion:

A. Borough of Manhattan Community College - Creation of the Department of Ethnic and Race Studies:

WHEREAS, Through the Borough of Manhattan Community College (BMCC) governance process, including the college-wide Curriculum Committee, which voted affirmatively at a meeting held on September 30, 2020, the College approved the establishment of the Department of Ethnic and Race Studies, which shall house the Ethnic Studies program, with all the rights and responsibilities of a department; and

WHEREAS, The current national climate underscores the strong need to educate students and the college community about, raise their awareness of, and imbue in them a respect for cultural diversity and its riches across the disciplines; and

WHEREAS, The new department’s mission will be to create knowledge that reflects the histories, present experiences and future visions of communities that have been marginalized because of race/ethnicity, gender, sexuality, and other forms of oppression, and to disseminate knowledge for the development of individual and social transformation; and
WHEREAS, In addition to housing the Ethnic Studies program, the department will offer a wide range of courses that will fulfill various general education requirements, allowing all BMCC students to examine their own and other cultures, regardless of their program of study; and

WHEREAS, The strong interest in this area is evidenced by the steady growth in course offerings at BMCC in ethnic studies, which have tripled in the past decade and now serve approximately 5,500 students over the course of the academic year, and the creation of the academic department aligns with the college’s Strategic Plan to improve student success, retention and graduation through participation in an academic community and cohort experience; and

WHEREAS, The department will strengthen the relationship and bridge created through partnerships and articulation agreements secured with programs at senior institutions, such as the one BMCC’s ethnic studies program currently has with the B.A. in Latino Studies and the Latin American and Caribbean Studies program at Lehman College; and

WHEREAS, Because the Center for Ethnic Studies will be closed and the College will transfer all expenses associated with it to this new department, the establishment of the Department is fiscally net neutral; now therefore be it

RESOLVED, That the Department of Ethnic and Race Studies at the Borough of Manhattan Community College be established January 29, 2021, subject to financial ability.

EXPLANATION: The proposed Department of Ethnic and Race Studies at BMCC will serve the University’s mission to prepare its diverse population of students for work in various disciplines and will align with one of the University’s priority initiatives, the system-wide expansion of ethnic, Black, and race studies, for which the University has recently received a $3 million grant from the Andrew W. Mellon Foundation. Contingent upon the approval of the Board of Trustees, designated faculty members (ten) will be transferred from the Department of Social Sciences, Human Services and Criminal Justice, and appointed to the Department of Ethnic and Race Studies effective January 29, 2021.

Chairperson Thompson, Jr. asked for a vote. Cal. No. 4.A. was unanimously adopted.
Moved by Chairperson Thompson, Jr. and seconded by Trustee Mayra Linares-Garcia, the following resolution was presented and opened for discussion:

B. **New York City College of Technology - Establish a Program in Healthcare Policy and Management Leading to the Bachelor of Science Degree:**

WHEREAS, Positions for health services managers are projected to increase 18 percent by 2028 due to the aging population and the continued shift from traditional hospital care to a variety of outpatient care services, and skilled leaders are essential to this transition and to the evolution of health delivery mechanisms as health facilities and systems pursue technological innovations while experiencing uncertain societal, economic, and regulatory pressures; and

WHEREAS, New York City College of Technology of the City University of New York proposes a Bachelor of Science in Healthcare Policy and Management (BS in HCPM) designed as a four-year degree with entry points for first-time incoming freshmen and transfer students, the goal of which is to give students career proficiencies in the policy and management of health care services through a breadth of didactic and practicum courses, and by providing experiential learning opportunities appropriate for non-clinical students; and

WHEREAS, HCPM addresses the needs of the many students who desire a career in health care in a management and administrative role rather than in one of the clinical career paths leading to licensure; and

WHEREAS, The HCPM degree will orient students to the diversity of careers within and related to the health care industry; expose students to issues common to health occupations, service delivery, and policy; provide instruction on core skills needed to effectively lead in the health care industry; and prepare students for their next step, either at master’s studies or for entry into employment settings that require a basic administrative preparation; and

WHEREAS, The demand for academic programs in health related disciplines far surpasses the College’s current offerings, and the increased enrollment projections and expected revenue associated with this program exceed the anticipated expenses associated with delivering it; now therefore be it

RESOLVED, That the proposed program in Health Care Policy and Management leading to the Bachelor of Science degree at New York City College of Technology of The City University of New York, be presented to the New York State Education Department for their consideration and registration in accordance with any and all
regulations of the New York State Department of Education, effective December 15, 2020 subject to financial ability.

EXPLANATION: The proposed program will serve the University’s mission to prepare its diverse population of students for the future of work in health care allowing them to develop the necessary skills for academic and professional advancement in the fast-growing area, while ensuring equity and access to this vital professional field.

Chairperson Thompson, Jr. asked for a vote. Cal. No. 4.B. was unanimously adopted.

Moved by Chairperson Thompson, Jr. and seconded by Trustee Obergfell, the following resolution was presented and opened for discussion:

C. Lehman College - Establish a Program in Organizational Leadership, Development & Change Leading to the Doctor of Education Degree:

WHEREAS, In recent years, the changing needs of adult learners and the organizations that employ them have increased the pressures on institutions of higher education to rethink existing academic programs and create new ones that respond with new offerings at the undergraduate, graduate and doctoral levels; and

WHEREAS, In augmenting Lehman College’s portfolio of graduate offerings with a doctoral-level program, Lehman College’s School of Education seeks to build a center of excellence at the college focused on organizational leadership studies, as well as fulfilling the unmet professional development needs of both adult learners and the organizations that employ them; and

WHEREAS, In 2016, the College established an MS in Organizational Leadership, a program whose thoughtful curriculum design and rapid growth has put Lehman in the vanguard of Leadership Studies and created a strong foundation for the development and potential success of the doctoral program; and

WHEREAS, Lehman College’s proposed 52-credit Doctor of Education in Organizational Leadership, Development and Change (EdOLDC) program is designed for graduates to lead mission-driven organizations that serve the community in a complex and constantly shifting environment through its emphasis on research, collaboration, social justice and applied practice, aligning with the mission of the college; and
WHEREAS, The EdOLDC program will provide students with the knowledge and skills that will enable them to be effective leaders in a variety of organizations, while providing organizations in the region with graduates who have developed their abilities to perform leadership functions effectively and afford opportunities to develop skills and competencies needed in the workplace; and

WHEREAS, With advancements in educational technology, Lehman’s unique delivery of this program in a low-residency format, unlike many existing University graduate programs, will enable it to attract learners from not only a traditional Bronx-based population but also reach participants from neighboring counties as well as adjacent areas in New Jersey, Connecticut and Pennsylvania, resulting in a program that has the potential to have both a local and a regional impact; and

WHEREAS, The projected organic growth of the program as more students from organizations within the Lehman service area enroll and graduate from it ensures that the impact of a Lehman College education in the region is sustained; and

WHEREAS, The EdOLDC represents a strategic commitment on behalf of Lehman to invest in the delivery of more online and low-residency programs, and some of the costs associated with this program are investments in Lehman’s infrastructure to update online and low-residency capabilities, allowing the program to be fully self-sustaining within two years; and

WHEREAS, The existing number of faculty are sufficient to staff the program at launch, and start-up personnel and other costs associated with the launch have already been embedded in the college budget; and

WHEREAS, No special facilities or equipment are needed to support this program; and

WHEREAS, Because the rapid enrollment growth of the master’s program supports the projections for a similar success of the Ed.D., the College anticipates that the doctoral program will begin to generate revenue for Lehman by its second year of operation; now therefore be it

RESOLVED, That the proposed program in Organizational Leadership, Development, and Change leading to the Doctor of Education, be presented to the New York State Education Department for their consideration and registration in accordance with any and all regulations of the New York State Department of Education, including the Master Plan Amendment, effective December 15, 2020 subject to financial ability.
EXPLANATION: The proposed program will fulfill the college’s goal of building a center of excellence focused on organizational leadership studies, while investing in Lehman's infrastructure to update online and low-residency capabilities, and will have both local and regional impact.

Chairperson Thompson, Jr. asked for a vote. Cal. No. 4.C. was unanimously adopted.

Moved by Chairperson Thompson, Jr. and seconded by Trustee Henry Berger, the following resolution was presented and opened for discussion:

D. City University of New York - Amend and Replace the Policy Guidelines for Centers, Institutes, Consortia, and Special Initiatives:

WHEREAS, In 1995, the Board of Trustees of The City University of New York (the “University”) adopted Policy 1.09, entitled Guidelines for Centers, Institutes, Consortia, and Special Initiatives at the City University of New York (the “Policy”), which Policy plays an important role in the University’s endeavors, organizing research, instruction, and training initiatives that do not operate under the established rules and regulations that govern departments; and

WHEREAS, The University wishes to strengthen said Policy that governs these entities, and outline more specific processes related to the approval, financing, accountability and evaluation of those bodies; and

WHEREAS, The amended Policy provides that the creation of a new center, institute, or consortium at the University will require approval at the campus and University levels pursuant to local governance processes, and these entities are subject to the authority of the Board of Trustees; and

WHEREAS, The amended Policy provides that centers, institutes, consortia and special initiatives must enrich and support the core mission of the University; and

WHEREAS, The amended Policy stipulates that centers, institutes, consortia and special initiatives must become fiscally self-sufficient through external fundraising, and that funding plans must specify how the entity will sustain its activities and operations, and that tax-levy funding, when provided, will be limited in duration and extent; and

WHEREAS, The amended Policy provides that centers, institutes, consortia and special initiatives must specify and enforce term limits for directors; and
WHEREAS, The amended Policy stipulates that centers, institutes, consortia and special initiatives must make annual reports publicly available, and must be evaluated every five (5) years; now therefore be it

RESOLVED, That the amendment to Policy 1.09, entitled Guidelines for Centers, Institutes, Consortia, and Special Initiatives at The City University of New York, be approved effective December 15, 2020, effectively amending, replacing and codifying the same in the Manual of General Policy; and be it further

RESOLVED, That the Chancellor will implement the new approval, financing, accountability, and evaluation processes for these entities, and design and implement a mandatory recertification process to ensure that all existing centers, institutes, consortia and special initiatives meet important compliance milestones starting in Fall 2023.

EXPLANATION: The proposed revised Policy 1.09 will improve the policies and procedures that govern centers, institutes, consortia and special initiatives and will ensure that these entities continue to enrich and support the core mission of the University.

Chairperson Thompson, Jr. asked for a vote. Cal. No. 4.D. was unanimously adopted.

Moved by Chairperson Thompson, Jr. and seconded by Trustee Charles Shorter, the following resolution was presented and opened for discussion:

   E. City University of New York – Approval of the Actions in the CAPPR Dashboard:

WHEREAS, The Board of Trustees of the City University of New York (the “University”) who serve on the Committee of Academic Policy, Programs, and Research approve a range of academic actions presented by the Office of Academic Affairs before these actions go to the full Board of Trustees; and

WHEREAS, Proposed academic actions are submitted to the CAPPR committee for approval either through individual resolutions or in summary form; and

WHEREAS, Individual resolutions are submitted to the CAPPR committee in the case of new academic degree programs, university-wide academic or research policy, transfer of degree-granting authority, the establishment or closing of departments, and the establishment of university-wide institutes; and
WHEREAS, A summary report is submitted to the CAPPR committee in the case of changes to existing academic degree programs that require New York State Education Department approval, the creation of new certificate programs and new degree programs from existing programs, the establishment of campus-based policy, and the inclusion of approved courses in general education; and

WHEREAS, Members of the CAPPR committee have requested that the summary report be presented in a dynamic, interactive dashboard that helps to visualize academic activity from the previous month and over time; and

WHEREAS, The Office of Academic Affairs introduced its CAPPR Dashboard during the CAPPR meeting on October 7, 2019 and will continue to provide updated dashboards at every committee meeting; now therefore be it

RESOLVED, That the actions in the CAPPR Dashboard be approved effective December 15, 2020.


EXPLANATION: Routine academic matters, local academic policies, and course inclusions in the University’s general education program are presented to the Committee of Academic Policy, Programs, and Research in summary form. The new CAPPR Dashboard makes it possible for Trustees to interact with this summary data. Using the new dashboard format, Trustees are able to manipulate and explore graphic representations and charts of the academic activity from the previous month and over time using various tools and filters.

Chairperson Thompson, Jr. asked for a vote. Cal. No. 4.E. was unanimously adopted.
5. COMMITTEE ON FACULTY, STAFF AND ADMINISTRATION:
Chairperson Thompson, Jr. reported that at the November 23, 2020 meeting of the Committee on Faculty, Staff and Administration, the Committee approved the following resolutions, and Trustee Cortés-Vázquez recommended their approval by the Board.

Moved by Chairperson Thompson, Jr. and seconded by Trustee Linares-Garcia, the following resolution was presented and opened for discussion:

A. City University of New York – Approval of the Committee on Faculty, Staff and Administration (CFSA) Report:

WHEREAS, The colleges and University central office appoint faculty, executives, and staff to ensure academic and administrative operations continue seamlessly and new initiatives are implemented effectively; and

WHEREAS, Faculty are evaluated and reappointed on a systematic basis, sometimes resulting in the awarding of tenure, in order to retain superior faculty; and

WHEREAS, Faculty are granted fellowship leave in order to conduct research, improve their teaching, or conduct creative work, thereby improving the students’ experience and university’s success; and

WHEREAS, Other personnel actions, including executive level appointments, appointments of named chair, appointments waiving bylaws requirements, and appointments with 211 waivers and 212 notices, are considered as appropriate to guarantee University and campus goals and commitments are achieved; now therefore be it

RESOLVED, That the CFSA Report prepared by the Office of Human Resources Management and presented, be approved effective December 14, 2020.


Chairperson Thompson, Jr. asked for a vote. Cal. No. 5.A. was unanimously adopted.
Moved by Chairperson Thompson, Jr. and seconded by Trustee Ferrer, the following resolution was presented and opened for discussion:

B. **City University of New York - Amendment to the City University of New York Optional Retirement Program and Tax Deferred Annuity Plan:**

WHEREAS, The Board of Trustees of The City University of New York established an Investments Policy Statement (the “IPS”) in 2014 establishing, among other things, guidelines for the University’s management of The City University of New York Optional Retirement Program (“ORP”) and The City University of New York Tax Deferred Annuity Plan (“TDA Plan”) (collectively, the “Plans”); and

**WHEREAS, The University in 2017 made certain changes and updates to the Plans to permit the investment by the University in an array of funds within the Plans; and**

**WHEREAS, In accordance with the guidelines established under the IPS, and as part of the review process of the array of investments funds within the University Plans, the University has been advised by its investment advisor, Cammack Retirement Group (Cammack Retirement) to substitute the existing Templeton Global Bond R6 fund with the age-appropriate target date fund in all of the University’s Plans; and**

**WHEREAS, Cammack Retirement advised the University that the TIAA Stable value fund would be a strong addition for the Plan’s investment lineup to further help mitigate interest rate risk; and**

**WHEREAS, The University committee charged with review of Cammack Retirement’s recommendations, then comprised of the University Treasurer, Sr. Vice Chancellor and Chief Financial Officer, Vice Chancellor for Human Resources Management, Interim Assistant Vice Chancellor of Human Resources Management and University Benefits Director, and Sr. Vice Chancellor and General Counsel determined that Cammack Retirement’s recommendations for the substitution of the Templeton Global Bond R6 fund with the age-appropriate target date fund and the addition of the TIAA Stable value fund in all of the University’s Plans was necessary and in the best interest of the Plan’s participants; now therefore be it**

RESOLVED, That the Board of Trustees of The City University of New York authorizes the Vice Chancellor for Human Resources Management to amend the array of investment options within Optional Retirement Program (the “ORP”) and The City of New York Tax Deferred Annuity Plan (the “TDA Plan”), to eliminate the Templeton Global Bond R6 fund as an optional investment for new contributions by participants in such Plans, and direct all future contributions to the age-appropriate target date fund vintage; and add the TIAA Stable value fund; and be it further
RESOLVED, That all such changes made by the Vice Chancellor for Human Resources Management to such array of investment options to the ORP and the TDA be performed in accordance with New York Educational Law, Section 6251.

EXPLANATION: The investment option changes, recommended by the University investment advisor, Cammack Retirement Group, and accepted by those University administrators will be made available for new contributions to the Plans and, where permitted, participant transfers from the current investment options. In accordance with New York Education Law, Section 6251, all investments made available under the ORP will be provided through annuity contracts.

Chairperson Thompson, Jr. asked for a vote. Cal. No. 5.B. was unanimously adopted.

Moved by Chairperson Thompson, Jr. and seconded by Trustee Shorter, the following resolution was presented and opened for discussion:

C. The Graduate Center - Amendment of the City University Of New York Board of Trustees Bylaws, Article VI, Section 1 to Create the Title of Writers' Institute:

WHEREAS, The University does not have existing tax-levy titles for employing individuals to work as lecturers at the Writers' Institute; a one-year intensive non-credit certificate program at The Graduate Center; and

WHEREAS, Current University titles do not meet the unique requirements necessary to recruit renowned experts in the publishing field to teach in a part time, non-tenure role at the Writers’ Institute at the Graduate Center; and

WHEREAS, The Writers' Institute Lecturer will provide non-credit instruction, on a non-tenure track, part-time basis, in their unique area of expertise within the publishing industry; and

WHEREAS, Writers’ Institute Lecturers shall be industry experts who are experienced professionals with at least ten years of competency in their particular area of specialization, expertise, industry or practice; and

WHEREAS, Employees in this title may not be assigned teaching assignments outside this appointment; now therefore be it

RESOLVED, That the Board of Trustees of The City University of New York establish the title of Writers’ Institute Lecturer (part- time), which will be used for appointments at the Writers’ Institute at the Graduate Center; and be it further
RESOLVED, That the Board of Trustees of the City University of New York amend Article IV, Section 1 of the Board of Trustees Bylaws to include such title; and be it further

RESOLVED, That in accordance with Article XI, the Board of Trustees of The City University of New York approve a title definition and qualifications requiring that the Writers’ Institute Lecturer will provide non-credit instruction, on a non-tenure track, part-time basis, in their unique area of expertise within the publishing industry, shall be industry experts who are experienced professionals with at least ten years of competency in their particular area of specialization, expertise, industry or practice; and may not be assigned teaching assignments beyond this appointment; and be it further

RESOLVED, That the Board of Trustees of the City University of New York, pursuant to Section 5.1 of the Board of Trustees Bylaws, by unanimous consent of the trustees of the board present, hereby waives the requirement that amendments to the Bylaws be proposed at a meeting preceding the meeting at which a vote is taken.

EXPLANATION: The goal of the Writers’ Institute is to encourage students to find their own literary voice with the guidance of senior industry insiders and enable them to explore the extraordinary range of possibilities offered by the print media world.

The CUNY Office of Continuing Education, in consultation with the CUNY Graduate Center, expressed the need to create this title to allow the University to bring qualified individuals to teach at the Writers’ Institute, which is a one-year intensive non-credit certificate course at The Graduate Center.

Students who attend the program are divided into two groups: one for fiction and one for nonfiction, each comprising a group of handpicked students who meet twice a week for an entire academic year. Each of these two groups will work with four of the top editors (Writers’ Institute Lecturers) who will discuss students’ written work over the course of two semesters in modules of varying durations. The modules will cover topics ranging from book reviews to feature essays for nonfiction students; and fiction students will focus on challenges such as pacing, structure, story arc, as well as style and voice.

Persons employed in this title will be appointed at the discretion of the Graduate Center President on recommendation of the campus Continuing and Professional Education program, and may be made only where educationally and economically advantageous to the Graduate Center. This new title is distinct from the current faculty titles: The focus of this title is on limited lecture assignments and employees in this title may not be assigned teaching assignments outside this appointment.
The proposed “title definition and qualifications” are presented to the Board of Trustees for approval pursuant to Section 11.1 of the Bylaws and, if approved, will be incorporated into a Code of Practice established for instructional staff titles by the Vice Chancellor for Human Resources Management, who will also be responsible for establishing the initial salary ranges and terms and conditions of employment for these titles.

The request to waive the requirement that these amendments to the Bylaws be proposed at a meeting preceding the meeting at which they are being voted upon, is to allow for these titles to be available for use in Spring 2021.

Highlighted section has been added below.

SECTION 6.1. INSTRUCTIONAL STAFF.
The board hereby establishes the following instructional staff titles:

Chancellor
Chancellor emeritus
Executive vice chancellor
Chief operating officer
Senior vice chancellor
Vice chancellor
Associate vice chancellor
University provost
Secretary of the board
University administrator
University associate administrator
University assistant administrator
President
Dean of the City University School of Law
Dean of the Graduate School of Journalism
Dean of the Sophie Davis School of Biomedical Education Senior vice president
Vice president
Assistant vice president
Senior University dean
University dean
University associate dean
University assistant dean
Dean
Associate dean
Assistant dean
Administrator
Associate administrator
Assistant administrator
Distinguished professor
University professor
Professor
Associate professor
Assistant professor
Research Professor
Research Associate Professor
Research Assistant Professor
Einstein professor
Visiting distinguished professor
Clinical Professor
Distinguished lecturer
Distinguished lecturer – medical series
Distinguished lecturer – law school series
Medical professor (basic sciences)
Associate medical professor (basic sciences)
Assistant medical professor (basic sciences)
Medical lecturer
Adjunct medical professor (basic sciences)
Adjunct associate medical professor (basic sciences)
Adjunct assistant medical professor (basic sciences)
Adjunct medical lecturer
Medical professor (clinical)
Associate medical professor (clinical)
Assistant medical professor (clinical)
Adjunct medical professor (clinical)
Adjunct associate medical professor (clinical)
Adjunct assistant medical professor (clinical)
Law school distinguished professor
Law school University professor
Law school non-teaching adjunct
Law school professor
Law school associate professor
Law school assistant professor
Law school instructor
Law school library professor
Law school library associate professor
Law school library assistant professor
Law school adjunct professor
Law school adjunct associate professor
Law school adjunct assistant professor
Law school adjunct instructor
Law school lecturer
Visiting professor
Visiting associate professor
Visiting assistant professor
Adjunct professor
Adjunct associate professor
Adjunct assistant professor
Adjunct lecturer
Adjunct lecturer (doctoral student)
Lecturer (full-time)
Lecturer (part-time)
Visiting lecturer
Instructor
Instructor (nursing science)
Research associate
Research assistant
Graduate assistant (a-d)
Senior registrar
Associate registrar
Chief college laboratory technician
Adjunct chief college laboratory technician
Senior college laboratory technician
Adjunct senior college laboratory technician
College laboratory technician
Adjunct college laboratory technician
College physician
Higher education officer
Higher education associate
Higher education assistant
Assistant to higher education officer
Continuing education teacher
Non-teaching adjunct (I-V)
Non-teaching adjunct (doctoral student)
Affiliated professional
Professor of Military Science
Affiliated medical professor
Associate affiliated medical professor
Assistant affiliated medical professor
Affiliated medical lecturer
Affiliated medical teacher
Clinical professor—medical series
CLIP instructor
CUNY Start instructor
Postdoctoral fellow
Head Athletics Coach (full-time)
Head Athletics Coach (part-time)
Assistant Athletics Coach (full-time)
Assistant Athletics Coach (part-time)
Writers’ Institute Lecturer (part-time)

and in the Hunter College Elementary School and Hunter College High School
Principal
Chairperson of department Assistant principal Teacher
Assistant Teacher Temporary teacher
Campus schools college laboratory technician
Campus schools senior college laboratory technician
Guidance counselor
Placement director
Education and vocational counselor
Librarian
Substitute teacher
Occasional per diem substitute teacher

and in the childhood centers
Teacher
Assistant teacher

and in the educational opportunity centers (EOC)
Educational opportunity center adjunct lecturer
Educational opportunity center adjunct college laboratory technician
Educational opportunity center college laboratory technician
Educational opportunity center higher education officer
Educational opportunity center higher education associate
Educational opportunity center higher education assistant
Educational opportunity center assistant to higher education officer
Educational opportunity center lecturer
and in the School of Journalism and in the Executive MBA Programs of the Zicklin School of Business at Baruch College
Professional programs adjunct professor
Professional programs adjunct associate professor
Professional programs adjunct assistant professor
Professional programs adjunct lecturer
Professional programs professor (H)
Professional programs associate professor (H)
Professional programs assistant professor (H)
Professional programs lecturer (H)
Professional programs Non-Teaching Adjunct 1
Professional programs Non-Teaching Adjunct 2
Professional programs Non-Teaching Adjunct 3

Chairperson Thompson, Jr. asked for a vote. Cal. No. 5.C. was unanimously adopted.

Moved by Chairperson Thompson, Jr. and seconded by Trustee Michael Arvanites, the following resolution was presented and opened for discussion:

D. CUNY Graduate School of Public Health and Health Policy - Amendment to the Governance Plan:

WHEREAS, The CUNY Graduate School of Public Health and Health Policy’s ("SPH") Governance Plan was adopted by the University’s Board of Trustees on June 24, 2013; and

WHEREAS, SPH’s Governance Plan was further amended by the University’s Board of Trustees on March 21, 2016; and

WHEREAS, An Ad Hoc Task Force, comprised of representatives from SPH’s administration and faculty, was formed in 2019 to review the Governance Plan in light of the School’s substantial growth since the Plan was amended in 2016; and

WHEREAS, After receiving input from various constituencies at SPH, the Ad Hoc Task Force proposed revisions to the Governance Plan to reflect SPH’s growth as well as best practices culled from a review of other governance plans; and
WHEREAS, The proposed amendments expand the membership of SPH’s governance body, the Faculty-Student Council (“FSC”) from full-time faculty and student representatives to include representatives of the non-teaching instructional staff (HEO series, Research Associates and Research Assistants, and CLTs), adjunct faculty, Research Faculty, and administrators with underlying faculty titles, while retaining majority control of faculty members; and

WHEREAS, In light of the proposed expansion of its membership, the FSC would be renamed the “Governance Council” (“Council”); and

WHEREAS, The Council’s duties and powers would be broadened to include responsibilities for review and recommendation concerning SPH’s budget, as well as review and recommendation regarding proposals for Centers and Institutes, and

WHEREAS, The revised Governance Plan would expand membership in SPH’s personnel committees at both the Department level and School-wide; and

WHEREAS, The revised Governance Plan would permit the Council to establish its own committees as it deems necessary to discharge its responsibilities, within the Bylaws of the Council, rather than establishing specific committees in the Governance Plan, except for the Steering and Elections Committee, which is described in the revised Plan; and

WHEREAS, The revised Governance Plan would add a new section entitled “Student Governance” to formally recognize the establishment of the Graduate Student Government Association, a student-elected body formed in 2017 to help support student needs and assist in enhancing the overall student experience at SPH; and

WHEREAS, The revised Governance Plan would establish administrative provisions that concern various meeting protocols and procedural issues, including protocols for taking attendance and keeping minutes, recalling a Council member, establishing alternates, and filling a vacant Council seat; and

WHEREAS, The revised Governance Plan would detail the duties and responsibilities of the Dean, modeled on the duties of Presidents set forth in University’s Board of Trustees’ Bylaws, Section 11.4; and

WHEREAS, The revised Governance Plan would change the procedures for election of Department Chairpersons, allowing each Department to elect a Chairperson for the Dean’s approval, allowing a second Department vote if the Dean disapproves the first selection, and finally allowing for Dean selection after a vote on the selectee by the Department if the second candidate is also unsatisfactory to the Dean, or for the initiation of a search; and

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WHEREAS, The revised Governance Plan would reflect that the position of Senior Associate Dean, as appointed by the Dean, may join the Dean’s Cabinet; and

WHEREAS, The revised Governance Plan would also add Directors of Centers and Institutes to the Dean’s Cabinet; and

WHEREAS, The FSC approved the proposed amendments on October 28, 2020; and

WHEREAS, SPH’s Dean recommends adoption of the proposed amendments; now therefore be it

RESOLVED, That the proposed amendments to SPH’s Governance Plan be adopted, effective December 15, 2020.

EXPLANATION: The proposed amendments to the SPH Governance Plan have been approved by the School’s governance body, the Faculty-Student Council (“FSC”), and they are recommended by the School’s Dean.

Recognizing the School’s considerable growth since it was approved by the University’s Board of Trustees as a stand-alone professional school, the proposed revised Governance Plan seeks to preserve flexibility in order to keep pace with SPH’s considerable growth while upholding the principles of shared governance. As such, the proposed Plan reflects substantive revisions in six major areas.

First, membership in the FSC would be realigned and expanded to more closely represent the School’s constituents. Under the current Plan, the members are all full-time faculty and six student representatives; under the revised Plan the membership would also include elected representatives of the non-teaching instructional staff (HEO series, Research Associates and Research Assistants, and CLTs), adjunct faculty, and Research Faculty, and administrators with underlying faculty titles. Faculty at all times would be allotted at least 51% representation on the Council. The number of student representatives would increase from six to seven, to include as an ex-officio voting member the president of the Graduate Student Government Association. In light of these changes to the FSC’s membership, the FSC would be renamed the “Governance Council” (“Council”).

Second, under the revised Governance Plan, the Council’s duties and powers would be broadened to include review and recommendation regarding the School’s budget to ensure alignment of planning, budget, and assessment. The Council would also have responsibility for review and recommendation regarding proposals for Centers and Institutes that would be affiliated with and housed at the School, and in the case of Centers, responsibility for approval.
Third, membership in the SPH’s personnel committees at both the Department level and School-wide would be expanded. The Department Appointment, Promotion and Tenure Committees would increase from three to five members. The School-wide Appointment, Promotion and Tenure Committee would increase from seven to ten members, including the Dean or designee as a non-voting member.

Fourth, to allow for more flexibility, rather than setting forth the committees of SPH within the Governance Plan itself, the revised Governance Plan would permit the Council to establish its own committees as it deems necessary to the discharge of its responsibilities, within the Bylaws of the Council. This change would alleviate the need to formulate emergency or ad hoc committees, or to have decisions made by one person.

Fifth, a new section entitled “Student Governance” would be added to formally recognize the establishment of the Graduate Student Government Association, a student-elected body formed in 2017 to help support student needs and assist in enhancing the overall student experience at the School.

Sixth, the revised Governance Plan would change the procedures for election of Department chairpersons, allowing each Department to elect a chairperson for the Dean’s approval, allowing a second Department vote if the Dean disapproves the first selection, and finally allowing for Dean selection after a vote on the selectee by the Department if the second candidate is also unsatisfactory to the Dean, or for the initiation of a search. Currently, each Department proposes two candidates for chairperson to the Dean, who either selects one of them or may select a third candidate, after consulting with the Department.

Finally, the current Governance Plan lacks several important administrative provisions that concern various meeting protocols and procedural issues. These provisions, such as protocols for taking attendance and keeping minutes, are incorporated into the proposed Governance Plan. Other processes, such as those for recalling a Council member, establishing alternates, and filling a vacant Council seat, have also been addressed. The duties and responsibilities of the Dean, modeled on the duties of Presidents set forth in the University’s Board of Trustees’ Bylaws, Section 11.4, have also been incorporated into the revised Plan. The Plan also creates Senior Associate Deans to be appointed by the Dean, who, along with Directors of Centers and Institutes, would serve as members of the Dean’s Cabinet.

Chairperson Thompson, Jr. asked for a vote. Cal. No. 5.D. was unanimously adopted.
E. Brooklyn College - Appointment of Michael Mandel with Early Tenure:

WHEREAS, Dr. Michael Mandel is an Associate Professor in the Department of Computer and Information Science at Brooklyn College since the fall of 2015, and in this role has distinguished himself as an early career faculty member with a substantial international reputation who is considered by his colleagues to be Brooklyn College’s most outstanding current researcher in computer science; and

WHEREAS, Dr. Mandel is an exceptionally accomplished scholar, teacher and colleague who is held in the highest regard by all members of Brooklyn College’s academic and intellectual community, with prodigious scholarly productivity that includes 17 peer-reviewed conference papers at internationally renowned conferences, such as ICASSP, Interspeech and WASPAA; a journal article; and two book chapters; and

WHEREAS, Dr. Mandel’s research excellence is further underscored by large grants and industry funding and since his appointment to the Computer Science faculty in fall 2015, he has received $1.6 million in NSF, Alfred B. Sloan Foundation, and Google research grant support for what external reviewers characterize as groundbreaking research; and

WHEREAS, Professor Mandel has developed an approach to the analysis of speech and acoustic events called “auditory bubbles,” an original and innovative approach that combines machine learning and signal-processing methods, which have applications to diverse fields in computer and auditory sciences and to industry; and

WHEREAS, Dr. Mandel’s outstanding record of scholarship undergirds his excellence as a teacher, through which he has developed a wide array of important computer science courses at all levels of curricula and has consistently contributed to curriculum revision and development across his department; and

WHEREAS, Dr. Mandel provides exceptional service to the College and University, having served as the Chair of his department’s Assessment Committee, a Member of the departmental Appointment’s Committee, the Chair of the Faculty Council Undergraduate Admission’s Committee, a Representative to the Faculty Council of The School of Natural and Behavioral Sciences, a Member of both the University Graduate Center’s Masters of Data Science Admissions Committee and the Graduate Center Steering Committee, and a Member of the CUNY Interdisciplinary Research Grant Review Committee; and
WHEREAS, This formal request to the Board of Trustees for Prof. Mandel’s early tenure is retroactive to September 1, 2020, as New York State Education Law states that tenure must be granted effective September 1, and the conditions of the COVID-19 pandemic in the Spring disrupted ordinary administrative processes; now therefore be it

RESOLVED, That Dr. Michael Mandel be retroactively awarded tenure in the Department of Computer and Information Science of Brooklyn College, effective September 1, 2020 with an application of Bylaw 6.2.c(2), subject to financial ability.

EXPLANATION: Dr. Michael Mandel is an internationally recognized expert in his field and has produced work of the highest distinction, while demonstrating himself as one of the most essential members of his department. He is producing scholarship, groundbreaking research, and mentorship of his students of the highest level in service to the University’s mission and he will be highly sought after by other educational institutions; therefore, Brooklyn College should make every effort to retain him before he is lost to a competing institution.

Chairperson Thompson, Jr. asked for a vote. Cal. No. 5.E. was unanimously adopted.

Moved by Chairperson Thompson, Jr. and seconded by Trustee Shorter, the following resolution was presented and opened for discussion:

F. Brooklyn College - Appointment of Malcom J. Merriweather with Early Tenure:

WHEREAS, Professor Malcolm J. Merriweather has been a member of the Brooklyn College Music Conservatory faculty since 2016 and is considered highly prized by the entire academic community of Brooklyn College, with a professional record that exceeds the expectations of faculty being considered for tenure and promotion and extensive contributions to choral music, voice, conducting, and performance; and

WHEREAS, Prof. Merriweather is considered by the classical music community to be an exceptionally rare talent, a celebrated baritone, and an accomplished conductor, as well as an outstanding and creative teacher, with one external reviewer noting, “Merriweather has risen to the challenge, curating an image and turning heads as an accomplished conductor and baritone soloist in a great city. One often hears the word ‘highly sought after’ used in connection with performer biographies; for Merriweather, this distinction is no overstatement”; and
WHEREAS, Prof. Merriweather has a thriving career as choral conductor and singer, which enriches his teaching, and since his arrival at Brooklyn College, he has transformed the Vocal Program by instituting new vocal classes that brought the program into alignment with other music schools, resulting in a program that takes a more forward-thinking, modern approach to vocal education and making it competitive with the finest voice programs in New York; and

WHEREAS, Some of the highlights of Prof. Merriweather’s recent professional work include performing for Pope Francis at the Vatican; and releasing the critically acclaimed recording "Margaret Bonds the Ballad of the Brown King & Selected Songs" with AVIE Records; lecturing at the International Festival for Organ and Voice in Accra, Ghana; and being a baritone soloist on Sanctuary Road released by Naxos with the Oratorio Society of New York; and

WHEREAS, Prof. Merriweather is the Music Director of New York City’s The Dessoff Choirs; the Artist in Residence at Union Theological Seminary; and the Artistic Director of “Voices of Haiti,” a 60-member children’s choir in Port-au-Prince, Haiti, operated by the Andrea Bocelli Foundation, with all of this work having been lauded by The New York Times, The Los Angeles Times, and Opera News; and

WHEREAS, This formal request to the Board of Trustees for Prof. Merriweather’s early tenure is retroactive to September 1, 2020, as New York State Education Law states that tenure must be granted effective September 1, and the conditions of the COVID-19 pandemic in the Spring disrupted ordinary administrative processes; now therefore be it

RESOLVED, That Prof. Malcom J. Merriweather be retroactively awarded tenure in the Music Conservatory of Brooklyn College, effective September 1, 2020 with an application of Bylaw 6.2.c(2), subject to financial ability.

EXPLANATION: Prof. Malcom J. Merriweather is a renowned expert in his field and has produced work of the highest caliber, while demonstrating himself as one of the most vital members of his department and helping that department to grow. He is producing scholarship, artistic work, and mentorship of the most exceptional level in service to the University’s mission and he will be highly sought after by other educational institutions; therefore, Brooklyn College should make every effort to retain him before he is lost to a competing institution.

Trustee Shorter asked, “Is there a quick rationale to be given for why early tenure?” President Michelle Anderson stated, “Both of these candidates are absolute superstars, Charlie. Mike Mandel has won two major National Science Foundation awards to total more than a million dollars on two different projects of great import, and we risk losing both candidates. The second one, Malcom Merriweather, I hope that you can reach out and just put his name into Google, he has been featured in the New York Times for
his extraordinary coral arrangements and his work. He has really tremendously revitalized our entire coral program.”

Chairperson Thompson, Jr. asked for a vote. Cal. No. 5.F. was unanimously adopted.

6. COMMITTEE ON FACILITIES PLANNING AND MANAGEMENT:
Chairperson Thompson, Jr. reported that at the November 24, 2020 meeting of the Committee on Facilities Planning and Management, the Committee approved the following resolutions, and Trustee Brian Obergfell recommended their approval by the Board.

Moved by Chairperson Thompson, Jr. and seconded by Trustee Linares-Garcia, the following resolution was presented and opened for discussion:

A. City University of New York - Authorize a Lease Amendment with 5030 Broadway Mms, LLC for the CUNY in the Heights Center at 5030 Broadway, New York, New York:

WHEREAS, The City University of New York (the “University”), for and on behalf of the CUNY in the Heights Center, as tenant, has been leasing approximately 15,000 rentable square feet of classroom and office space on the ground floor (the “Original Premises”) at 5030 Broadway, New York, New York (the “Building”), pursuant to that certain lease dated September 2, 2011 (the “Original Lease”) with 5030 Broadway MMS, LLC (a subsidiary of Edison Properties, LLC), as landlord (the “Landlord”), that commenced on June 1, 2012 and is currently set to expire on May 31, 2027 (the “Expiration Date”); and

WHEREAS, The University’s Board of Trustees approved, pursuant to resolution adopted on May 1, 2017, Cal. No. 6C, as modified by resolution adopted on December 4, 2017, Cal. No. 6F, a lease amendment, along with any associated agreements, adding an additional 15,000 rentable square feet of second floor space (the “Additional Premises”), at the Building to the Original Premises under the Original Lease, for a term to commence on the date that Landlord substantially completed certain interior renovations requested by the University and to expire on the Expiration Date, upon substantially the same business terms and conditions as applicable to the Original Premises under the Original Lease, except that, with respect to the Additional Premises, the annual base rent would be $684,000 per annum ($45.60/SF) in the first year with 2% escalations every year thereafter; and

WHEREAS, Landlord, as landlord, and the University, as tenant, entered into that certain First Lease Amendment dated July 10, 2018 (the “First Lease Amendment”) in respect of the Additional Premises; and
WHEREAS, The University is to reimburse Landlord for the capital costs to perform the
renovations to the Additional Premises requested by the University in accordance with
the First Lease Amendment; and

WHEREAS, The University and the Landlord desire to further amend the Lease (the
“Second Lease Amendment”; and the Original Lease as modified by the First Lease
Amendment and the Second Lease Amendment is hereafter referred to as the “Lease”)
to add approximately 336 square feet of space located in the basement of the Building
(the “Elevator Basement Space”) to the Lease, which is to be used for installing
mechanicals for an elevator to be installed in the Original Premises and the Additional
Premises, for a term commencing on the date that Landlord substantially completes the
renovations related to the Additional Premises and expiring on the Expiration Date, upon
the same terms and conditions set forth in the Lease, except that the base rent for such
Elevator Basement Space is $20,626.17 per annum with 1.5% annual escalations; now
therefore be it

RESOLVED, That the Board of Trustees of The City University of New York authorize
the General Counsel or his designee, and that they hereby are, and each of them hereby
is, authorized to sign and deliver the Second Lease Amendment to add the Elevator
Basement Space to the Lease for installation of mechanicals for an elevator to be
installed in the Original Premises and the Additional Premises upon the same terms and
conditions set forth in the Lease, except that the base rate for such Elevator Basement
Space will be $20,626.17 per annum with 1.5% annual escalations, together with any
and all agreements, documents, and other instruments related thereto, and to take any
and all such other actions, as the General Counsel or his designee so acting may deem
necessary or appropriate, and that such signature by the General Counsel or his
designee shall be conclusive evidence of his or her authority to perform all such acts and
to sign and deliver the Second Lease Amendment and all such other agreements,
documents and instruments related thereto on behalf of the University; and be it further

RESOLVED, That any subsequent material changes to the terms and conditions of the
Lease shall be submitted to the University’s Board of Trustees for its consideration and
approval.

EXPLANATION: Borough of Manhattan Community College is currently utilizing the
Original Premises. The Additional Premises was needed to add additional classrooms
and support spaces in order to increase the number of credit-bearing classes offered at
the CUNY in the Heights Center. The CUNY Xpress Immigration Center (CUNY
Citizenship Now!) are currently using other space in the Building pursuant to license
agreements with the Landlord that are expiring, and these programs will be relocated to
the Additional Premises. The new lease amendment ensures that the elevator will be properly installed by providing space in the basement for mechanical equipment.

Chairperson Thompson, Jr. asked for a vote. Cal. No. 6.A. was unanimously adopted.

Moved by Chairperson Thompson, Jr. and seconded by Trustee Berger, the following resolution was presented and opened for discussion:

B. Medgar Evers College - Authorize the Sale of the Presidential Residence:

WHEREAS, The City University of New York (the “University”) provides the President of Medgar Evers College for personal and official use that certain condominium residence located at 1 Hanson Place, Unit 22D, Brooklyn, NY 11217 (Block 211; Lot 1145) (the “MEC Presidential Residence”); and

WHEREAS, Pursuant to resolution adopted by the University’s Board of Trustees on April 26, 2010, Cal. No. 11, the University purchased the MEC Presidential Residence for $1,500,000 on June 17, 2010 with funds from the proceeds of prior sales of College residences; and

WHEREAS, The University would like to sell the MEC Presidential Residence and provide the President of Medgar Evers College with a housing stipend as provided by the University to other University College Presidents, in accordance with the University’s Executive Compensation Plan; and

WHEREAS, Pursuant to the Education Law, Article 125-B, the purpose of the City University Construction Fund (“CUCF”) is to provide facilities for and to support the educational purposes of the University, and CUCF is authorized, with the consent of the University, to use the agents, employees and facilities of the University; and

WHEREAS, To facilitate and expedite the sale of the MEC Presidential Residence, the University would like to authorize the transfer of the MEC Presidential Residence to CUCF so that CUCF can coordinate and manage the procurement and supervision of residential real estate appraisers and brokers, as well as the sale of the MEC Presidential Residence on behalf and for the benefit of the University for the highest and best value; and

WHEREAS, The University would transfer the MEC Presidential Residence with the condition that CUCF would direct all sale proceeds of the MEC Presidential Residence, minus any defeasance and other customary third-party sale closing costs, to the University at closing along with a closing statement and such other documentation as to
allow the University to properly disclose the sale on its financial statements; now therefore be it

RESOLVED, That the University’s Board of Trustees authorize the General Counsel or his designee, and that they hereby are, and each of them hereby is, authorized to sign such agreements, documents, and other instruments related to the transfer of the MEC Presidential Residence to CUCF so that CUCF can coordinate and manage the sale thereof on behalf and for the benefit of the University for the highest and best value, and direct all sale proceeds, minus any defeasance and other customary sale closing costs, to the University at closing along with a closing statement and such other documentation as to allow the University to properly disclose the sale on its financial statements, and to take any and all such other actions, as the General Counsel or his designee so acting may deem necessary or appropriate, and that such signature by the General Counsel or his designee shall be conclusive evidence of his or her authority to perform all such acts and to sign and deliver all such agreements, documents and instruments related thereto on behalf of the University; and be it further

RESOLVED, That any subsequent material changes to the disposition of the MEC Presidential Residence shall be submitted to the University’s Board of Trustees for its consideration and approval.

EXPLANATION: The University purchased, pursuant to April 26, 2010 resolution by the University’s Board of Trustees, the MEC Presidential Residence for $1,5000,000 on June 17, 2010 for the personal and official use by the President of Medgar Evers College. The University would like to transfer the MEC Presidential Residence to CUCF so that CUCF can coordinate and manage the sale thereof on behalf and for the benefit of the University. CUCF is authorized to provide facilities for use by the University and has the ability and expertise to procure and manage residential real estate appraisers and brokers to implement the sale of the MEC Presidential Residence on behalf and for the benefit of the University. Upon the sale of the MEC Presidential Residence, the President of Medgar Evers College will receive a housing stipend as provided by the University to other University College Presidents, in accordance with the University’s Executive Compensation Plan. All proceeds from the sale of the MEC Presidential Residence, minus any defeasance and other customary third-party sale closing costs, will be directed to the University at closing along with a closing statement and such other documentation as to allow the University to properly disclose the sale on its financial statements.

Chairperson Thompson, Jr. asked for a vote. Cal. No. 6.B. was unanimously adopted.
C. **College of Staten Island - Authorize the Sale of the Presidential Residence:**

WHEREAS, The City University of New York (the “University”) provides the President of the College of Staten Island for personal and official use certain condominium residence located at 35 Beebe Street, Staten Island, NY 10301 (Block 684; Lot 261) (the “CSI Presidential Residence”); and

WHEREAS, The Dormitory Authority of the State of New York (“DASNY”) purchased the CSI Presidential Residence for $960,000 on September 15, 1999 on behalf and for the benefit of the University; and

WHEREAS, The University would like to sell the CSI Presidential Residence and provide the President of College of Staten Island with a housing stipend as provided by the University to other University College Presidents, in accordance with the University’s Executive Compensation Plan; and

WHEREAS, Pursuant to the Education Law, Article 125-B, the purpose of the City University Construction Fund (“CUCF”) is to provide facilities for and to support the educational purposes of the University, and CUCF is authorized, with the consent of the University, to use the agents, employees and facilities of the University; and

WHEREAS, To facilitate and expedite the sale of the CSI Presidential Residence, the University would like to request that DASNY transfer the CSI Presidential Residence to CUCF so that CUCF can coordinate and manage the procurement and supervision of residential real estate appraisers and residential brokers, as well as the sale of the CSI Presidential Residence on behalf and for the benefit of the University for the highest and best value; and

WHEREAS, The University would request DASNY to transfer the CSI Presidential Residence with the condition that CUCF would direct all sale proceeds of the CSI Presidential Residence, minus any defeasance and other customary third-party sale closing costs, to the University at closing along with a closing statement and such other documentation as to allow the University to properly disclose the sale on its financial statements; now therefore be it

RESOLVED, That the University’s Board of Trustees authorize the General Counsel or his designee, and that they hereby are, and each of them hereby is, authorized to sign such agreements, documents, and other instruments related to the request to DASNY to transfer the CSI Presidential Residence to CUCF so that CUCF can coordinate and
manage the sale thereof on behalf and for the benefit of the University for the highest
and best value, and direct all sale proceeds, minus any defeasance and other customary
sale closing costs, to the University at closing along with a closing statement and such
other documentation as to allow the University to properly disclose the sale on its
financial statements, and to take any and all such other actions, as the General Counsel
or his designee so acting may deem necessary or appropriate, and that such signature
by the General Counsel or his designee shall be conclusive evidence of his or her
authority to perform all such acts and to sign and deliver all such agreements,
documents and instruments related thereto on behalf of the University; and be it further

RESOLVED, That any subsequent material changes to the disposition of the CSI
Presidential Residence shall be submitted to the University’s Board of Trustees for its
consideration and approval.

EXPLANATION: DASNY purchased, on behalf and for the benefit of the University, the
CSI Presidential Residence for $960,000 on September 15, 1999 for the personal and
official use by the President of the College of Staten Island. The University would like
DASNY to transfer the CSI Presidential Residence to CUCF so that CUCF can
coordinate and manage the sale thereof on behalf and for the benefit of the University.
CUCF is authorized to provide facilities for use by the University and has the ability and
expertise to procure and manage residential real estate appraisers and brokers to
implement the sale of the CSI Presidential Residence on behalf and for the benefit of the
University. Upon the sale of the CSI Presidential Residence, the President of the College
of Staten Island will receive a housing stipend as provided by the University to other
University College Presidents, in accordance with the University’s Executive
Compensation Plan. All proceeds from the sale of the CSI Presidential Residence,
minus any defeasance and other customary third-party sale closing costs, will be
directed to the University at closing along with a closing statement and such other
documentation as to allow the University to properly disclose the sale on its financial
statements.

*Chairperson Thompson, Jr. asked for a vote. Cal. No. 6.C. was unanimously adopted.*
7. **COMMITTEE ON STUDENT AFFAIRS AND SPECIAL PROGRAMS:**
Chairperson Thompson, Jr. reported that at the November 24, 2020 meeting of the Committee on Student Affairs and Special Programs, the Committee approved the following resolution, and Trustee Una Clarke recommended its approval by the Board.

Moved by Chairperson Thompson, Jr. and seconded by USS Chair and Trustee Piquant, the following resolution was presented and opened for discussion:

**A. CUNY School of Labor and Urban Studies - Establishment of a Student Activity:**

WHEREAS, The CUNY School of Labor and Urban Studies was established in 2018 and offers undergraduate and graduate degree programs in Labor Studies and Urban Studies; and

WHEREAS, The CUNY School of Labor and Urban Studies is the only campus without an established student activity fee; and

WHEREAS, The Student Activity Fee funds a variety of activities, programs, and events that are all in support of the student body; and

WHEREAS, As required by the Board of Trustees Bylaws, Article XVI, Section 16.12., a referendum was held from Wednesday, October 14, 2020 through Monday, October 26, 2020; and

WHEREAS, The vote on the referendum was 72 in favor, 0 opposed, with 23% of the eligible student body voting; now therefore be it

RESOLVED, That a Student Activity Fee of $25.00 for the Fall, Summer and Spring semesters be established for the CUNY School of Labor and Urban Studies Effective Spring 2021, in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Earmarking Body</th>
<th>Proposed Fee</th>
<th>Allocating</th>
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<tbody>
<tr>
<td>University Student Senate</td>
<td>$1.45</td>
<td>Student Union</td>
</tr>
<tr>
<td>Professional Development Funds</td>
<td>$1.55</td>
<td>Student Union</td>
</tr>
<tr>
<td>Health &amp; Wellness</td>
<td>$4.00</td>
<td>Student Union</td>
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<tr>
<td>Commencement</td>
<td>$3.00</td>
<td>Student Union</td>
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<tr>
<td>Student Services</td>
<td>$8.00</td>
<td>Student Union</td>
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<tr>
<td>Community Engagement</td>
<td>$7.00</td>
<td>Student Union</td>
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</table>
EXPLANATION: Students at the CUNY School of Urban and Labor Studies held a referendum to establish a $25.00 student activity fee effective Spring 2021. The referendum was held from Wednesday, October 14 to Monday, October 26, 2020 at a time other than in conjunction with the student government elections. The vote on the referendum was 72 in favor and 0 opposed, with 23% of the eligible students voting. The referendum received a 100% favorable vote.

The earmarks were recommended by the School of Labor Studies Student Union. The Student Union will provide a platform for an elected group of student leaders to shape the kinds of experiences and events that will support and supplement the academic experiences of SLU students. The following local earmarks will exist: University Student Senate ($1.45); Professional Development Funds ($1.55); Health and Wellness ($4.00); Commencement ($3.00); Student Services ($8.00) and Community Engagement (7.00). The Dean strongly supports this referendum.

Local earmarks have been established and are subject to change by the School in accordance with the referendum process set forth in the Board of Trustees Bylaws Section XVI, Section 16.12, provided there is no change in the total fee. The earmarks set forth in this resolution may only be changed by further action of the Board of Trustees.

Chairperson Thompson, Jr. asked for a vote. Cal. No. 7.A. was unanimously adopted.

Moved by Chairperson Thompson, Jr. and seconded by Trustee Linares-Garcia, the following resolution was presented and opened for discussion:

8. Resolution of Appreciation - Barry F. Schwartz:

WHEREAS, The Honorable Barry F. Schwartz was appointed by Governor Andrew M. Cuomo on May 6, 2014 as a member of the Board of The City University of New York; and

WHEREAS, Mr. Schwartz was appointed Vice Chair of the Board of Trustees by Governor Andrew M. Cuomo on October 5, 2016; and

WHEREAS, Mr. Schwartz served as Chair and member of the Board’s Fiscal Affairs Committee, Chair and Vice Chair of the Board’s Subcommittee on Investment, and Vice Chair of the Executive Committee and Committee on Long Range Planning; and
WHEREAS, Mr. Schwartz provided invaluable contributions to the University by ensuring effective leadership, as Vice Chair of the Chancellor Search Committee, Chair of the Brooklyn College Presidential Search Committee, Chair of the Borough of Manhattan Community College Presidential Search Committee, Chair of the Baruch College Presidential Search Committee, and Chair of the City College of New York Presidential Search Committee and as a member of the Executive Vice Chancellor and University Provost Search Committee; now therefore be it

RESOLVED, That the members of the Board of Trustees of The City University of New York express their sincere thanks and deepest appreciation to the Honorable Barry F. Schwartz for his enthusiasm, devotion, and outstanding service to The City University of New York; and be it further

RESOLVED, That the Board of Trustees extends its best wishes for his continued success in all of his future endeavors.

Members of the Board and the Chancellery expressed their sincere appreciation to Hon. Barry Schwartz, for his experience, outstanding service, eager interest, commitment, loyalty, and insight, and thanked him for being a great friend and partner as a Board member of the City University of New York.

Chairperson Thompson, Jr. asked for a vote. Cal. No. 8 was unanimously adopted.

Moved by Chairperson Thompson, Jr. and seconded by Trustee Berger, the following resolution was added to the agenda.

Moved by Chairperson Thompson, Jr. and seconded by Trustee Sandra Wilkin, the following resolution was presented and opened for discussion:

9. City University of New York - Authorize the Office of Risk Audit and Compliance:

WHEREAS, On July 29, 2019, The City University of New York (the “University”) Chancellor Félix V. Matos Rodríguez established the Office of the Vice Chancellor for Risk, Audit and Compliance (“RAC”), the first-ever University-wide office whose broad mission is to assist in the planning, development, implementation and oversight of policies and initiatives related to and including university-wide enterprise risk management, investigations, audit, compliance and federal Title IX regulations; and

WHEREAS, At its meeting on October 7, 2019, the University Board of Trustees appointed the first-ever Vice Chancellor for the Office of Risk, Audit and Compliance; and

WHEREAS, The Vice Chancellor shall report to the Chancellor of the University; and
WHEREAS, To achieve its mission, RAC is initially comprised of five distinct units: Investigations, the Office of Internal Audit and Management Services (“OIAMS”), Compliance, Enterprise Risk Management and Title IX Compliance; and

WHEREAS, RAC’s Investigations Unit examines and provides legal advice pertaining to allegations of misconduct, including violations of laws, regulations and university policies, and consults with the University’s schools or colleges and various branches of the University Central administration in the assessment and investigation of a variety of allegations, including, but not limited to, claims of fraud, misconduct, and conflicts of interest referred to the University internally and by external agencies; and

WHEREAS, RAC’s OIAMS renders recommendations and pertinent comments concerning University operations and programs to ensure that organizational goals and objectives are achieved through the performance of audits and quality assurance appraisals, and ensures that the University’s resources are safeguarded against loss due to waste, fraud, or abuse; and the University complies with applicable laws and regulations; and

WHEREAS, RAC’s Compliance & Enterprise Risk Management Units work with various departments and officials across the University to ensure that systems, standards and processes are in place to reduce compliance risks; identify, investigate and address all instances of alleged and actual noncompliance; promote compliance standards throughout the University; and coordinate the University’s enterprise risk management by providing a framework and process for the identification, assessment, mitigation and monitoring of risks to the achievement of the University’s mission and goals; and

WHEREAS, RAC’s Title IX Compliance Unit reviews applicable laws, statutes and regulations as well as oversees the University’s compliance efforts with federal, state, and local legislation, including Title IX, The Clery Act, Violence Against Women Act, New York State Enough is Enough legislation, New York State Model Sexual Harassment Policy, and University’s Policy on Sexual Misconduct; and

WHEREAS, As part of its duties and mandates, RAC’s units will be tasked with conducting inquiries, investigations, and providing legal advice to and on behalf of the University, University Central administration, the University’s schools or colleges, and affiliates, including, but not limited to, foundations and auxiliary enterprise corporations or other third parties that have a contractual relationship with the University; and

WHEREAS, RAC shall conduct full, reasoned and independent inquiries and investigations that are confidential and privileged, including, but not limited to: (a) gathering and analyzing evidence, including the inspection, examination or audit of any books, records, documents or papers relevant or material to RAC inquiries and investigations; (b) conducting witness
interviews; (c) reviewing any necessary investigative or audit reports; and (d) reviewing any applicable laws, statutes or regulations; and

WHEREAS, As part of its duties and mandates, RAC may receive requests from the Board of Trustees, the Chancellor, University Central administration, or one of the University’s schools or colleges to review and conduct various inquiries and investigations that are confidential and privileged in which RAC’s units will be asked to render legal advice, and communicate, whether oral or written, in a confidential and privileged manner with respect to the University; now therefore be it

RESOLVED, That the Board of Trustees authorizes the Office of Risk, Audit and Compliance to conduct inquiries and investigations; to collaborate, when applicable, with the University Central administration, the University’s schools or colleges, affiliates, including, but not limited to, foundations and auxiliary enterprise corporations or other third parties that have a contractual relationship with the University; as well as provide legal counsel to the University Board of Trustees, the Chancellor, University Central administration or the colleges or schools on university-wide internal investigations, enterprise risk management, ethics issues, programmatic audits, compliance, Title IX, the protection of organizational assets against fraud and theft, and any other related matters; and that the Vice Chancellor of Risk, Audit and Compliance report, when appropriate, to the Board of Trustees and Chancellor regarding issues relating to university-wide investigations, enterprise risk management, ethics issues, programmatic audits, compliance, Title IX, the protection of organizational assets against fraud and theft or any other related matters.

EXPLANATION: In response to findings by external governmental agencies, the Board of Trustees and the Chancellor established an office within the University to establish consistent institutional standards and practices across the University in relation to university-wide internal investigations, enterprise risk management, ethics issues, programmatic audits, compliance, Title IX, the protection of organizational assets against fraud and theft, and any other related matters.

Chairperson Thompson, Jr. asked for a vote. Cal. No. 9 was unanimously adopted.
Moved by Chairperson Thompson, Jr. and seconded by Trustee Ferrer, the following resolution was added to the agenda.

Moved by Chairperson Thompson, Jr. and seconded by Trustee Ferrer, the following resolution was presented and opened for discussion:

10. **City University Of New York - Authorize to Engage Arnold & Porter, LLP to Provide Legal Services:**

WHEREAS, The City University of New York (the “University”) has been asked to respond to pre-litigation investigative requests concerning the use of grant funding, which necessitate a large-scale review and subsequent production of documents, witness testimony, and other responses; and

WHEREAS, The New York State Office of the Attorney General does not represent The University in these types of pre-litigation investigative matters; and

WHEREAS, The University seeks to retain a law firm with the specialized expertise required to represent the University to respond to these investigative requests; and

WHEREAS, The University has selected a firm that has the particular and requisite expertise and experience to handle such complex issues to enable the necessary representation of the University; and

WHEREAS, Arnold & Porter, LLP is one of the nation’s notable law firms, possessing experience in the field of internal corporate investigations, litigation, and corporate law related matters, and has handled complex, internal, high-profile investigations; now therefore be it

RESOLVED, That the Board of Trustees of The City University of New York authorize the General Counsel or his designee, and that they hereby are, and each of them hereby is, authorized to sign and deliver a contract with Arnold & Porter, LLP to provide legal services to CUNY permitting the University to make expenditures and purchases not to exceed $750,000 over a period of six (6) months, together with any and all agreements, documents, and other instruments related thereto, and to take any and all such other actions, as such officer so acting may deem necessary or appropriate, and that such signature by such duly authorized officer of the University shall be conclusive evidence of his or her authority to perform all such acts and to sign and deliver all such documents and instruments on behalf of the University; and be it further

RESOLVED, That any subsequent material changes to the terms and conditions of the aforesaid contract shall be submitted to the University Board of Trustees for its consideration and approval.
EXPLANATION: The law firm will represent the University and the Board of Trustees to minimize potential liability of the University and protect the University’s interests. The contract and any renewals will be subject to review and approval by the Office of the Attorney General and the Office of the State Comptroller.

Chairperson Thompson, Jr. asked for a vote. Cal. No. 10 was unanimously adopted.

Moved by Trustee Linares-Garcia and seconded by USS Chair and Trustee Piquant, the meeting was adjourned at 7:05 p.m.