NO. 1. CHANCELLOR’S UNIVERSITY REPORT: RESOLVED, That the Chancellor’s University Report for October 23, 2017 (including Addendum and Errata Items) be approved:

EXPLANATION: The Chancellor’s University Report consists of standard resolutions and actions of a non-policy nature which require approval by the Board of Trustees.

NO. 2. APPROVAL OF MINUTES: RESOLVED, That the minutes of the regular Board meetings and Executive Session of June 26, 2017 be approved.

NO. 3. THE CITY UNIVERSITY OF NEW YORK - IN-STATE TUITION FOR STUDENTS FROM PUERTO RICO AND THE U.S. VIRGIN ISLANDS:

WHEREAS, Puerto Rico and the U.S. Virgin Islands were devastated by Hurricanes Irma and Maria; and

WHEREAS, Students from these areas have had their college educations disrupted by these events; and

WHEREAS, The Puerto Rican community is one of the most vibrant communities in New York, and more U.S. Virgin Islanders list their place of birth as New York than any other state in the nation; and

WHEREAS, Governor Cuomo has called upon The City University of New York to allow students from these U.S. territories to attend CUNY colleges at the in-state tuition rate; and

WHEREAS, CUNY’s mission is to provide access to opportunities that enable individuals to improve their lives and the lives of their families by reaching their full potential; now therefore be it

RESOLVED, That the Board of Trustees authorizes The City University of New York to provide students from Puerto Rico and the U.S. Virgin Islands impacted by hurricanes Maria and Irma to pay tuition at the in-state rate for academic year 2017-2018; and be it further

RESOLVED, That the Board of Trustees grants to the CUNY college presidents, or their designees, the authority to determine and provide financial assistance to affected students on a case-by-case basis.

EXPLANATION: Hurricanes Irma and Maria had a devastating impact on Puerto Rico and the U.S. Virgin Islands. While families are trying to rebuild homes and lives, the Board of Trustees wishes to provide every possible support to college students who have been touched by these disasters.

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

A. THE CITY UNIVERSITY OF NEW YORK - FISCAL YEAR 2019 UNIVERSITY BUDGET REQUEST:

RESOLVED, Subject to the availability of resources, CUNY seeks additional investment funds of $245.5 million for the University. This total includes $184.4 million for the senior colleges and $61.1 million for the community colleges. At the senior colleges, $63.4 million is for baseline needs, $9.2 million is for recent collective bargaining agreements, $38.2 million is for future collective bargaining agreements, and $73.6 million is for strategic investments. At the community colleges, $16.9 million is for baseline needs, $16.3 million is for future collective bargaining agreements, and $27.9 million is for the investment plan. The
University will self-fund $18.0 million through its Administrative Efficiencies Action Plan. The request continues the predictable tuition policy, with an annual increase of $200 at the senior colleges.


EXPLANATION: With the Fiscal Year 2019 Budget Request, the University enhances its capacity to carry out its mission of access and opportunity for New Yorkers and its commitment to meet the economic and educational needs of New York State and New York City. CUNY’s strategic priorities are based on the strategic framework, Connected CUNY, and align with the priorities of the State and City. They include initiatives that will speed student progress toward degree attainment, improve access and retention, provide experiential learning opportunities that prepare students for the workforce and assist students in achieving post graduate success whether that is transferring to advanced degree programs or beginning their career paths.

State and City financing of fixed mandatory needs, such as contractually required incremental salary increases, collective bargaining agreements, fringe benefit and building rental cost increases, will allow existing funding to remain in programmatic areas so that the University can continue to provide high quality services in support of its statutory mission and its commitment to all New Yorkers.

B. HUNTER COLLEGE - INCREASE RATES AT BROOKDALE RESIDENTIAL HALL:

WHEREAS, The Brookdale Residential Hall at Hunter College has been and continues to be a highly desirable feature and recruitment tool of the College, and

WHEREAS, The Hunter dormitory fees remain as much as 50% less expensive than other CUNY and private college dormitories in the New York metropolitan area, and

WHEREAS, The last time the rates were increased by the CUNY Board of Trustees was in 2010; now therefore be it

RESOLVED, That the Board of Trustees of The City University of New York authorize Hunter College to implement an increase in dormitory fees beginning with Spring 2018 semester. Dormitory fees will increase between 30 and 33% for new residents in Spring 2018. The rate for returning residents will increase by 10% in Fall 2018.

The current dormitory fees range from $500 to $729 per month for the nine-month school year and will be increased to $666 to $947 per month for the nine-month school year, depending on the type of resident room.

EXPLANATION: The last Board approved increase in dormitory fee rates for Hunter College was seven years ago. Since then, rate increases have been tied to the Higher Education Price Index (HEPI), which has averaged just below 2% per year. The proposed rate increase will ensure that sufficient revenues are generated to support the general operations, maintenance and repair costs related to the Brookdale Campus Dormitory of Hunter College. The fee increase is needed to maintain the condition of the dormitory complex and fund staffing levels including residence life, custodial, facilities maintenance and security services required for the operation of the dormitory, as well as to provide for a regular replacement cycle for dormitory furniture and equipment.
NO. 5. COMMITTEE ON ACADEMIC POLICY, PROGRAMS, AND RESEARCH: RESOLVED, That the following items be approved:

A. BOROUGH OF MANHATTAN COMMUNITY COLLEGE – AS IN FINANCIAL MANAGEMENT:

RESOLVED, That the program in Financial Management leading to the Associate of Science degree at Borough of Manhattan Community College be approved effective October 23, 2017, subject to financial ability.

EXPLANATION: The high percentage of graduates of the existing AAS in Business Management who transfer to a senior college warranted the creation of a similar AS degree that would better serve students’ goal of obtaining a bachelor’s degree. This program will provide students with the foundational courses needed for most business related bachelor’s degrees. An articulation agreement has already been signed with City College and others will be pursued.

B. BOROUGH OF MANHATTAN COMMUNITY COLLEGE – AS IN DIGITAL MARKETING:

RESOLVED, That the program in Digital Marketing leading to the Associate of Science degree at Borough of Manhattan Community College be approved effective October 23, 2017, subject to financial ability.

EXPLANATION: BMCC will combine its expertise in multimedia and digital imaging with its strong business curriculum to develop a program with little additional cost. It will prepare students for employment in the technology, advertising, media and information fields which are experiencing very strong employment growth in the lower Manhattan neighborhoods among others. Students may choose employment either directly upon graduation or after completing a bachelor’s degree. An articulation agreement has been signed with City College and others will be pursued.

C. BRONX COMMUNITY COLLEGE – AAS IN CYBERSECURITY AND NETWORKING:

RESOLVED, That the program in Cybersecurity and Networking leading to the Associate of Applied Science degree at Bronx Community College be approved effective October 23, 2017, subject to financial ability.

EXPLANATION: According to the Bureau of Labor Statistics (BLS), the employment opportunities for professionals in the field of cybersecurity are expected to grow as much as 37% by 2022. Cybersecurity and networking degree programs will prepare students for entry-level positions in the industry and help them to earn standard certifications like A+, Network+, etc. An innovative aspect of this program is that students will have the option of beginning this program in non-credit certification courses which will be converted into credit bearing courses. Recently, Bronx Community College was awarded a pilot grant from the Capital One Foundation to develop this program, with the expectation of a full five years of funding support.

D. THE GRADUATE SCHOOL AND UNIVERSITY CENTER – MS IN QUANTITATIVE METHODS IN THE SOCIAL SCIENCES:

RESOLVED, That the program in Quantitative Methods in the Social Sciences leading to the Master of Science degree at The Graduate School and University Center be approved effective October 23, 2017, subject to financial ability.

EXPLANATION: This interdisciplinary master’s program would build on the many advanced methodology courses within existing programs at the Graduate Center to develop a coherent MS program that offers systematic study of quantitative methods, advanced forms of data analysis, and cutting edge techniques in the social sciences. Students will join current doctoral students in gaining knowledge that is highly valued in academia, the non-profit world, government, and business.
E. THE GRADUATE SCHOOL AND UNIVERSITY CENTER – MS IN COGNITIVE NEUROSCIENCE:

RESOLVED, That the program in Cognitive Neuroscience leading to the Master of Science degree at The Graduate School and University Center be approved effective October 23, 2017, subject to financial ability.

EXPLANATION: Cognitive Neuroscience is an exciting interdisciplinary field that focuses on understanding the biological bases of cognitive functions such as perception, memory, attention, language and decision making. In addition to the coursework, students in this proposed program will have the opportunity to conduct research in the laboratories of the many CUNY faculty affiliated with the program throughout the University. Students will be able to gain direct employment in laboratories in addition to applying to doctoral programs upon graduation.

F. HUNTER COLLEGE – RESOLUTION TO AWARD AN HONORARY DEGREE:

RESOLVED, That Hunter College award Mark Sinclair (Vin Diesel) the degree of Doctor of Humane Letters, honoris causa, at the colleges annual commencement ceremony in January 2018.

EXPLANATION: Mark Sinclair (Vin Diesel) is an accomplished attendee of Hunter College and an acclaimed screenwriter, director, and actor. In addition to his bold performances in action films, he has portrayed more nuanced and robust roles, and has written and produced several films including and Strays (1997) which was selected for competition at the Sundance Festival.

G. THE CITY UNIVERSITY OF NEW YORK – AMENDMENTS TO RESEARCH MISCONDUCT POLICY:

RESOLVED, That the Board of Trustees adopt the revised Research Misconduct Policy, effective October 23, 2017.

EXPLANATION: Due to organizational changes as well as the need for further clarification of the current Research Misconduct Policy, amendments to the Policy were developed by the Office of Research and the Office of the General Counsel and in consultation with the University Faculty Senate. The changes are summarized as follows:

- The Research Foundation is the official recipient of research grants and contracts. The Policy has been revised to have reporting requirements fulfilled by the Research Foundation instead of the College Grants Officer.

- The Research Integrity Officer is an administrator or tenured member of the faculty with appropriate training in research compliance and integrity.

- In the absence of the Vice Provost for Research, his or her designee typically performs the tasks assigned to the Vice Provost. The Policy has been amended throughout to reflect this more consistently.

- The individual responsible for research compliance in the central administration is the Associate University Provost for Research Administration and Compliance. The Office of Academic Affairs has reorganized its Research Administration division. The title of University Director for Research Compliance is no longer used. This change is made throughout the document.

- In Section 1, “similar educational activities” has been removed due to its ambiguity in implementation of the policy. The definition of College has been revised to include the Advanced Science Research Center and the CUNY School of Medicine.

NOTE: A red-lined version of the changes may be obtained from the Office of the Secretary of the Board of Trustees upon request.
THE CITY UNIVERSITY OF NEW YORK

POLICY REGARDING THE DISPOSITION OF ALLEGATIONS OF RESEARCH MISCONDUCT

1. GENERAL STATEMENT OF POLICY

A fundamental purpose of the University is to foster an environment that promotes the responsible conduct of research, discourages Research Misconduct, and deals promptly with any Allegations or Evidence of possible Research Misconduct. (Definitions of “Research Misconduct”, “Allegation”, “Evidence” and other terms in this Policy that appear with initial capital letters are set forth in Section 12 below.) It is the University’s basic expectation that all research conducted by members of the University community will adhere to the highest ethical and moral standards. This Policy describes the procedures to be followed by the University in connection with any Allegation that University faculty, staff, post-doctoral associates, and/or students, whether paid by the University or through other funding sources, may have engaged in Research Misconduct. This Policy is also intended to comply with the requirements of applicable regulatory agencies and the sponsors of research.

2. APPLICABILITY

This Policy applies only to Allegations of Fabrication, Falsification, and Plagiarism in research, as such terms are defined in Section 12 below, and not to any other kind of academic misconduct or dishonesty. This Policy applies to all research conducted by University faculty, staff, post-doctoral associates, and/or students, regardless of the academic discipline of the researcher or the sponsorship or source of support for the research. This Policy does not supersede or establish an alternative to any existing University or governmental regulations, procedures, or policies regarding fiscal improprieties, conflicts of interest, ethical treatment of human or animal subjects, or criminal matters, all of which remain in effect.

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

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

3. REPORTING ALLEGATIONS OF RESEARCH MISCONDUCT

Allegations of Research Misconduct may be brought to the University’s attention as follows:

31. Any individual may report suspected Research Misconduct by one or more persons orally or in writing. Such individual (the “Complainant”) should address such Allegation to the Research Integrity Officer (“RIO”) of the College where the subject of the Allegation (the “Respondent”) has an appointment. In cases where the Respondent is a faculty member with joint appointments, the Allegation should be reported to the RIO of the “home College”, as determined in accordance with the University’s Joint Appointment Guidelines. If the Allegation is reported to the RIO orally, the RIO will contemporaneously create a written record of the Allegation.

32. If an Allegation is received by another University administrator or identified in the course of another University process, such as an internal audit, the responsible administrator must immediately notify the RIO of the Allegation in writing. The RIO may initiate a Research Misconduct Proceeding regardless of the conduct or outcome of the other University processes.

33. A regulatory agency or research sponsor may forward an Allegation of Research Misconduct at the University to the Vice Provost for Research or his or her designee, and the Vice Provost for Research or his or her designee will then determine whether to accept the responsibility of an Inquiry or an Investigation of the Allegation on behalf of the University. If the regulatory agency or research sponsor has conducted an Inquiry, the University’s Research Misconduct Proceeding may begin at the Investigation stage. The Vice Provost for Research or his or her designee will give notice of the Allegation to the President and the RIO at the appropriate
College and, if the Allegation involves sponsored research, the President of the Research Foundation. The Associate University Provost for Research Administration and Compliance, in collaboration with the RIO, will notify the Respondent of the Allegation.

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

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

5. CONFIDENTIALITY

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

6. INQUIRY

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

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

6.3. Once the RIO determines that an Inquiry is warranted, the RIO will notify the Respondent, the Complainant, and the President in writing of the Allegation that has been filed and that an Inquiry will be conducted. If the Inquiry subsequently identifies additional Respondents, the RIO will also notify them in writing.

6.4. Promptly following the RIO’s determination that an Inquiry is warranted, the securing of the related Research Records and Evidence, and the notifications required under Section 6.3 above, the RIO will conduct an Inquiry to determine whether an Investigation of the Allegation is
warranted. An Investigation is warranted if there is (a) a reasonable basis for concluding that the Allegation falls within the definition of Research Misconduct under Section 12.17 below, and (b) preliminary information-gathering and preliminary fact-finding from the Inquiry indicates that the Allegation may have substance.

65. Promptly following the completion of the Inquiry, the RIO will prepare a preliminary Inquiry report that will include the following information: (a) the name and position of the Respondent; (b) a description of each Allegation of Research Misconduct; (c) whether the Allegation is associated with sponsored research, and the related contract or grant number, if any; (d) a summary of the steps taken during the Inquiry; (e) a summary of the results of the Inquiry; (f) the basis for concluding that the Allegation falls within the definition of Research Misconduct; (g) a recommendation to the President as to whether or not an Investigation is warranted; and (h) attachments of any relevant materials used in the Inquiry.

66. The RIO will provide the Respondent an opportunity to review and comment on the preliminary Inquiry report. Upon receipt of the comments from the Respondent, the RIO will attach the Respondent's comments to the preliminary Inquiry report and submit this final Inquiry report to the President. Upon receipt of the final Inquiry report, the President, in consultation with the Vice Provost for Research or his or her designee and the RIO, will make the decision as to whether to refer the case for an Investigation.

67. All efforts should be made to complete the Inquiry as expeditiously as possible, and within 60 calendar days of its initiation, unless circumstances clearly warrant a longer period. If the Inquiry takes longer than 60 calendar days to complete, the Inquiry record must include documentation of the reasons for exceeding the 60-day period.

68. If the President decides that an Investigation is NOT warranted, he or she must consult with the Vice Provost for Research or his or her designee prior to closing the case. If the Vice Provost for Research is in agreement with the President, the matter will be closed and all records of the proceedings treated as confidential pursuant to Section 5 to respect the rights and protect the reputations of all parties involved. All reasonable and practical efforts, if requested and as appropriate, will be undertaken to protect or restore the reputation of the Respondent. The RIO will notify the Respondent and the Complainant of this decision in writing.

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

70. If the President decides that an Investigation is warranted, he or she will send the final Inquiry report to the Vice Provost for Research or his or her designee for Investigation of the case within 14 calendar days of this decision. If the research involved in the Allegation is supported by a grant or contract from a research sponsor, the Vice Provost for Research or his or her designee will notify the President of the Research Foundation and the sponsor in accordance with sponsor requirements.

7. INVESTIGATION

71. Upon receipt of the final Inquiry Report, the Vice Provost for Research or his or her designee will appoint at least three members of University or College staff or tenured faculty at any College to an Investigation Committee to conduct the Investigation. A majority of the members of the Investigation Committee will be tenured faculty actively involved in research in the same field as the Respondent or a related field, and a majority of the members of the Investigation Committee will be tenured faculty members at Colleges other than the Respondent’s College. In addition, no staff member of the Respondent’s College may serve on the Investigation Committee.
72. The Investigation will begin within 30 calendar days after the President’s referral of the case to the Vice Provost for Research. The Investigation Committee will give the Respondent written notice of any new Allegations of Research Misconduct not addressed during the Inquiry or in the initial notice of the Investigation within a reasonable amount of time after a determination to pursue any such new Allegations.

73. The University will take reasonable steps to ensure an impartial and unbiased Investigation to the maximum extent practicable, including participation of persons with appropriate expertise who do not have unresolved personal, professional, or financial conflicts of interest with, or biases against, those involved with the Inquiry or the Investigation.

74. The Investigation Committee will use diligent efforts to ensure that the Investigation is thorough and sufficiently documented and that it includes an examination of all Research Records and Evidence relevant to reaching a decision on the merits of the Allegations. If the Respondent refuses to make any such Research Records and Evidence available for the Investigation, the Investigation Committee may draw adverse inferences from such refusal.

75. The Investigation Committee will comply with the requirements of any applicable regulatory agency and/or research sponsor regarding the interviewing of individuals in connection with the Investigation, will use reasonable efforts to interview each Respondent, the Complainant, and any other available person whom the Investigation Committee has identified as having information regarding any relevant aspects of the Investigation, and will keep written records of each interview.

76. Upon completion of the Investigation, the Investigation Committee will prepare a draft Investigation report and will provide the Respondent a copy of the draft Investigation report and, concurrently, provide the Respondent and/or his or her union representative or legal counsel, if any, a copy of, or supervised access to, the Evidence on which the draft Investigation report is based. The comments of the Respondent on the draft Investigation report, if any, must be submitted within 30 calendar days of the date on which the Respondent received the draft report.

77. The Investigation Committee will promptly review any comments on the draft Investigation report by the Respondent and decide whether or not to make a finding of Research Misconduct. The Investigation Committee will document its decision in the final Investigation report. The final Investigation report will be in writing and will:

a) Describe the nature of the Allegations of Research Misconduct;

b) Identify the research sponsor support, if any, and include any grant or contract numbers, grant or contract applications, grants or contracts, and publications listing the support;

c) Describe the specific Allegations of Research Misconduct for consideration in the Investigation;

d) Include the University policies and procedures under which the Investigation was conducted;

e) Identify and summarize the Research Records and Evidence reviewed, and identify any Evidence taken into custody but not reviewed;

f) For each separate Allegation of Research Misconduct identified during the Investigation, provide a finding as to whether Research Misconduct did or did not occur, and if so:

   i) Identify whether the Research Misconduct was Falsification, Fabrication, or Plagiarism, and if it was intentional, knowing, or in reckless disregard;

   ii) Summarize the facts and the analysis that support the conclusion and consider the merits of any reasonable explanation by the Respondent;
iii) Identify the specific research sponsor support, if any;

iv) Identify whether any publications need correction or retraction;

v) Identify the person(s) responsible for the Research Misconduct; and

vi) List any current support or known applications or proposals for support that the Respondent has pending with any research sponsors; and

g) Include and consider any comments made by the Respondent on the draft Investigation report.

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

7.9. If the research involved in the Allegations is or was supported by a grant or a contract, the Vice Provost for Research or his or her designee, in collaboration with the Research Foundation, will report and respond to any applicable regulatory agency and/or research sponsor as outlined in Section 9 below and send a copy of any such communication to the President of the Research Foundation.

7.10. All aspects of the Investigation, including conducting the Investigation, preparing the draft Investigation report and providing it for comment, deciding whether or not to make a finding of Research Misconduct, preparing the final Investigation report, and notifying any applicable regulatory agency and/or research sponsor in accordance with its requirements, will be completed within 120 calendar days of the beginning of the Investigation.

7.11. If, upon the conclusion of an Investigation, it is determined that the Respondent has NOT committed any Research Misconduct, the matter will be closed, the Vice Provost for Research or his or her designee will notify in writing any applicable regulatory agency and/or research sponsor and, if the Allegation involves sponsored research, the President of the Research Foundation, and all records of the proceedings will be treated as confidential pursuant to Section 5 above to respect the rights and protect the reputations of all parties involved. All reasonable and practical efforts, if requested and as appropriate, will be undertaken to protect or restore the reputation of persons alleged to have engaged in Research Misconduct but against whom no finding of Research Misconduct is made.

8. SECURING OF RESEARCH RECORDS AND EVIDENCE

8.1. Pursuant to section 6.2 above, the RIO will comply with the requirements and procedures for securing Research Records and Evidence based on consultation with the Office of Research. Either before or at the time the RIO notifies the Respondent of the Allegation and at any other time during the course of an Inquiry when additional Research Records or Evidence are discovered, the RIO, with any necessary assistance from the Legal Affairs Designee at the College and in consultation with the Associate University Provost for Research Administration and Compliance, will take all reasonable and practical steps to (a) obtain custody of all the Research Records and Evidence needed to conduct the Research Misconduct Proceeding, (b) inventory the Research Records and Evidence, and (c) sequester the Research Records and Evidence in a secure manner; except that where the Research Records or Evidence encompass scientific instruments shared by a number of users, custody may be limited to copies of the Research Records or Evidence on such instruments, so long as those copies are substantially equivalent to the evidentiary value of the instruments. To the extent that
compliance with the requirements and procedures for securing Research Records and Evidence involves monitoring or inspecting the activity and accounts of individual users of the University’s computer resources, the RIO, the Legal Affairs Designee at the College, and the Associate University Provost for Research Administration and Compliance will comply with the requirements of Section 13(c) of the University’s Policy on Acceptable Use of Computer Resources.

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

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

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

9. REPORTING AND RESPONDING TO REGULATORY AGENCIES AND RESEARCH SPONSORS

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

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

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

   b) Research sponsor resources or interests are threatened;

   c) Research activities should be suspended;

   d) There is reasonable indication of possible violations of civil or criminal law;

   e) Governmental or other action is required to protect the interests of those involved in the Research Misconduct Proceeding;

   f) The University believes the Research Misconduct Proceeding may be made public prematurely, so that the regulatory agency and/or research sponsor may take appropriate steps to safeguard Evidence and protect the rights of those involved; and

   g) The research community or the public should be informed.

10. GENERAL CONSIDERATIONS

101. When being interviewed by the RIO or appearing before the Investigation Committee, the Respondent may be accompanied by a union representative or legal counsel. However, neither
the Inquiry nor the Investigation is a trial-type proceeding, and the union representative or legal counsel may not actively participate in the proceeding, such as by directing questions or answers or offering argument on behalf of the Respondent.

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

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

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

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

a) will take precautions to ensure that they do not have real or apparent personal, professional, or financial conflicts of interest with, or biases against, any Respondent, any Complainant, or any witness in a Research Misconduct Proceeding;

b) will at all times conduct their activities related to the implementation of this Policy in a fashion that is consistent with their obligations under applicable federal, state, and local laws, rules, and regulations; and

c) may request the assistance of legal counsel from the University’s Office of the General Counsel during the course of their activities related to the implementation of this Policy.

11. RECORD KEEPING

The University has a continuing obligation under this Policy to ensure that it maintains adequate records of a Research Misconduct Proceeding. The RIO will maintain in a secure manner sufficiently detailed documentation of each Inquiry, including related Research Records and Evidence, and the Associate University Provost for Research Administration and Compliance will maintain in a secure manner sufficiently detailed documentation of each Investigation, including related Research Records and Evidence, for seven years after (a) the completion of the Research Misconduct Proceeding or (b) the completion of any regulatory agency or research sponsor proceeding involving the Allegations of Research Misconduct, whichever is later, in order to permit a later assessment by the regulatory agency or research sponsor or otherwise. To the extent that the RIO forwards such original detailed documentation of an Inquiry to the Office of Research in connection with an Investigation, the Associate University Provost for Research Administration and Compliance will be responsible for maintaining such documentation for the period provided in this section.
12. DEFINITIONS

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

12.2. **College** means an educational unit of the University, including all senior colleges and community colleges, the Graduate School and University Center (including, without limitation, the School of Professional Studies, the Graduate School of Journalism, the Advanced Science Research Center and the CUNY School of Public Health), the City University School of Law, the City University School of Medicine, and the University's Central Office.

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

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

12.5. **Fabrication** means making up data or results and recording or reporting them.

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

12.7. **Inquiry** means preliminary information-gathering and preliminary fact-finding to determine whether an Allegation has substance and if an Investigation is warranted. An Investigation must be undertaken if the Inquiry determines the Allegation has substance.

12.8. **Investigation** means the formal development, examination, and evaluation of a factual record to determine whether Research Misconduct has taken place, to assess its extent and consequences, and to evaluate appropriate action.

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

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

12.11. **Plagiarism** means the appropriation of another person's ideas, processes, results, or words without giving appropriate credit.

12.12. **Policy** means this Policy regarding the Disposition of Allegations of Research Misconduct.

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

12.14. **President,** except for the President of the Research Foundation, means the President or Dean of each College, as applicable. For purposes of this Policy, the Provost or his or her designee will be deemed to be the President of the University's Central Office.

12.15. **Research Foundation** means the Research Foundation of The City University of New York.

12.16. **Research Integrity Officer** ("RIO") means the official at each College designated by the President of the College after consulting with the appropriate faculty governance body at the College to be responsible for receiving Allegations of Research Misconduct, determining whether such Allegations warrant Inquiries, conducting the Inquiries and preparing the Inquiry
reports, recommending to the President whether or not Investigations are warranted, and assisting in the Investigations by the Investigation Committee. The RIO must be an administrator or tenured faculty member at the College and will be provided appropriate training to carry out his or her responsibilities under this Policy.

12.17. Research Misconduct means Fabrication, Falsification, or Plagiarism in proposing or performing research, reviewing research, or in reporting research results. Research Misconduct does not include honest error or differences of opinion. A finding of Research Misconduct made under this Policy requires that: (a) there be a significant departure from accepted practices of the relevant research community; (b) the misconduct be committed intentionally, knowingly, or recklessly; and (c) the Allegation be proven by a Preponderance of the Evidence.

12.18. Research Misconduct Proceeding means any action related to alleged Research Misconduct taken under this Policy, including but not limited to, determinations of whether or not an Inquiry is warranted, Inquiries, Investigations, and regulatory agency or research sponsor oversight reviews, hearings, and administrative appeals.

12.19. Research Record means the record of data or results that embody the facts resulting from a research inquiry, including, but not limited to, research proposals, laboratory records, both physical and electronic, progress reports, abstracts, theses, oral presentations, internal reports, journal articles, and any documents and materials provided in the course of a Research Misconduct Proceeding.

12.20. Respondent means the person against whom an Allegation of Research Misconduct is directed or who is the subject of a Research Misconduct Proceeding.

12.21. Retaliation means an adverse action taken against a Complainant, witness, or other participant in a Research Misconduct Proceeding in response to (a) a good faith Allegation of Research Misconduct, or (b) good faith cooperation with a Research Misconduct Proceeding.

12.22. University means The City University of New York.

12.23. Vice Provost for Research means the University’s Vice Provost for Research. If there is a vacancy at any time in the position of Vice Provost for Research, the University’s Executive Vice Chancellor for Academic Affairs or his or her designee will assume the responsibilities assigned to the Vice Provost for Research under this Policy. Similarly, if there is a vacancy at any time in the position of Associate University Provost for Research Administration and Compliance, the Vice Provost for Research or his or her designee will assume the responsibilities assigned to the Associate University Provost for Research Administration and Compliance under this Policy.

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

A. THE CITY UNIVERSITY OF NEW YORK - REVISED PRE-TENURE REVIEW POLICY:

WHEREAS, In 2011 the University adopted a pre-tenure review policy, following the lead of a number of CUNY colleges that had similar policies; and

WHEREAS, Following the adoption of the 2011 policy, the Professional Staff Congress/CUNY filed an improper practice charge with the New York State Public Employment Relations Board, alleging that the pre-tenure review policy should have been a subject of collective bargaining; and

WHEREAS, The University denied that it had engaged in an improper practice charge, but entered into discussions with the Professional Staff Congress/CUNY regarding the terms of the policy; and
WHEREAS, The University and the PSC were able to reach a settlement agreement resolving the improper practice charge, pursuant to which the University agreed to make some modest changes to the original policy; now therefore be it

RESOLVED, That the Board of Trustees adopt the following revised policy for pre-tenure review of tenure-track faculty, effective immediately, which shall supersede the policy adopted on February 28, 2011:

There shall be a Dean’s review for each untenured tenure-track faculty member in his/her third year of service. Such review will be conducted as follows:

1. Toward the end of the spring semester, after the department chair’s annual evaluation memorandum but before the spring commencement, the dean of the appropriate school, division, or other academic unit in which the faculty member serves (or if there is no such dean, the appropriate academic administrator designated by the President) shall review the professional record of the faculty member.

2. The professional record shall consist of all materials used by the chair in creating the third-year annual evaluation memorandum, plus the third-year evaluation and the contents of the faculty member’s personnel file. No additional documentation shall be required. The record will not include any external reviews.

3. If the Dean believes the total academic performance of the faculty member is not sufficiently set forth in the third-year annual evaluation memorandum, the Dean shall prepare a draft memorandum to the department chair that specifies the strengths and weaknesses of the faculty member’s total academic performance in light of the criteria for tenure consistent with established University policies. The Dean shall share the draft with the department chair and discuss it, after which a copy of the draft memorandum shall be sent to the faculty member.

4. Thereafter, there shall be a meeting with the faculty member to discuss the draft memorandum. The college shall decide whether the meeting is with the Dean or the department chair. If the faculty member requests it, the Dean (if the meeting is with the chair) or the chair (if the meeting is with the Dean) shall also be included at the meeting.

5. Within ten (10) days after the meeting set forth in paragraph 4, the Dean shall issue a final memorandum to the department chair with a copy to the faculty member. The department chair shall have the faculty member initial the Dean’s memorandum solely to show receipt of the Dean’s memorandum and place it in the faculty member’s personal personnel file. The faculty member shall retain all rights under Articles 19 and 20 of the PSC/CUNY collective bargaining agreement.

6. A College President may choose to conduct the Dean’s review for all affected faculty in the fall or spring of the faculty member’s fourth year of service instead of the third year of service with notice to the faculty in which case all references to the third year in this procedure will refer to the year in which the evaluation is conducted.

EXPLANATION: In 2011, the University adopted a pre-tenure review policy, following the lead of a number of CUNY colleges that had similar policies. Faculty members are considered for tenure at the beginning of their seventh continuous year of service, and it is critical that they receive feedback well in advance of the tenure decision as to the strengths and weaknesses of their performance in light of the University’s tenure standards. The pre-tenure review, conducted at the end of the faculty member’s third year, is a mechanism for providing faculty members with such feedback, in addition to the performance reviews contained in the faculty member’s annual evaluations. Under the pre-tenure review process, a Dean reviews the faculty member’s record and writes a memorandum to the faculty member about his/her total academic performance; the memorandum is then discussed with the faculty member and placed in the faculty member’s personnel file.
Following the adoption of the 2011 policy, the Professional Staff Congress/CUNY and the University entered into discussions about the policy and reached an agreement that involved some modest changes to the original policy. These changes are consistent with the purpose of the original policy and prior college policies. The revised policy also improves upon the original policy by providing flexibility for a college to conduct the pre-tenure review in a faculty member’s fourth year of service rather than the third year, and by having the Dean’s memorandum start as a draft and become finalized only after the meeting with the faculty member.

NOTE: Matter underlined is new; matter strikethrough is deleted.

THE CITY UNIVERSITY OF NEW YORK
Pre-Tenure Review Policy

There shall be a dean’s review for each untenured tenure-track faculty member in his/her third year of service. Such review will be conducted as follows:

1. Toward the end of the spring semester, after the department chair’s annual evaluation memorandum but before the spring commencement, the dean of the appropriate school, division, or other academic unit in which the faculty member serves (or if there is no such dean, the appropriate academic administrator designated by the President) shall review the professional record of the faculty member.

2. The professional record shall consist of all materials used by the chair in creating the third-year annual evaluation memorandum, plus the third-year evaluation and the contents of the faculty member’s personnel file. No additional documentation shall be required. The record will not include any external reviews.

In order to ensure that each tenure-track faculty member has adequate guidance on the progress he/she is making towards meeting the standards for tenure, the school, divisional or other appropriate dean or academic administrator designated by the President (hereinafter the “Dean”) shall review each such faculty member at the end of his or her third year of service.

3. If the dean believes the total academic performance of the faculty member is not sufficiently set forth in the third-year annual evaluation memorandum, the dean shall prepare a draft memorandum to the department chair that specifies the strengths and weaknesses of the faculty member’s total academic performance in light of the criteria for tenure consistent with established University policies. The dean shall share the draft with the department chair and discuss it, after which a copy of the draft memorandum shall be sent to the faculty member.

The Dean shall review the personal personnel file of each untenured tenure-track faculty member in the spring of his/her third year of service, following the annual evaluation conducted pursuant to the PSC/CUNY collective bargaining agreement. Thereafter, the Dean shall meet with the chairperson of the faculty member’s department to discuss the faculty member’s progress. After that meeting, the Dean shall prepare a memorandum to the department chairperson regarding the faculty member’s progress toward tenure and setting forth recommendations for any additional guidance to be provided to the faculty member.

4. Thereafter, there shall be a meeting with the faculty member to discuss the draft memorandum. The college shall decide whether the meeting is with the dean or the department chair. If the faculty member requests it, the dean (if the meeting is with the chair) or the chair (if the meeting is with the dean) shall also be included at the meeting.

The Dean's memorandum shall be provided to the faculty member and discussed with him/her by the department chairperson and/or the Dean. Following the meeting, the Dean may, where appropriate, attach an addendum to the memorandum based on the Dean’s participation in the meeting or the department chairperson’s report of the meeting to the Dean. In accordance with the procedures set forth in the collective bargaining agreement between the University and the Professional Staff Congress, the faculty member shall be asked to initial the Dean's memorandum and addendum, if any, before it is placed in his/her file, and the faculty member shall have the right to include in his/her personnel file any comments he or she has concerning the Dean's memorandum.
5. Within ten (10) days after the meeting set forth in paragraph 4, the dean shall issue a final memorandum to the department chair with a copy to the faculty member. The department chair shall have the faculty member initial the dean’s memorandum solely to show receipt of the dean’s memorandum and place it in the faculty member’s personal personnel file. The faculty member shall retain all rights under Articles 19 and 20 of the PSC/CUNY collective bargaining agreement.

6. The appropriate body at each college may adopt implementation procedures that are consistent with this policy. Such procedures may provide, for example, whether the discussion of the Dean’s memorandum with the faculty member will be conducted by the department chairperson, the Dean or both and whether the faculty member may have a choice in the matter. In addition, notwithstanding the provision as to the timing of the review set forth above, a college governance body may choose to provide for this review more than once prior to the year of tenure decision, in which case the review shall occur at appropriate intervals and not necessarily at the end of the third year. A college president may choose to conduct the dean’s review for all affected faculty in the fall or spring of the faculty member’s fourth year of service instead of the third year of service with notice to the faculty in which case all references to the third year in this procedure will refer to the year in which the evaluation is conducted.

B. THE CUNY SCHOOL OF LAW - AMENDMENTS TO THE GOVERNANCE PLAN:

WHEREAS, The CUNY School of Law formerly was affiliated with Queens College; and

WHEREAS, The CUNY School of Law is no longer affiliated with Queens College; now therefore be it

RESOLVED, That the proposed amendments to the Governance Plan of The CUNY School of Law be adopted, effective October 24, 2017.

EXPLANATION: The proposed amendments to the Governance Plan of the CUNY School of Law consist of technical revisions to remove references to Queens College. At one time the Law School was affiliated with Queens College, but it is no longer part of the College. The current Governance Plan incorrectly refers to the Law School as “the CUNY School of Law at Queens College.” The revised plan would instead refer to “the CUNY School of Law.”

These technical amendments are requested by the Dean of the Law School.

NOTE: A red-lined version of the changes may be obtained from the Office of the Secretary of the Board of Trustees upon request.

GOVERNANCE PLAN
THE CITY UNIVERSITY OF NEW YORK SCHOOL OF LAW

I. INTRODUCTION

A. PURPOSES

1. The central purpose of The City University School of Law (the “Law School”) is to create an educational program that will train students for the practice of law in the service of human needs and honor students’ aspirations toward building a legal career that reflects their commitment toward justice, fairness, and equality. The organization of work and life at the Law School is designed to encourage students to think actively about their life choices, their evolving concept of professionalism, and the content and processes of the law itself, in ways that foster their capacity to practice law in a socially useful manner.

2. This Governance Plan is intended to provide a governance system for the Law School that facilitates the realization of this commitment. This Governance Plan should be read consistent with the Bylaws of the Board of Trustees of The City University of New York, and nothing in this Plan should be read as inconsistent with the Bylaws of the Board of Trustees unless specifically so stated in this Governance Plan. The procedures that follow seek to encourage a spirit of relationship, trust, and community that operates within a framework of rules. The rules are designed to provide a framework within which people motivated by a sense of shared mission can operate in a manner that encourages responsibility and participation by all members of the Law School.
community.

3. In order to serve these ends, a governance system needs to respect both democratic modes of participation and an institutional authority that enables the Law School to maintain a coherent and coordinated expression of its purpose.

B. STATUS WITHIN THE CITY UNIVERSITY

1. The City University School of Law is a unit of The City University of New York (“The City University”). The Law School is a constituent element, similar to a college of The City University and shall have ties to all institutions within The City University.

C. TITLES AND DEFINITIONS

1. The Board or Board of Trustees means the Board of Trustees of The City University of New York.

2. The authorization and definition of titles for faculty, permanent Instructional staff, other instructional staff, and classified (non-instructional) staff at the Law School shall include only those titles authorized and defined in the Bylaws of the Board of Trustees.

3. Notices of reappointment at the Law School shall be handled in accordance with the Bylaws of the Board.

4. The term “administrative staff” or “administrators” shall mean full-time members of the instructional staff within the meaning of Section 6.1 of the Board of Trustees’ Bylaws who are not members of the faculty.

5. The term “support staff” refers to persons, other than students enrolled at the Law School, who are working full-time at the School, or who have worked part-time, at least 10 hours per week, at the School for at least six months, and are not members of the instructional staff.

II. THE DEAN

A. AUTHORITY OF THE DEAN

1. The Dean of The City University School of Law shall be the chief educational and administrative officer of the Law School. The Dean of the Law School shall be a member of the CUNY Council of Presidents and shall have, subject to the provisions and exceptions contained in this Governance Plan, the duties and responsibilities of a college president as stated in Section 11.4 of the Board of Trustees Bylaws and other policies and resolutions of the Board. The Dean of the Law School shall have, subject to the provisions and exceptions contained in this Governance Plan, all of the rights and responsibilities of a president relative to all collective bargaining agreements, rules and regulations of CUNY Classified Service and all other policies and procedures issued by the City University of New York.

2. The Dean may be removed by the Board upon the recommendation of the Chancellor after consultation with the faculty of the Law School. The Dean of the Law School shall be a tenured member of the Law faculty.

3. The Dean of the Law School shall exercise all the responsibilities customarily exercised by law school deans. He/she shall consult with and report to the Chancellor. He/she shall have the affirmative responsibility for developing the academic program, enhancing the educational standards and assuring the academic excellence of the Law School. Such responsibility shall include but not be limited to the following duties:

   a. to recommend, as stated in this Governance Plan, the appointment, promotion, and tenure of persons who will contribute to the improvement of the Law School program. These recommendations shall be consistent with the immediate and long-range objectives of the Law School;

   b. to advise the Chancellor and the Board of Trustees on matters concerning the program of the Law School;

   c. to provide advice concerning other law-related programs within The City University and to make recommendations on the development and operation of such programs;

   d. to supervise and manage the work of the Law School faculty and employees, and to carry into effect the Bylaws, resolutions and policies of the Board of Trustees;

   e. to prepare and implement a long-range plan for the Law School;
f. to act as chairperson of the faculty of the Law School and the Law School Committee on Personnel and Budget;

g. to review and recommend to the Chancellor and other appropriate officials the actions of the Law School faculty on matters of curriculum and other matters falling under faculty jurisdiction;

h. to consult with appropriate faculty committees on matters of appointments, reappointments, and promotions, taking systemic student evaluations into account;

i. to develop Law School activities that enhance the Law School’s involvement and reputation in the legal community;

j. to develop integrated courses of study with law-related disciplines; k. to prepare and present an annual Law School budget to the Chancellor; l. to appoint such ad hoc and/or special committees as appropriate.

B. APPOINTMENT AND REAPPOINTMENT OF THE DEAN

1. When a vacancy occurs or is expected in the office of the Dean of the Law School, a Search Committee shall be established under the Board guidelines for Presidential searches.

2. A committee which will be constituted in the same fashion as a Presidential Review Committee will be appointed at the beginning of every fifth year of a Dean’s term to serve as a Review Committee to review the Dean’s performance. This committee will make a report to the Chancellor.

III. THE FACULTY

A. ORGANIZATION AND DUTIES

1. The faculty of the Law School will meet monthly, during the academic year, on the dates set forth in a calendar distributed at the start of each semester by the Dean. The faculty shall also meet on call of the Dean or upon the petition of 1/3 of the faculty, and the Dean will preside at its meetings. Within general policies established by the Board of Trustees, through its Bylaws, resolutions, policies, rules, regulations, and this Governance Plan, the Dean and Faculty of the Law School shall have the responsibility for formulating and administering the program of the School including such matters as faculty selection, retention, promotion and tenure; curriculum; methods of instruction; admission policies; and academic standards of retention, advancement and graduation of students.

2. The presence of a majority of the voting faculty shall constitute a quorum. A quorum shall be necessary for the transaction of any business. Business shall be conducted in accordance with Robert’s Rules of Order, latest edition. Minutes shall be kept of all meetings. The faculty may adopt such additional procedures for the discharge of its responsibilities under this Governance Plan, as it may deem necessary, subject to the approval of the Dean.

3. The agenda for the regular monthly faculty meeting shall be proposed by the Dean and distributed to the faculty within a reasonable time prior to the meeting. Any member of the faculty may add items to New Business. The proposed agenda shall be adopted by the faculty, by a vote of a majority of those present if a quorum is present, at the beginning of each faculty meeting and may be amended by the faculty by the same vote prior to its adoption. Once adopted the agenda may be amended in any manner by a 2/3 vote.

4. A faculty member who misses three regular faculty meetings during an academic year shall not be entitled to vote nor be counted towards a quorum at all faculty meetings for the remainder of the academic year in which the third absence occurs. Faculty members facing the loss of voting rights may appeal to the remaining voting faculty for a waiver of this rule by providing good and sufficient reasons. The waiver shall be granted if 2/3 of faculty present at a faculty meeting vote to approve the waiver.

5. The student government is authorized to elect three students, one from each class, who must be in good standing, to serve as ex-officio members of the faculty for the purpose of faculty meetings. The student government is also authorized to elect students in good standing to be the student members of faculty committees, except where otherwise specified by this Governance Plan or the Bylaws or resolutions of the Board of Trustees. All elected students must remain in good standing to retain their seats on committees or in student government; all serve for a one-year term and may be reelected. No student may serve in more than two elected positions under this Governance Plan, including student government, at a time. When a vacancy
occurs, the student government may fill the vacant seat for the remainder of the term.

B. FACULTY COMMITTEES

The Faculty committees shall be those specified below and shall also include any additional committees created from time to time by action of the Faculty or the Dean.

1. The Personnel and Budget Committee

a. The Law School shall establish a Personnel and Budget Committee which shall be composed of five persons. Members of the Personnel and Budget Committee shall be Law School faculty members elected in accordance with the Bylaws and written policies of the Board of Trustees and one second or third year student elected by the students as a non-voting member. The manner of constituting the committee, and the procedure to be followed by it, shall be subject to the approval of the Dean of the Law School. This committee shall review all recommendations for appointment and reappointment, with or without tenure, to the faculty, and promotion in rank, special salary increases and increments, and applications for fellowship and other leaves. Additionally, the Committee on Committees may appoint other committees, when needed, to review faculty candidates and to develop reports, make factual findings, and make recommendations to the P & B on reappointment, tenure, and/or promotion. Upon receiving these reports and the factual record underlying them, the P & B shall make an independent assessment and recommendation to the Dean. These other committees shall review candidates’ qualifications under the policies and standards of the City University of New York as set forth in the Bylaws, personnel policies, and resolutions of the Board of Trustees of the City University of New York. It shall recommend action thereon to the Dean. The Dean of the Law School will be one of the five members of the Law School Personnel and Budget Committee and shall serve as Chair.

b. A Faculty Search Committee shall report its recommendations to the faculty for discussion and then to the Dean. The Dean shall review the recommendations and make his or her own recommendation regarding each faculty appointment to the Personnel and Budget Committee.

c. The Personnel and Budget Committee shall review the recommendations of the Dean, consult with the full-time tenured and tenure-track faculty, and shall make its own recommendation regarding each faculty appointment to the Dean.

d. The Dean shall review the recommendations of the Personnel and Budget Committee and shall recommend to the Chancellor for appointment, only those persons who he/she is reasonably certain will contribute to the improvement of the academic excellence of the Law School.

e. The Chancellor will review the Dean’s recommendations in accordance with Section C of this Article.

3. Faculty Reappointment, Promotion, and Tenure Review Procedures

a. The Personnel and Budget Committee and all other committees charged with the review of faculty shall review all candidates’ qualifications under the policies and standards of The City University as set forth in the Bylaws, personnel policies, and resolutions of the Board of Trustees of The City University of New York.

b. The Dean shall review the affirmative recommendation(s) of the Personnel and Budget Committee and shall recommend to the Chancellor for reappointment, promotion, and tenure only those persons who he/she is reasonably certain will contribute to the improvement of the academic excellence at the Law School.

c. The Chancellor shall review the Dean’s affirmative recommendations in accordance with Section C of this Article.

4. The Admissions & Admissions Policy Committee

The Admissions & Admissions Policy Committee shall include the Assistant Dean for Enrollment Management and Director of Admissions, not fewer than three faculty, and two students who are members of the second or
third year classes. Faculty appointments shall be for a term of two years.

a. The Admissions & Admissions Policy Committee shall review individual candidates for admission and recommend admissions policy, subject to the approval of the faculty, the Dean and the Chancellor.

b. No applicant may be admitted by the Law School except on the affirmative vote of the Admissions & Admissions Policy Committee. The Committee shall follow procedures that have been approved by the faculty and the Dean.

5. Scholastic Standards and Academic Standing Committee

a. The membership of the Scholastic Standards and Academic Standing Committee shall include an Associate Dean, who shall chair the Committee, not fewer than four faculty members and two third-year students.

b. The Committee shall review policies and procedures concerning scholastic standards and assist in the development of academic support systems for students.

c. The Committee shall apply the academic standards of the Law School to individual students from the time of admission until the granting of the Juris Doctor. The Committee will receive and act upon student appeals relating to academic matters.

6. The Curriculum Committee

a. The Curriculum Committee shall be composed of not fewer than four faculty and three student members. The term of all faculty members shall be two years.

b. The Curriculum Committee shall have authority to consider all proposals to review, modify, or develop the course of study for each of the years of the program, and all proposals relating to the educational program; including, but not limited to, evaluation of student work and scheduling.

7. Committee on Committees

a. A Committee on Committees shall be constituted each year, consisting of the Dean, two faculty members elected by the faculty, one student elected by the student government and one staff member elected by the administrative and support staff.

b. The Committee shall recommend, except with respect to committees that consider personnel matters or where specified in this Governance Plan or the Bylaws of the Board of Trustees, how many, if any, members of the faculty, administrative staff, and support staff shall be nominated to each committee. The Committee shall also propose nominations for membership and chair for each committee that shall be submitted to the faculty for election, substitution or addition. Except where the Board of Trustee Bylaws or resolutions are to the contrary, the normal term of office for faculty members on committees shall be two years and for students, one year. Committee members may be reelected unless the charge of the committee or rules of the Board of Trustees limits a member's term.

C. APPOINTMENTS AND REAPPOINTMENTS TO, AND PROMOTIONS WITHIN, THE INSTRUCTIONAL STAFF PROCEDURE

1. All appointments and reappointments, including reappointments with tenure, to, and promotions within the instructional staff, except where otherwise provided, shall be recommended to the Dean who shall review the recommendations and recommend to the Chancellor only those persons who he/she is reasonably certain will contribute to the academic excellence of the Law School.

2. The Chancellor shall review the Dean’s affirmative recommendations and shall recommend to the Board of Trustees for appointment, reappointment, promotion and/or tenure only those persons who he/she is reasonably certain will contribute to the improvement of the academic excellence at the Law School.

D. APPEALS

1. A Faculty member may appeal a negative decision of the Personnel and Budget Committee regarding his or her candidacy to the Dean, who shall consider, decide and notify the candidate regarding the appeal.
IV. APPOINTMENT AND REAPPOINTMENT OF EXECUTIVES AND ADMINISTRATORS

A. INITIAL PROCESS FOR APPOINTMENT AND REAPPOINTMENT OF ADMINISTRATORS OTHER THAN THOSE IN EXECUTIVE PAY PLAN TITLES

1. Proposed appointments, other than acting or substitute appointments, to positions on the administrative staff shall be reviewed initially, after a search, by the Dean.

There shall be an Administrative Screening and Review Committee. The Dean shall make his/her recommendations to the Administrative Screening and Review Committee. The members of the Administrative Screening and Review Committee shall be appointed by the Dean and shall consist of no fewer than five members, one of whom must be a classified staff member, and at least one of whom must hold a professorial appointment, and a majority of whom must be administrators. Service on this committee will be for two years. An Associate Dean shall chair the Administrative Screening and Review Committee.

2. The Committee will review proposed appointments and reappointments, and proposed title and salary recommendations, for administrative positions to assure that the applicable University standards have been met and that rates of pay for members of the Law School administrative staff take into account comparable rates at metropolitan area law schools and other institutions in The City University and, to the extent practicable, are commensurate for those with comparable tasks and comparable experiences within The City University. The Committee shall make its recommendation to the Dean. The Dean shall review those recommendations in making his/her own recommendation to the Chancellor for appointment or reappointment.

B. EVALUATION OF ADMINISTRATORS OTHER THAN THOSE IN EXECUTIVE PAY PLAN TITLES

Evaluation of the work of persons on the administrative staff is ultimately the responsibility of the Dean. The Dean, in consultation with the Administrative Screening and Review Committee as outlined in Section A above, may recommend for appointment or reappointment persons holding such titles in accordance with established University procedures.

C. APPOINTMENT OF PERSONS HOLDING PROFESSORIAL TITLES TO ADMINISTRATIVE DUTIES OTHER THAN THOSE IN EXECUTIVE PAY PLAN TITLES

1. The Administrative Screening and Review Committee of the Law School may recommend to the Dean that an administrative position be filled by an individual whose title is law school instructor, law school assistant professor, law school associate professor, law school professor, or law school lecturer. Such recommendation may, but need not, include a recommendation that the person receive a change in remuneration for work in that title.

2. If the Dean concurs with their recommendation he/she may make such a recommendation to the Chancellor in accordance with the procedures for appointments to the instructional staff.

D. APPEALS

1. An administrator may appeal a negative decision of the Administrative Screening and Review Committee regarding his or her candidacy to the Dean, who shall consider, decide, and notify the candidate regarding the appeal.

V. BOARD OF VISITORS

A. There shall be a Board of Visitors for The City University School of Law appointed by the Chancellor. The Board of Visitors shall be made up of distinguished jurists, lawyers, scholars, and other interested persons. Its role will be to advise the Law School about its academic program, its role in the community, placement of graduates and the like. It shall assist the Dean, the Chancellor and the Board of Trustees in all aspects of the Law School’s development efforts. It shall serve as a liaison between the Law School, the legal profession, and the public and private groups, which are served by the legal profession and participate in the legal process.

B. Members of the Board of Visitors will be appointed for three-year terms upon the recommendation of the Dean of the Law School, with the concurrence of the Chancellor.

C. The membership of the Board of Visitors should reflect the Law School’s role in the Borough of Queens, in the City, the State, and the Nation. The Board of Visitors shall be governed by Bylaws promulgated by the Board of Visitors.
VI. AMENDMENTS

A. AMENDMENT PROCEDURE

1. Amendments to this Governance Plan may be recommended by the Faculty, the Dean, or the Chancellor. Any recommendations which originate in the Law School Faculty must be first submitted to the Dean for consideration. The Dean shall review the Faculty recommendation(s). Any recommendation in whole or in part approved by the Dean or any modification thereof that the Dean determines to be in the best interests of the Law School shall be recommended to the Chancellor for further consideration.

2. The Chancellor shall review the Dean’s recommendations. Any recommendation in whole or in part approved by the Chancellor or any modification thereof that the Chancellor determines to be in the best interests of the Law School shall be recommended to the Board for approval.

3. No change in this Governance Plan shall be implemented until it has been adopted by the Board.

C. GUTTMAN COMMUNITY COLLEGE - ADOPTION OF NEW GOVERNANCE PLAN:

WHEREAS, Guttman Community College, formerly known as “The New Community College,” has been operating under an Interim Governance Plan since June 25, 2012; and

WHEREAS, Guttman Community College has grown and developed and requires a new governance plan to reflect this growth and development; now therefore be it

RESOLVED, That the Board of Trustees repeal the Interim Governance Plan approved by the Board on June 25, 2012; and be it further

RESOLVED, That the Board of Trustees adopt a new governance plan for Guttman Community College as set forth in Attachment I, effective February 1, 2018.

EXPLANATION: Guttman Community College, formerly known as The New Community College, enrolled its first students in August 2012 and has been operating under an Interim Governance Plan approved by the Board of Trustees on June 25, 2012 (Attachment II). As noted in the Explanation to the June 2012 Resolution, “as with other educational units established by the Board, it [wa]s appropriate for the New Community College to have an initial governance plan to guide its operations during its early years, with the understanding that as it grows and develops, the College will likely amend the governance plan to meet new circumstances.”

A task force of faculty, staff and administrators have worked for over a year to develop a new governance plan that was approved at the College Council on May 30, 2017 and amended on September 12, 2017. The new governance plan is recommended by the College President. The new plan calls for an elected body of representatives in a Council (rather than having all full-time faculty serve on the Council) and a separate Academic Senate, also elected, of faculty and student engagement staff. In accordance with the organizational structure of Guttman Community College, three faculty personnel committees would be established to represent the interdisciplinary practice areas of Social Science, STEM, and the Humanities (E. Personnel Committees, Articles I and II).

The College has carefully developed and approved an implementation plan and timeline that would enable it to roll out the new governance plan following Board approval; the Governance Plan would be effective as of February 1, 2018. Until that date, the College will continue to utilize the existing Interim Governance Plan, College Council, and standing committees.
GOVERNANCE PLAN
STELLA AND CHARLES GUTTMAN COMMUNITY COLLEGE

A. PREAMBLE

The Stella and Charles Guttman Community College, founded in 2011, is committed to implementing innovative practices in community college education to best prepare its students with guided pathways to senior college and the world beyond. The curriculum is built on a first year experience (FYE), interdisciplinary programs of study, and methods of student engagement designed to ensure student success.

Shared governance is a Guttman community commitment that encourages interdisciplinary and interdepartmental collaboration while honoring the strengths, interests, and responsibilities of our faculty, staff, administration, and students.

B. STAKEHOLDERS

The Faculty of Guttman Community College (College) shall consist of all full- and part-time persons holding professorial, instructor, lecturer, or adjunct titles. In consultation with the Provost, each faculty member shall join an interdisciplinary area of inquiry (“practice area”)—STEM, Social Science or Humanities—based on their disciplinary and pedagogical interests and experience.

The positions reserved for the Office of Student Engagement (OSE) shall be limited to full-time Higher Education Officer (HEO) series members.

In all other situations, traditional CUNY title designations shall apply.

C. COLLEGE COUNCIL

Article I
Powers and Functions of the Council

The Council shall be the governing body of the College and, subject to the authority of the Bylaws of the CUNY Board of Trustees, shall be responsible for the establishment of College academic policy and goals pertaining to its operations and CUNY-mandated activities.

Article II
Composition

Section 1. Membership

The Council shall have the following members:

a. Faculty:
   1. 24 full-time faculty representatives, eight from each practice area, elected from and by full-time faculty in that practice area
   2. The Academic Senate Chair
   3. One part-time faculty member elected from and by part-time faculty

b. Office of Student Engagement (OSE). Five representatives of OSE elected from and by OSE members.

c. Staff. Five full-time representatives of the non-OSE staff elected from and by non-OSE full-time staff members.

d. Students. The President of the Student Government Association and four students elected from and by the student body.

e. The chair from each Council standing committee. Committee chairs not elected to Council sit as non-voting members.

f. Administration:
   1. The President, who shall appoint two additional administrative members to the Council. The President shall serve in a non-voting role, except to break a tie.
2. Any Vice Presidents, each of whom shall appoint two additional administrative members to the Council.

In the event of structural or titular change, the equivalent functional titleholder shall serve in that capacity.

Section 2. Alternates

Alternates are individuals elected to fill a temporary absence or vacancy. Alternates are expected to attend all meetings of the Council, although they shall only be counted towards quorum and vote when seated. Two alternates for each practice area shall be elected from and by the full-time faculty in that area; two alternates for OSE shall be elected from and by members of OSE; two alternates for staff shall be elected from and by the staff; two alternates for the students shall be elected from and by the students; an alternate administrator may be appointed if necessary.

Section 3. Term of Office

The term of office of the newly elected Council members and alternates shall begin the first day of the Academic Year. Each Student Council member and student alternate shall have a one-year term; all other Council members and alternates shall have staggered three-year terms.

Section 4. Recall of a Council Member

All voting Council members are subject to recall. A Council member shall be subject to recall for neglect of duties, as outlined in the Council bylaws.

Article III
Organization of the Council

Section 1. Officers and Responsibilities

The President shall serve as the Council Chair and preside at all meetings.

At the Council’s first meeting, a Vice-Chair and Secretary shall be elected from and by Council members for a three-year term.

The Vice-Chair shall serve as acting Chair in the Chair’s absence.

The Secretary shall take minutes and attendance during Council and Executive Committee meetings, maintain records of the proceedings, and attend to all correspondence.

Section 2. Parliamentarian

The Executive Council shall appoint a Parliamentarian, who need not be a member of the Council. If the Parliamentarian is not a member, the Parliamentarian shall have all rights and privileges of Council membership, except the right to vote. Parliamentarian shall serve for a three year term.

Section 3. College Council Committees

There shall be seven standing committees of the Council: the Executive Committee, the Legislative Committee, the Curriculum Committee, the Academic Assessment and Learning Committee, the Strategic Planning and Budget Committee, the Academic Technology Committee, and the Student Services Committee.

With the exception of the Executive Committee and the Strategic Planning and Budget Committee, all committees shall elect their own Chair by majority vote.
Article IV
Meetings

Section 1. Time of Meetings
The Council shall meet at least twice each semester.

Section 2. Conduct of Meetings
All Council meetings shall be conducted in conformance with Robert’s Rules of Order, latest edition, except as otherwise required by law or CUNY Bylaws.

Council meetings are open to all members of the College community.

A majority of the voting members of the Council must be present to constitute a quorum and for passage of a measure within the Council’s authority.

Section 3. Special Meetings
The petition of at least ten Council members shall be sufficient to mandate a special meeting, which shall be scheduled by the Council Chair within seven business days after receiving the petition.

Section 4. Recordkeeping
Minutes of all Council meetings shall be made available to members of the College community. The Secretary shall record the final vote of each member of the Council when votes are taken, a record of which shall be made available upon request.

Article V
Repeal of Council Decisions

Upon petition of twenty percent of the total full-time faculty, full-time staff or student body, a petition of reversal of a Council decision may be presented to the President. A petition must be filed within four weeks after publication in Council minutes. A decision shall be reversed by a two-thirds vote of the full-time faculty, full-time staff and student body in which at least twenty percent of each constituency must participate. The vote will be coordinated by the Legislative Committee.

Article VI
Powers and Duties of Standing Committees

Section 1. Executive Committee:

a. Membership. The Executive Committee shall consist of:
   1. The President, who shall serve as Committee Chair
   2. The Council Vice-Chair
   3. The Council Secretary
   4. The Academic Senate Chair
   5. Three additional persons elected from and by Council members.

b. Charge. The Council Executive Committee shall:
   1. Prepare and distribute annual schedule of Council meetings.
   2. Prepare and distribute the agenda to the entire College community at least one week before each meeting. On receipt of a written request endorsed by at least five Council members, the Executive Committee shall place on the agenda the item of concern.
   3. Invite key persons to participate in Council meetings.
   4. Review and coordinate the activities of all standing and ad hoc Council committees, which oversight shall include:
      i. The timely referral of issues to the appropriate committee
      ii. The timely receipt of committee reports and recommendations
iii. The collection of committee meeting schedules and minutes
5. Call Council into special session, with proper notice
6. Conduct such business as may be necessary in an emergency when the Council is not in
session or lacks a quorum, which action shall be subject to review and vote at the next
scheduled Council meeting.
7. Exercise any further powers and duties that may be conferred on it by the Council.

Section 2. Legislative Committee:

a. Membership. The Legislative Committee shall be composed of Council members and shall consist of:
   1. The Council Vice-Chair
   2. The Council Secretary
   3. Four faculty representatives elected from and by the Council
   4. One full-time non-teaching representative elected from and by the Council
   5. One student representative elected from and by the Council

b. Charge. The Legislative Committee shall:
   1. Facilitate nomination and election procedures for the Council.
   2. Nominate, appoint, or facilitate the election of members to ad hoc or special committees, as
      created by the Council.
   3. Inform Council of vacancies in Council and its Standing Committees and fill those vacancies
      through appointment or special election.
   4. Receive and hear grievances relating to elections and make appropriate recommendations to
      the Executive Committee.
   5. Assess the governance plan on a biennial basis and make recommendations to the Council.
   6. Review and propose amendments to the bylaws of the Council and standing committees in
      consultation with the committees.
   7. Review and evaluate how changes to the CUNY Bylaws or PSC-CUNY Collective Bargaining
      Agreement may impact the bylaws of the College Council or its standing committees and
      recommend changes as needed.
   8. Act as custodian of all minutes, agenda and election results from College Council and all
      standing committees.

Section 3. Curriculum Committee:

a. Membership. The Curriculum Committee shall consist of:
   1. The Vice President of Academic Affairs and Provost (Provost) or designee
   2. Six faculty representatives, two from each practice area elected from and by full-time faculty in
      that practice area
   3. One faculty representative from Libraries, elected from and by members of the Libraries
   4. Three OSE representatives elected from and by OSE members
   5. One student representative elected by the student body
   6. The College Registrar or designee, without vote
   7. The Chief Student Affairs Officer or designee, without vote
   8. The OAA administrator responsible for curricular matters, without vote

b. Charge.

   The Curriculum Committee shall review, evaluate and recommend programs of study, FYE
   concentrations, and course proposals received from any source and shall perform such other functions
   as the Council may assign.

c. Review.

   The Curriculum Committee shall periodically report to the Council. Committee recommendations are
   subject to Council review, modification, approval or rejection.
Section 4. Academic Assessment and Learning Committee:

a. Membership. The Academic Assessment and Learning Committee shall consist of:
   1. Six faculty representatives elected from and by all College full-time faculty
   2. Two members of OSE elected from and by OSE members
   3. The OAA administrator responsible for Assessment

b. Charge. The Academic Assessment and Learning Committee shall:
   1. Recommend procedures for institutional student learning outcomes assessment, including
      student achievement of competencies and program quality.
   2. Evaluate assessment results and report out institutional performance. The Committee shall
      not evaluate individual faculty or staff.
   3. Based on assessment, identify and recommend professional development venues for faculty
      and staff, including distributing teaching and professional development resources and
      identifying grant and funding opportunities.
   4. Work with the Center for College Effectiveness to provide support for student learning
      outcomes.

c. Review.

   The Academic Assessment and Learning Committee shall periodically report to the Council.
   Committee recommendations are subject to Council review, modification, approval or rejection.

Section 5. Strategic Planning and Budget Committee:

a. Membership. The Strategic Planning and Budget Committee shall consist of:
   1. The Vice President of Administration and Finance, who shall chair the committee
   2. The Provost
   3. The administrator responsible for Strategic Planning
   4. Two faculty representatives elected from and by the College full-time faculty
   5. One Higher Education Officer elected from and by the HEO staff
   6. One classified staff member elected from and by members of the classified staff
   7. One student representative elected from and by the student body
   8. Each Vice President shall appoint up to two additional members

b. Charge. The Strategic Planning and Budget Committee shall:
   1. Review the strategic and financial plans for the College to ensure alignment among planning
      budget and assessment.
   2. Recommend strategic plan priorities to the Council.
   3. Review and analyze the College's budget, aided by budget presentations from the Office of
      the Vice President of Administration and Finance to ensure continued support of strategic
      priorities.

c. Review.

   The Strategic Planning and Budget Committee shall periodically report to the Council. Committee
   recommendations are subject to Council review, modification, approval or rejection.

Section 6. Academic Technology Committee:

a. Membership. The Academic Technology Committee shall consist of:
   1. The OAA administrator responsible for Academic Technology
   2. The Chief Information Officer
   3. Three faculty representatives, elected from and by the College full-time faculty
   4. The Chief Librarian or designee
   5. Two representatives of OSE elected from and by OSE members
   6. One student elected from and by the student body
b. **Charge.** The Academic Technology Committee shall:
   1. Use evidence-based data and best practices research to recommend strategies to integrate
      use of technology into the curriculum.
   2. Develop guidelines and best practices on the use of supported classroom technology.
   3. Advise and assist faculty and staff on using technology to expand and improve student
      learning.

c. **Review.**

   The Academic Technology Committee shall periodically report to the Council. Committee
   recommendations are subject to Council review, modification, approval or rejection.

**Section 7. Student Services Committee:**

a. **Membership.** The Student Services Committee shall consist of:
   1. The Chief Student Affairs Officer
   2. One representative from Student Government Association (SGA) leadership, elected by and
      from SGA leadership
   3. One representative from the SGA Board elected from and by SGA representatives
   4. Two representatives from OSE elected from and by OSE members
   5. Two representatives of the non-OSE full-time staff elected from and by non-OSE full-time staff
   6. Two faculty representatives elected from and by all College full-time faculty

b. **Charge.** The Student Services Committee shall:
   1. Review and recommend policies and procedures pertaining to student life and welfare,
      campus-wide cultural and educational events, professional opportunities and student
      engagement matters.
   2. Further develop and advise student support services to promote student success
      academically, personally and professionally.

c. **Review.**

   The Committee shall periodically report to the Council. Committee recommendations are subject to
   Council review, modification, approval or rejection.

**Section 8. Committee Regulations**

a. Each committee shall prepare and implement committee bylaws in accordance with the CUNY Bylaws
   and this governance plan.

b. With the exception of the Executive Committee and the Strategic Planning and Budget Committee, all
   chairs of standing committees shall be elected by majority vote of each committee.

c. Each committee shall meet as often as necessary, but at least once each semester, keep minutes of
   its meetings and send copies of minutes to the Council Secretary.

d. Standing committees may establish and abolish subcommittees as necessary.

e. Committee members shall serve staggered three-year terms; each student member shall serve a one-
   year term.

**Article VII**

**Amendments**

Amendments to this governance document may be proposed and approved by a two-thirds affirmative
vote of the members present, if that number also constitutes a majority of the members of the Council,
which amendments shall then be subject to the approval of the President and the CUNY Board of
Trustees.
D. THE ACADEMIC SENATE

Article I
Function

The College Academic Senate (Senate) shall serve as the voice of faculty and members of the Office of Student Engagement. Subject to the guidelines of the CUNY Board of Trustees and their own bylaws, the Senate shall provide a forum for discussion, review, and recommendation of procedures, policies, and practices related to academic matters. Senate recommendations shall be referred to the Council or standing committee, as appropriate, for review and action.

Article II
Composition

Section 1. Membership
a. 24 full-time faculty, eight from each practice area, elected from and by the full-time faculty in that practice area
b. Three part-time faculty elected from and by the part-time faculty
c. Eight representatives from the OSE elected from and by full-time OSE members
d. One faculty representative Libraries, elected from and by the faculty members from Libraries
e. The President, without vote
f. The Provost, without vote
g. The Deans of the Office of Academic Affairs, without vote

Section 2. Term of Office
The term of office of the newly elected Senators shall begin the first day of the academic year. Senators shall have staggered three-year terms.

Article III
Organization of the Academic Senate

Section 1. Officers
The Chair shall be a faculty member, elected by and from the Senate at its first meeting. The Chair shall be responsible for convening and presiding at Senate and Executive Committee meetings, and is a member of the College Council Executive Committee.

The Vice Chair shall be elected by and from the Senate. In the absence of the Chair, the Vice Chair shall preside. In the absence of both the Chair and Vice Chair, the Chair shall appoint a member of the body to preside.

The Secretary shall be elected by and from the Senate. The Secretary is responsible for notifying Senate members of all meetings, Senate action, and for taking minutes in the Senate meetings.

All officers shall have a three-year term.

Section 2. The Senate Executive Committee

a. Membership. The Senate Executive Committee shall consist of:
   1. The Senate Officers
   2. Two Senate representatives, elected from and by Senate members. At least one of whom shall be from the Office of Student Engagement.

b. Charge. The functions of the Executive Committee are to:
   1. Establish and publish a schedule for regular meetings of the Senate by or at the beginning of each academic year.
   2. Prepare the agenda for Senate meetings.
3. Create and coordinate the activities of ad hoc committees after consultation with the Senate.
4. Coordinate faculty meetings.
5. Serve as the liaison to the Senate, the President and the College Council.
6. Keep minutes and report regularly to the Senate.

Article IV
Meetings

Section 1. Time of Meetings

The Senate shall meet at least once a semester. The time, location, and agenda of all Senate meetings shall be distributed to Senate members not less than a week prior to the time of the meetings.

Section 2. Conduct of Meetings

Senate meetings shall be conducted in conformance with Robert’s Rules of Order, latest edition, except as otherwise required by law or as may be provided in the bylaws.

Senate meetings are open to all members of the College community.

Section 3. Special Meetings

Special meetings of the Senate may be called by the Chair, or on the petition of at least ten Senators, which meeting shall be scheduled by the Senate Chair within seven business days after receiving the petition.

E. PERSONNEL COMMITTEES

Faculty shall be evaluated based on their teaching (FYE and Guttman Programs of Study) service and scholarship.

The following committees shall be responsible for reappointment, promotion and tenure (RPT) recommendations:

a. The College Personnel Committee
b. Faculty Personnel Committees

Article I
The College Personnel Committee

Section 1. Membership

a. The College Personnel Committee (CPC) shall consist of:
   1. One tenured faculty elected from and by full-time faculty in each academic practice area, all of whom shall serve staggered three-year terms
   2. The three Faculty Personnel Committee (FPC) Chairs, all of whom shall serve staggered three-year terms
   3. The Provost
   4. The President, without vote
b. The CPC shall elect a Chair for a one year term

Section 2. Function

The CPC shall recommend to the President:

a. Faculty reappointment, promotion and tenure
b. The grant of certificates of continuous employment to lecturers
c. The grant of multi-year appointments to adjuncts
d. The grant of fellowship and other instructional staff leaves
e. Academic personnel procedures and policies
Article II
The Faculty Personnel Committee

Section 1. Membership

a. The Faculty Personnel Committee (FPC) shall consist of:
   1. Three faculty personnel committees to represent the interdisciplinary practice areas of Social Science, STEM and the Humanities.
      i. Each FPC shall consist of five full-time faculty members elected from and by full-time faculty within the appropriate practice area, who shall serve staggered three-year terms. A minimum of two members on each FPC must be tenured. This requirement shall change to three, then four, tenured faculty members, at such times as the particular practice area has three, and, ultimately, four, tenured faculty members among its membership.
      ii. Each FPC shall elect a Chair from its tenured members for a one year term.

Section 2. Function

a. Each FPC shall:
   1. Coordinate and assign semester teaching observations for full- and part-time faculty.
   2. Either the chair or a committee designee shall assign a representative to coordinate and conduct annual evaluations."
   3. Recommend reappointment, promotion and tenure to the College Personnel Committee for full- and part-time faculty.

b. FPC faculty recommendations shall take into consideration performance within the faculty member’s discipline and interdisciplinary work performed in the First Year Experience.

D. THE CITY UNIVERSITY OF NEW YORK - AMENDMENT TO ARTICLE VI OF THE BYLAWS:

WHEREAS, The establishment of a new instructional staff title at The City University of New York requires amendment of Article VI of the Bylaws of the Board of Trustees; now therefore be it

RESOLVED, That Section 6.1 of the Bylaws of the Board of Trustees of The City University of New York be amended to establish the title “Assistant Vice Chancellor,” as follows:

NOTE: New material is highlighted.

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
Assistant 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

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

and be it further

RESOLVED, That the effective date for the creation of this title shall be July 1, 2017; and be it further

RESOLVED, That the Board of Trustees hereby waives the requirement in Section 5.1 of the Bylaws that notice of the amendment to the Bylaws proposed in this resolution be presented at a meeting preceding the meeting at which a vote is taken.

EXPLANATION: The title “Assistant Vice Chancellor” was included in the list of titles in the Executive Salary and Compensation Plan resolution approved by the CUNY Board of Trustees at its meeting held on June 26, 2017. The adoption of a new instructional title requires an amendment of Article VI of the Bylaws.
The Board is being asked to waive the requirement that this amendment to the Bylaws be noticed at a meeting preceding the meeting at which it is voted upon in order to make the new title available as soon as possible.

E. QUEENS COLLEGE - NAMING OF THE RAYMOND ERICKSON MUSIC REFERENCE COLLECTION:

WHEREAS, Dr. Raymond Erickson has long been a strong supporter of Queens College and the Aaron Copland School of Music, and has donated more than $134,000 to the College, including a $100,000 charitable gift annuity created in 2016 specifically to benefit the music library reference collection; now therefore be it

RESOLVED, That the Board of Trustees of The City University of New York approve the naming of “The Raymond Erickson Music Reference Collection” at the Aaron Copland School of Music at Queens College.

EXPLANATION: Dr. Raymond Erickson, music historian and keyboardist, joined the Queens College faculty in 1971. He has served as Chair of the Music Department (1978-81), founding Director of the Aaron Copland School of Music (1981), and Dean of Arts and Humanities (1993-2000). He laid the groundwork for the Center for Preparatory Studies in Music and organized the first scholarship endowments for Queens College music majors.

In recognition of Dr. Erickson’s generosity and service, the College requests Board approval to name the “The Raymond Erickson Music Reference Collection,” to be located in the Music Library of the Aaron Copland School of Music at Queens College.

F. QUEENS COLLEGE - NAMING OF THE MARY E. O’CONNOR CONFERENCE ROOM:

WHEREAS, Mary E. O’Connor, who passed away in October 2016, was a dedicated donor to Queens College during her lifetime, regularly giving annual gifts totaling more than $24,000; and

WHEREAS, As a member of the Jefferson Society, a recognition organization for those who have included Queens College in their estate plans, Ms. O’Connor had notified Queens College of her inclusion of a bequest to the College in her trust; and

WHEREAS, Under the terms of Ms. O’Connor’s trust, she left 60% of her estate to the Queens College Foundation to create the “Mary E. O’Connor Endowment Fund” to provide scholarships to juniors and seniors majoring in Economics and/or Business Administration at Queens College; and

WHEREAS, The Queens College Foundation has received $3,600,000 from Ms. O’Connor’s estate, with a small additional payment expected in the future when the estate is fully settled; now therefore be it

RESOLVED, That the Board of Trustees of The City University of New York approve the naming of the “Mary E. O’Connor Conference Room” at Queens College.

EXPLANATION: Mary E. O’Connor graduated from Queens College cum laude in June 1950 with a bachelor’s degree in Economics. Soon thereafter she joined The Equitable Life Assurance Society of the United States (now known as AXA Equitable), a major life, disability and health insurer in New York City, and spent her entire 41-year career with the company.

A life-long resident of Queens and a loyal supporter of her alma mater, Ms. O’Connor was a regular attendee at Homecoming and alumni events. She often expressed appreciation for the excellent education she had receive—at no cost to her—and felt it was an obligation to help others enjoy the same benefits.
In recognition of Mary E. O’Connor’s generosity to Queens College, the College requests approval to name the “Mary E. O’Connor Conference Room” in Room 347 of Powdermaker Hall, which is located near the Economics Department.

G. THE CUNY GRADUATE SCHOOL OF JOURNALISM - NAMING OF THE LEONARD TOW CHAIR FOR JOURNALISM INNOVATION:

WHEREAS, In July 2017 the Tow Foundation pledged $1,500,000 to support outstanding faculty in the field of journalism innovation at the CUNY Graduate School of Journalism, now therefore be it

RESOLVED, That the Board of Trustees of The City University of New York approve the naming of the “Leonard Tow Chair for Journalism Innovation” at the CUNY Graduate School of Journalism.

EXPLANATION: Leonard Tow is a pioneer in the field of cable broadcasting and wireless communications. A graduate of CUNY’s Brooklyn College, Mr. Tow has been a generous supporter of public higher education. In 2008, he extended his support to the CUNY Graduate School of Journalism with a $3 million gift to launch the “Tow-Knight Center for Entrepreneurial Journalism.” Over the past nine years, through his family foundation, Mr. Tow has pledged a total of more than $7 million to the School. He has evinced a progressive vision for journalism at a time of industry disruption, becoming a valued partner to the CUNY J-School, which is built on a commitment to responsiveness and innovation.

In recognition of the Tow Foundation’s continued generosity, the CUNY Graduate School of Journalism requests the Board's approval to name the “Leonard Tow Chair for Journalism Innovation.”

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

A. THE CITY UNIVERSITY OF NEW YORK - FIVE YEAR CAPITAL BUDGET REQUEST, FY 2018-19 THROUGH FY 2022-23:

RESOLVED, That The City University of New York Board of Trustees approve a five-year Capital Budget Request for Fiscal Years FY 2018-19 through FY 2022-23 of approximately $6.7 billion for projects authorized by The City University Construction Fund to address critical maintenance, infrastructure, and programmatic initiatives in support of the University’s mission. These projects shall be funded through bonds sold by the Dormitory Authority of the State of New York with debt service payments appropriated by the State of New York and the City of New York, and through bonds sold by the City of New York; projects shall also be supported by state minor repair funding from General Fund. The five-year request breaks down to $5 billion for the Senior Colleges and $1.7 billion for the Community Colleges. The state provides 100% of the funding for Senior Colleges and 50% for the Community Colleges. The city provides the matching 50% for the Community Colleges and special projects at Senior Colleges.

CUNY's first-year prioritized state bonded funding request is $1.1 billion, broken down as per attached chart.

CUNY’s request for City Fiscal Year 2019 local elected official funding is $93 million.

RESOLVED, That the Master Plan for the University be and is hereby amended as necessary to provide for the capital proposal.

The Capital Budget Request and the schedule of projects are on file in the Office of the Secretary of the Board.

EXPLANATION: Every year the University is required to submit a five-year capital plan to the State Division of the Budget and the City Office of Management and Budget. As in previous plans, the FY 2018-19 through FY 2022-23 request focuses on completion of existing projects and critical health, safety, code compliance and rehabilitation projects, while recognizing the need for expansion and modernization of facilities as called for in campus master plans. In formulating specific projects under this plan, an effort will be made where possible to leverage available University real estate resources through public-private development.

The projects included in the plan originate at the campuses and are prioritized following Board of Trustees criteria:

1. Critical Maintenance projects to ensure health, safety, security, facilities preservation, and compliance with codes, including ADA and asbestos-related regulations;

2. Individual campus projects that were started with partial earlier funding and need completion of funding;

3. Projects to upgrade existing science facilities and provide new science instruction and research facilities;

4. CUNY-wide technology projects, including infrastructure upgrades, systems engineering, and new equipment;

5. CUNY-wide projects to meet energy conservation and performance objectives including Executive Order 88 and Local Law 87;

6. New construction of space needed for academic programs, with projects ranked in order of overall campus space deficiency. Highest priority is assigned to classroom and instructional laboratory facilities and to the replacement of temporary or leased space with permanent space;

7. CUNY-wide and individual campus projects for purposes other than those listed above.

B. THE CITY UNIVERSITY OF NEW YORK - EXECUTION OF LEASE FOR RETAIL SPACE AT 55 WEST 125TH STREET, NEW YORK, N.Y.:

RESOLVED, That the Board of Trustees of The City University of New York authorizes the General Counsel and Vice Chancellor of Legal Affairs to execute a fifteen year lease, for 2,937 rentable square feet of space on the ground floor at 55 West 125th Street, New York, New York, to host a Career Path Center for the University and the Healthy Harlem Community Space for the CUNY Graduate School of Public Health and Health Policy. The lease shall be subject to approval as to form by the University Office of General Counsel.

EXPLANATION: The proposed new lease will provide 2,937/RSF rentable square feet of retail space to be shared by the University and the CUNY Graduate School of Public Health and Health Policy. The University will utilize the space to host a Career Path Center that will address the University’s employer engagement needs and convene students from across the University and employers from across the City in key industry sectors, including Life Sciences, Finance, Healthcare, Tech, Creative/Media, Civic, Nonprofits, and Hospitality. The CUNY Graduate School of Public Health and Health Policy will utilize the space to host the Healthy Harlem Community Space, which will enable the school to partner with community-based, governmental and educational institutions on research, service and educational activities with the goal to improve the health of the residents of Harlem and the surrounding communities.
The term of the lease will start upon substantial completion of the landlord’s work. The rent for the new space will start at approximately $323,070 ($110.00/RSF) per annum with fixed rent increases every fifth anniversary from the start date of the lease; the fixed increases are an additional $15.00/RSF and $16.88/RSF, respectively.

The Landlord shall be responsible for all repairs, including the HVAC system. The University will be responsible for interior maintenance and its proportionate share of any increases in current real estate taxes.

C. GUTTMAN COMMUNITY COLLEGE - EXECUTION OF LEASE EXTENSION FOR 50 WEST 40TH STREET, NEW YORK, N.Y.:

RESOLVED, That the Board of Trustees of The City University of New York authorizes the General Counsel and Vice Chancellor of Legal Affairs to execute a lease extension for 3 years until 2023, along with any associated agreements, for approximately 91,000 rentable square feet of space, at 50 West 40th Street, New York, New York, on behalf of Guttman Community College. The lease extension shall be subject to approval as to form by the University Office of General Counsel.

EXPLANATION: Guttman Community College has occupied the entire building, consisting of 91,000 rentable square feet of office and classroom space, at this location since November 2010, pursuant to a Lease that will expire on December 31, 2020. Under the Lease, the current annual base rent is $5,003,802 ($55.00/RSF).

To accommodate the college’s need for space to house its academic programs, the University will amend the Lease to extend the lease term for an additional 3 years, with a new expiration date of December 31, 2023. The extended lease term will allow Guttman Community College to continue operating at its original campus location without interruption.

The extended term for the space will start immediately after the current lease expiration date of December 31, 2020. The annual base rent will be $77.50/RSF ($7,052,500) for the entire extension term, with no increase.

Pursuant to the Lease, the landlord will continue to be responsible for exterior, structural and roof repairs. The University will be responsible for interior maintenance and any increase in the current real estate taxes.

NO. 8. COMMITTEE ON STUDENT AFFAIRS AND SPECIAL PROGRAMS: RESOLVED, That the following item be approved:

A. THE CITY UNIVERSITY OF NEW YORK - STUDENT ACTIVITY FEE POLICY:

WHEREAS, The collection of student activity fees to fund eligible student organizations, services, programs and activities serves a vital purpose in enhancing the college and university environment for all students; and

WHEREAS, The recognition of eligible student organizations and the allocation and expenditure of student activity fees are governed by Bylaws of the Board of Trustees, the governing documents, policies and procedures of the college associations and student governments, and CUNY’s Fiscal Handbook for the Control and Accountability of Student Activity Fees; and

WHEREAS, These Bylaws, governing documents, policies and procedures and the Handbook have not been recently reviewed or updated to assure that they comport with prevailing laws and best practices; and
WHEREAS, The current system of student activity fee allocation also may not reflect the contemporary priorities and needs of current students because historical earmarks constrain annual allocation of fees; now therefore be it

RESOLVED, That the Board of Trustees directs Student Affairs and the General Counsel’s Office to perform a comprehensive review of CUNY’s student activity fee policy infrastructure; and be it further

RESOLVED, That recommendations for changes to this system in compliance with prevailing law and best practice shall be made expeditiously to the Board so that such changes can be implemented no later than the 2018-2019 academic year; and be it further

RESOLVED, That the Board desires that the student and campus stakeholders be consulted and engaged in the process of review and re-design of the student activity fee policy infrastructure and allocation process via a Task Force composed of representatives to be co-chaired by the University Student Senate Chairperson.

EXPLANATION: This action is required for the purpose of addressing legal compliance and policy concerns. The governing bylaws, constitutions, policies and procedures and the fiscal handbook have not been updated in a number of years and therefore necessitate a comprehensive review and revision.