April 12, 2016

MEMORANDUM

To: College Presidents
   Provosts
   Administrative Council
   Business Managers
   Purchasing Directors
   Accounts Payable Departments

From: Frederick P. Schaffer  
    General Counsel & Senior Vice Chancellor for Legal Affairs

Re: Executive Orders Banning Travel to North Carolina and Mississippi

I am writing to inform you that on March 28, 2016, Governor Cuomo signed Executive Order #155 banning non-essential state travel to North Carolina, and on April 5, 2016, he signed Executive Order #156 banning non-essential state travel to Mississippi. Copies of the Executive Orders are attached hereto.

These Orders were written in response to the passage by both states of laws which allow discrimination against lesbian, gay, bi-sexual and transgender individuals. Specifically, North Carolina’s law bars transgender individuals from using restrooms appropriate for their gender identities, excludes sexual orientation and gender identity from state anti-discrimination protections, and prohibits municipalities from extending those protections to lesbian, gay, bi-sexual and transgender citizens. Mississippi’s law allows business and non-profit groups to refuse service to people on the basis of their sexual orientation or gender identity. These travel bans will remain in effect until further notice.

The Executive Orders require all New York State agencies, departments, boards, authorities and commissions to:
• immediately review all requests for state funded or state sponsored travel to the states of North Carolina and Mississippi, and
• bar any such publicly funded or publicly sponsored travel to these states, unless such travel is necessary for the enforcement of New York State law, to meet prior contractual obligations, or for the protection of public health, welfare, and safety.

Pursuant to these Orders, CUNY will no longer fund travel by any CUNY employee to North Carolina or Mississippi, unless it meets one of the enumerated exceptions. In addition, no CUNY employee may travel to North Carolina or Mississippi in his or her official capacity using funds that come from outside sources such as grants, MOUs or contracts, including funds administered by the CUNY Research Foundation, the PSC, auxiliary enterprise corporations, college associations, child care centers, college foundations and other related entities. Employees of these entities and other non-CUNY employers who are working at CUNY campuses are also prohibited from traveling to North Carolina and Mississippi in their official capacities in connection with the work they are doing for CUNY. Any exceptions to the ban must be authorized by the Office of the General Counsel or by the University Controller’s Office.

Any questions regarding these travel bans should be directed to Joan Margiotta in the Office of General Counsel at 646-664-9235 or joan.margiotta@cuny.edu, or Miriam Katowitz in the Office of the University Controller at 212-397-5671 or miriam.katowitz@mail.cuny.edu. Thank you for your cooperation in complying with these Orders.

c:  Cabinet
    Richard Rothbard, President, CUNY Research Foundation
    Jeffrey Slonim, General Counsel, CUNY Research Foundation
    Deborah Bell, Executive Director, PSC
    Miriam Katowitz, Deputy Executive Controller
    Jane Davis, Senior Counsel
    Kisha Fuentes, Program Assistant
EXECUTIVE ORDER

PROHIBITING STATE FUNDED OR STATE SPONSORED TRAVEL TO NORTH CAROLINA

WHEREAS, New York State is a national leader in protecting the civil rights and liberties of all of its citizens;

WHEREAS, New York State in 1945 enacted the first state law against discrimination in the nation, which now prohibits discrimination on many bases including age, race, creed, color, national origin, sexual orientation, military status, sex, gender identity, marital status, and disability;

WHEREAS, ensuring that persons are free from discrimination based on sexual orientation and gender identity is a compelling state sanctioned government interest;

WHEREAS, protecting New York State from inadvertently financing discrimination against protected classes, including sexual orientation and gender identity, is a compelling state sanctioned government interest;

WHEREAS, the state of North Carolina has enacted legislation to bar transgender persons from using bathrooms and changing facilities corresponding to such persons' gender identities, has excluded sexual orientation and gender identity from that state's anti-discrimination protections, and has prohibited units of local government from extending such protections to lesbian, gay, bi-sexual, and transgender (LGBT) citizens;

WHEREAS, in a free society the equal rights of all citizens, including LGBT citizens, must be protected and cherished;

WHEREAS, in a free society the will of the many cannot be the basis for discrimination against the few;

WHEREAS, it is the policy of the state of New York to promote fairness, protect the welfare of the citizens of the state of New York, and combat discrimination;
NOW THEREFORE, I ANDREW M. CUOMO, Governor of the State of New York, by virtue of the power and authority vested in me by my office, the New York State Constitution, and the Statutes of the state of New York, do hereby ORDER AND DIRECT:

- All agencies, departments, boards, authorities and commissions to review all requests for state funded or state sponsored travel to the state of North Carolina so long as there is law in effect there that creates the grounds for discrimination against LGBT citizens; and

- To bar any such publicly funded or publicly sponsored travel to such location, unless such travel is necessary for the enforcement of New York State law, to meet prior contractual obligations, or for the protection of public health, welfare, and safety.

New York State’s ban on publicly funded travel shall take effect immediately and shall continue until such law is repealed.

GIVEN under my hand and the Privy Seal of the State in the City of Albany this twenty eighth day of March in the year two thousand sixteen.

BY THE GOVERNOR

[Signature]

Secretary to the Governor
EXECUTIVE ORDER

PROHIBITING STATE FUNDED OR STATE SPONSORED TRAVEL TO MISSISSIPPI

WHEREAS, New York State is a national leader in protecting the civil rights and liberties of all of its citizens;

WHEREAS, New York State in 1945 enacted the first state law against discrimination in the nation, which now prohibits discrimination on many bases including age, race, creed, color, national origin, sexual orientation, military status, sex, gender identity, marital status, and disability;

WHEREAS, protecting the civil rights and liberties of lesbian, gay, bi-sexual, and transgender (LGBT) persons is a compelling state sanctioned government interest;

WHEREAS, protecting New York State from inadvertently financing discrimination against LGBT persons is a compelling state sanctioned government interest;

WHEREAS, the state of Mississippi has enacted legislation which explicitly permits and enshrines in law discrimination against LGBT citizens and unmarried individuals;

WHEREAS, in a free society the equal rights of all citizens, including LGBT citizens, must be protected and cherished;

WHEREAS, in a free society the will of the many cannot be the basis for discrimination against the few;

WHEREAS, it is the policy of the state of New York to promote fairness, protect the welfare of the citizens of the state of New York, and combat discrimination;
NOW, THEREFORE, I, ANDREW M. CUOMO, Governor of the State of New York, by virtue of the power and authority vested in me by my office, the New York State Constitution, and the Statutes of the state of New York, do hereby ORDER AND DIRECT:

- All agencies, departments, boards, authorities and commissions to review all requests for state funded or state sponsored travel to the state of Mississippi so long as there is law in effect there that permits and enshrines discrimination against LGBT citizens and unmarried individuals; and

- To bar any such publicly funded or publicly sponsored travel to such location, unless such travel is necessary for the enforcement of New York State law, to meet prior contractual obligations, or for the protection of public health, welfare, and safety.

New York State's ban on publicly funded travel shall take effect immediately and shall continue until such law is repealed.

GIVEN under my hand and the Privy Seal of the State in the City of Albany this fifth day of April in the year two thousand sixteen.

BY THE GOVERNOR

[Signature]

Secretary to the Governor