The Board of Trustees of The City University of New York (CUNY) met on October 29, 2018 at Baruch College Vertical Campus, New York, New York, pursuant to a Notice sent by the Office of the Secretary of the Board on October 15, 2018.

Trustees Present: Chairperson William C. Thompson, Jr., Vice Chairperson Barry F. Schwartz, Michael Arvanites, Henry T. Berger, Una S. T-Clarke, Lorraine A. Cortés-Vázquez, Fernando Ferrer, Kevin D. Kim, Mayra Linares-Garcia, Brian D. Obergfell, Jill O'Donnell-Tormey, Charles A. Shorter, Ken Sunshine, Sandra Wilkin, Haris Khan, ex officio, and Martin Burke, ex officio (non-voting)

Trustee Absent: Robert F. Mujica, Jr.

Others present: Interim Chancellor Vita C. Rabinowitz, IEVC and University Provost Jane Bowers, SAC and Board Secretary Gayle M. Horwitz, Interim General Counsel and SVC Pamela Silverblatt, SVC&CFO Matthew Sapienza, Senior Vice Chancellor Judy Bergtraum, Vice Chancellor Brigette A. Bryant, Vice Chancellor Brian Cohen, Interim Vice Chancellor Margaret Egan, Interim Vice Chancellor Christopher Rosa, Associate Vice Chancellor Andrea Shapiro Davis, Associate Vice Chancellor Amy McIntosh; and President Michelle Anderson, President Vincent Boudreau, President José L. Cruz, President William J. Fritz, President David Gómez, President Russell K. Hotzler, President Thomas Isekenegbe, President Marcia V. Keizs, Interim President Timothy G. Lynch, President Karol V. Mason, President Gail O. Mellow, President Jennifer Raab, President Felix V. Matos Rodriguez, President Claudia V. Schrader, President Mitchel Wallerstein, Interim President Karrin E. Wilks, Dean Sarah Bartlett, Dean Mary Lu Bilek, Dean Ayman El-Mohandes, Dean Gregory Mantisios, and University Dean John Mogulescu

CONVENING OF PUBLIC MEETING
Chairperson William C. Thompson, Jr. called the Public meeting to order at 4:35 p.m. and announced that the Public Meeting is being transmitted live on cable Channel 75 and webcast live at www.cuny.edu/livestream. He also announced that the Public Meeting will be available as a podcast within 24 hours and can be accessed through the CUNY website.

Chairperson Thompson, Jr. moved to go into Executive Session at 4:36 p.m. The motion was seconded by Trustee Fernando Ferrer.
CONVENING OF EXECUTIVE SESSION
Chairperson Thompson, Jr. called for an Executive Session pursuant to Section 105, Article 7, of the Public Officers Law, to discuss matters pertaining to personnel, investigations and litigation. The Board met in Executive Session from 4:36 p.m. to 6:43 p.m.

Moved by Chairperson Thompson, Jr. and seconded by Trustee Lorraine Cortés-Vázquez, the public session was reconvened at 6:49 p.m.

CHAIRPERSON’S REPORT
Chairperson Thompson, Jr. stated that on behalf of the Board, he would like to say that we are deeply saddened by the senseless act of violence this past Saturday at the Tree of Life Synagogue in Pittsburgh. Elie Wiesel, the author and Holocaust survivor said it best when he said that “Wherever men and women are persecuted because of their race, religion, or political views, that place must - at that moment - become the center of the universe.” Pittsburgh is that center for us all today and our thoughts and prayers are with their community as well as the family and friends of the victims who were murdered simply because they were Jewish.

Chairperson Thompson, Jr. stated that also on behalf of the Board, he would like to welcome the new President of Kingsborough Community College Claudia V. Schrader, Interim President of Borough of Manhattan Community College (BMCC) Karrin E. Wilks, and Interim President of Queensborough Community College (QCC) Timothy G. Lynch. We wish you the best of luck and look forward to working with you.

Chairperson Thompson, Jr. stated that on Monday, October 22, 2018 the Board held its Manhattan Borough Hearing and Public Hearing. Trustees Michael Arvanites, Lorraine Cortés-Vázquez, Kevin Kim, Robert Mujica, Jr., University Student Senate Chair and Trustee Martin Burke, Manhattan Borough President Gale Brewer, and members of the Chancellery as well as myself attended the meeting. The Presidents/Deans of Baruch College, Borough of Manhattan Community College, City College, The Craig Newmark Graduate School of Journalism, The CUNY Graduate Center, The CUNY School of Labor and Urban Studies, The CUNY School of Professional Studies, The Stella and Charles Guttman Community College, Hunter College, John Jay College of Criminal Justice, and The William E. Macaulay Honors College also attended the hearing. 177 speakers signed up to speak and 101 speakers testified.

Chairperson Thompson, Jr. shared that speakers testified in support of increasing the adjunct professor salary to $7,000 and objected to the CIA’s Signature School Program at Baruch College.

Chairperson Thompson, Jr. further noted that a summary of the October 22 hearing, including testimony, was circulated to the Trustees and the Chancellor’s staff, and transcripts are available in the Office of the Secretary.
Chairperson Thompson, Jr. reported that eight senior colleges of The City University of New York are among the top 50 public colleges in the northern United States in this year’s *U.S. News & World Report Best Colleges Rankings*, with two campuses listed in the top 10. Three CUNY schools also made the list of top regional colleges in the northern part of the country.

Chairperson Thompson, Jr. shared that for the third year in a row, the *U.S. News* list ranked Baruch College the fifth-best public college in the north, with Hunter College right behind at No. 6. City College of New York and Queens College were tied at No. 14; York College was No. 15; Brooklyn College, No. 19; Lehman College, No. 37; and John Jay College of Criminal Justice, No. 46.

Chairperson Thompson, Jr. further shared that in the list of top regional colleges in the North, York was ranked No. 34, New York City College of Technology (NYCCT), No. 36, and Medgar Evers College, No. 46. The list defines regional colleges as those that focus on undergraduate education and grant fewer than 50 percent of their degrees in liberal arts disciplines.

Chairperson Thompson, Jr. noted that in August, The City University of New York, the City University Construction Fund, and CUNY’s public benefit construction corporation hosted a conference to afford businesses owned by minorities and women (MWBE) and service-disabled veterans (SDVOB) access to key contract decision makers and procurement professionals representing all 25 CUNY campuses and selected contractors. The theme, “Opening doors to new opportunities and relationships,” underscores CUNY’s long tradition and commitment to embracing and supporting diversity in all aspects of what we do. Diversity makes us better, stronger and more resilient. When MWBE’s and SDVOB’s do well all of New York does well. And the people that we care so much about, our students, have the opportunity to benefit. Congratulations to Senior Vice Chancellor Judy Bergtraum and Senior Vice Chancellor and Chief Financial Officer (SVC&CFO) Matthew Sapienza on another successful event.

Chairperson Thompson, Jr. stated that you will soon see ads for our Women in Technology and Entrepreneurship in New York program (WiTNY) featured on LinkNYC kiosks in Manhattan. Three of our students are profiled with information about WiTNY’s Winternship program, a three-week internship during winter intersession that has been funded by an anonymous donation of one million dollars.

Finally, on behalf of the Board of Trustees, Chairperson Thompson, Jr. welcomed the new Chair of the University Student Senate and our newest Trustee, Haris Khan from City College. Haris we look forward to working with you. To your predecessor, John Aderounmu, the Board thank you for your year of service. CUNY students have been well served by your representation and we wish you the best of luck in all of your future endeavors.
CHANCELLOR’S REPORT

Vita C. Rabinowitz’ Remarks:

"Thank you, Chairperson Thompson, Jr., Trustees, Presidents and Vice Chancellors, I was planning on beginning my report with good news from CUNY about how we have been moving forward on critical shared priorities around student success, academic excellence, and administrative effectiveness. But after a week in which our nation has been rocked by news of explosive devices sent to more than a dozen national leaders, some found near our colleges, two African-Americans murdered at grocery store in Louisville by white man who could not gain entry to a Black church, and the horrific mass killing of 11 Jews at the Tree of Life Synagogue in Pittsburgh, I would like to begin differently. I want to highlight ongoing work on fostering campus climates that support strong, vibrant, learning communities where there is no room for hate, bigotry, harassment or abuse.

From day one of the time I have been privileged to serve as Interim Chancellor, it has been clear that the good work of our students, faculty, staff and leaders does not take place in a vacuum and that the increasing polarization and provocations in our nation and around the world pose challenges to all institutions of higher learning everywhere.

As Interim Chancellor, a crucial part of my role is to be visible on our campuses, particularly where we have new leadership, important new reforms and initiatives, or special challenges like Middle States reviews. I have spent a lot of time this fall engaging with groups of staff, faculty and students on campuses, listening and learning. I have been made to feel welcome there, had important conversations, and I have learned from all of you.

In September, I formed a Working Group on Campus Climate composed of central office and college leaders, headed by Assistant Vice Chancellor Rachel Stephenson, to implement recommendations from previous task forces led CUNY presidents. We identified interfaith matters and sexual harassment as early priorities.

Faith is a crucial site for this work, because it is often the place where peoples’ identities intersect to inform worldviews and commitments, especially for immigrant and first-generation college students like ours. As part of our work with students on campus climate, we asked CUNY’s Office of Student Affairs, under Interim Vice Chancellor Christopher Rosa’s guidance, to form an external interfaith advisory board and an internal interfaith council to advise and help implement initiatives to foster interfaith engagement on our campuses. I joined the first meeting of the council of campus-based religious leaders and faith counselors just last week, two days before the tragedy in Pittsburgh, and called on them to focus their efforts on helping us develop campus climates that create conditions that foster civility and respect, leverage our diversity to increase cultural understanding and competence, and promote openness to civil dialogue around controversial topics. The council was visibly delighted to be convened for the first time. They spoke frankly of challenges, but also talked about launching
collaborative efforts, including service projects, and visiting each other and participating in each others’ events and programs.

We also have much to learn from each other in this room. We are all moral and community as well as academic and institutional leaders, and our commitments, words and actions matter. The foundational work of Presidents Gail Mellow and Felix Matos Rodriguez on campus climate, and Presidents José Luis Cruz and Michelle Anderson on faculty diversity, are informing our current work. Presidents Scott Evenbeck and Michelle Anderson now serve on the Interfaith Advisory Board. President Jennifer Raab recently launched the sophisticated interfaith center at Hunter College that could be a model for such centers CUNY and nation wide. Many of you have issued inspiring statements and are joining or hosting vigils and panel discussions this week, others are addressing their Hillel Chapters, more activities are being planned, and we encourage and support you.

Colleagues, as you know, sexual and gender harassment are pervasive problems in many industries, institutions and organizations, and pose threats to organizational climate as well as to individuals. CUNY is not immune from these problems and takes very seriously allegations on its campuses. I am working with the Board on a comprehensive University-wide response to sexual harassment, with the major goals of reducing the levels of harassment to the lowest level possible and enabling those who have experienced sexual or gender harassment to continue their academic and personal journeys with minimal negative consequences, secure in the knowledge that we are there for them. Our students, faculty and staff are counting on us to do so, and our resolve is palpable. You will be hearing more about this work in the coming weeks.

I would now like to say a few words about how the University is moving forward on critical shared priorities around student success, academic excellence and administrative effectiveness. As the school year gets underway, nothing says progress like good news on graduation rates, enrollments, facilities and grant activity, and we have all of these.

Last year we graduated more students than at any time in our history, handing out almost 54,000 degrees, up 4.7 percent from the year before. Data from the 2017-2018 academic year show that three-year completion rates at the system level for the most recent cohort of associate degree students have hit 22.3 percent, up significantly from 17.8 percent just two years ago, and we are on track to meet our target of doubling graduation of associate degree students to 35 percent in four years. Six-year completion rates for Bachelor’s students are now at 58.6 percent, up from 54.8 percent just two years ago. That is a 3.8 percentage point rise in two years, well-ahead of the point-a-year goal we had set.

Enrollment of new freshmen is up again this year by an impressive 4 percent and you will hear more about that in a few minutes.

This fall we welcomed students to our gleaming new 356,000-square-foot academic complex for science and health programs at City Tech, and later this week we will celebrate the opening of the beautiful new Tow Performing Arts Center at Brooklyn College.
Finally, we are winning grants and contracts, often in partnership with each other and with other institutions and industries, that engage us in cutting edge strategies, technologies and programs.

In one recent example, CUNY will play a major role in the implementation of Cyber NYC, a $30M initiative announced by the NYC Economic Development Corp to transform NYC into a worldwide hub for cybersecurity innovation. As part of this multi-faceted initiative, CUNY joins other New York City universities in developing applied cybersecurity curricula, “stackable” credentials and new technology delivery mechanisms; establishing “Tech in Residency” programs to expose students to industry leaders; launching a new graduate program in Cybersecurity Studies at CCNY’s Grove School of Engineering, and much more. The benefits will be felt at colleges across CUNY, and more of our students will be prepared to enter this booming field.”

Rachel Stephenson, Assistant Vice Chancellor for Strategic Partnerships reported on the success of and next steps for CUNY’s Service Corps Puerto Rico initiative.

***VIDEO PRESENTATION ON CUNY SERVICE COPRS PUERTO RICO 2018***

Laura Bruno, Assistant Vice Chancellor for Enrollment Strategy and Admissions provided an update on CUNY’s 2018 fall enrollment.

***VIDEO PRESENTATION ON CUNY FALL 2018 ENROLLMENT***

**CHANCELLOR’S UNIVERSITY REPORT**: Vice Chairperson Schwartz called for a motion to approve the Chancellor’s University Report for October 29, 2018, including addendum and errata sections, which was seconded by Trustee Henry Berger. He asked if there were any amendments. Upon hearing none, the item was adopted by the Board.

1. **Chancellor’s University Report**:

RESOLVED, That the Chancellor’s University Report for October 29, 2018 (including Addendum and Errata Items) be approved.

**APPROVAL OF MINUTES**: Vice Chairperson Schwartz called for a motion to approve the minutes of the Special Board Meeting and Executive Session of June 4, 2018, and the regular Board Meeting and Executive Session of June 25, 2018, which was seconded by Trustee Berger.
University Student Senate (USS) Chair and Trustee Haris Khan abstained. He asked if there were any amendments. Upon hearing none, the item was adopted by the Board:

2. Approval of Minutes:

RESOLVED, That the minutes of the Special Board Meeting and Executive Session of June 4, 2018, and the regular Board Meeting and Executive Session of June 25, 2018 be approved.

Moved by Vice Chairperson Schwartz and seconded by Trustee Berger, the following resolution was presented and opened for discussion:

3. The City University of New York – Reform of Governance and Administrative Policies and Practices to Enhance Transparency and Accountability:

WHEREAS, The CUNY Board of Trustees and management of the University are committed to ensuring best practices in financial oversight, internal controls, transparency and accountability; and

WHEREAS, The Board of Trustees established a standing Audit Committee of the Board of Trustees at its January 30, 2017 Board Meeting; and

WHEREAS, The Board of Trustees adopted revised Procurement Guidelines on February 21, 2017; and

WHEREAS, The Board of Trustees, at its June 26, 2017 meeting, adopted revised college foundation guidelines and a model memorandum of agreement, authorized the renegotiation of the agreement between the City University of New York and the City University Research Foundation, adopted a policy on the use and operation of university vehicles, amended the Board of Trustees Policy 3.04 – Guidelines on the Use and reporting of non-tax-levy funds, and adopted reforms of the Executive Compensation Plan; and

WHEREAS, The Board of Trustees, at its December 4, 2017 meeting adopted revised auxiliary corporation guidelines and a model memorandum of agreement, adopted a policy on the use of college facilities, amended the Board of Trustees Policy 3.01 on Cash Accountability, Bank Control and Petty Cash, and further amended the Board of Trustees Policy 3.04 – Guidelines on the Use and Reporting of non-tax-levy funds in order to further ensure best practices in financial oversight, internal controls, transparency and accountability; now therefore be it

RESOLVED, That the Board of Trustees approve the additional, recommended policy changes outlined below, effective October 29, 2018, to further ensure best practices in financial oversight, internal controls, transparency and accountability; and be it further
RESOLVED, That the Board of Trustees authorizes the General Counsel and the Secretary of the Board of Trustees to revise the Board of Trustees Bylaws and Manual of General Policy to reflect the necessary changes to implement these actions.

EXPLANATION: The reforms are divided into sections as follows:

A. ADOPTION OF CITY UNIVERSITY OF NEW YORK GUIDELINES ON THE RE-EMPLOYMENT OF RETIRED PUBLIC EMPLOYEES

B. NOTICE OF AMENDMENT OF THE BOARD BYLAWS - ARTICLE VI, SECTION 6.4, ARTICLE IX, SECTION 9.1, AND ARTICLE XI, SECTION 11.2

A. ADOPTION OF CITY UNIVERSITY OF NEW YORK GUIDELINES ON THE RE-EMPLOYMENT OF RETIRED PUBLIC EMPLOYEES

WHEREAS, Section 150 of the Civil Service Law of New York State provides that retired state or local employees may not be rehired by the state or a political subdivision and receive pension benefits while employed; and

WHEREAS, The clear intent of the law is to restrict the circumstances in which an individual can simultaneously receive both a salary and a pension from New York State or New York City public service; and

WHEREAS, Sections 211 and 212 of the New York State Retirement and Social Security Law set forth the specific circumstances under which retired state and local employees may be re-employed in public service, as well as remuneration they may receive if re-employed; and

WHEREAS, The Board of Trustees of The City University of New York may grant waivers under Section 211 for retired public employees to be employed in positions in the classified or unclassified service; now therefore be it

RESOLVED, That the Board of Trustees of the City University of New York adopt the attached Guidelines on the re-employment of retired public employees, effective October 29, 2018.

EXPLANATION: This document sets forth guidelines to assist the City University of New York (CUNY) units in complying with the New York State laws regarding the re-hiring of retired public employees.

Any retiree who is under the age of 65 and returning to active service will require a 211 waiver unless his/her annual income will be under $30,000. CUNY retirees who return to CUNY – even with a waiver – will have their earnings limited (see Section III(B) and (C), below). Non-CUNY
retirees who join CUNY will not be subject to the earnings limitation but will still require a waiver.

The documentation requirements in this policy help avoid a perception that hiring a CUNY retiree by the CUNY RF or other CUNY related entities (e.g. City University Construction Fund, CUNY related entities including foundations and auxiliary enterprises) is done solely to circumvent the earnings limitation. An example that may cause such a perception is a CUNY employee who retires and is hired by the CUNY RF without a break in service to the exact same position, department, and operating unit and makes more than the salary threshold allowed in the guidelines.

THE CITY UNIVERSITY OF NEW YORK
GUIDELINES ON THE RE-EMPLOYMENT
OF RETIRED PUBLIC EMPLOYEES

Summary

Section 150 of the Civil Service Law of New York State provides that retired state or local employees may not be rehired by the state or a political subdivision and receive pension benefits while employed. Sections 211 and 212 of the Retirement and Social Security Law of New York State provide for exceptions to this rule. This document sets forth guidelines to assist the City University of New York (CUNY) units in complying with the New York State laws regarding the re-hiring of retired public employees.

Any retiree who is under the age of 65 and returning to active service will require a 211 waiver unless his/her annual income will be under $30,000. CUNY retirees who return to CUNY – even with a waiver – will have their earnings limited (see Section III(B) and (C), below). Non-CUNY retirees who join CUNY will not be subject to the earnings limitation but will still require a waiver.

The documentation requirements in this policy help avoid a perception that hiring a CUNY retiree by the CUNY RF or other CUNY related entities (e.g. City University Construction Fund, CUNY related entities including foundations and auxiliary enterprises) is done solely to circumvent the earnings limitation. An example that may cause such a perception is a CUNY employee who retires and is hired by the CUNY RF without a break in service to the exact same position, department, and operating unit and makes more than the salary threshold allowed in the guidelines.

1. Re-employment with Suspension of Pension Benefits

Retired members of the New York City Employees’ Retirement System (NYCERS) or the New York City Teachers’ Retirement System (NYCTRS) who elect to suspend their pension benefits may be reemployed without limitation and may re-join the retirement system. Members of the ORP may elect to suspend their pension benefits by discontinuing any systematic or periodic suspensions.
withdrawals during the period of re-employment. This will allow them to return to payroll without limitation, but they will not be allowed to re-join a retirement system. ORP members who have annuitized their contracts may not suspend their pension since an annuity cannot be stopped once it has begun.

There are no regulations requiring that a person be off the payroll a certain amount of time before being reemployed. However, the Office of State Comptroller (OSC) will not pay a retiree a lump sum payment for unused vacation unless they are off the payroll for at least one day.

II. Re-employment Pursuant to Section 212

Section 212 allows a retired state or local government employee to earn up to $30,000 on a calendar year basis and continue to receive full pension benefits. If a retiree works for two or more New York State public employers, the combined earnings from those positions cannot exceed the earnings limit. There is no earnings limit for persons age 65 or older. Retirees reemployed under Section 212 do not need advance approval, but must comply with the requirements of the public pension systems to which they belong. NYCTRS requires that a retiree under the age of 65 file a “Certification of Employment Under Section 212” if they return to public employment with New York City, New York State, or any of its political subdivisions under a Section 212 waiver. NYCERS requires all retirees to file a Form 353 even if the employee is over age 65 and not subject to the earnings limitation.

III. Re-employment with a Section 211 Waiver

A. Waiver Requirements

Section 211 provides a process whereby a retiree can be hired with a waiver of the Section 212 earnings limitation of $30,000. Retirees who exceed the earnings limit under Section 212 and have not been approved for a Section 211 waiver will be subject to recoupment for any pension overpayment. The Board of Trustees of The City University of New York may grant waivers under Section 211 for retired public employees to be employed in positions in the classified or unclassified service. Such retired persons may not return to work in the same or similar position for a period of one year following retirement.

Certain criteria must, however, be met in order to grant a waiver under the statute. Those criteria are:

• that the retired person is duly qualified, competent and physically fit for performance of the duties of the position in which he or she is to be employed and is properly certified where such certification is required;
• that he or she will earn more than one thousand dollars in one year, including compensation earned in such position under other provisions of this article;
• that the prospective employer has prepared a detailed recruitment plan to fill such vacancy on a permanent basis;
• that his or her employment is in the best interests of the government service; and
• that there is an urgent need for his or her services in such position as a result of an unplanned, unpredictable and unexpected vacancy where sufficient time is not available to recruit a qualified individual and that such hiring shall be deemed as non-permanent rather than a final filling of such position; or that the prospective employer has undertaken extensive recruitment efforts to fill such vacancy and as a result thereof, has determined that there are no available non-retired persons qualified to perform the duties of such position.

The clear intent of the law is to restrict the circumstances in which an individual can simultaneously receive both a salary and a pension from New York State or New York City public service. Thus, it is incumbent upon all CUNY units to ensure that requests for Section 211 waivers are limited to those cases where no other alternative (such as hiring a new employee or training an existing employee) is available.

In order to comply with the statutory requirements, before resorting to hiring a retiree pursuant to Section 211, the prospective employer must conduct a search to determine whether there are "readily available for recruitment persons qualified to perform the duties" of the position. In addition, the request that is submitted to the Board of Trustees of the City of New York must, at a minimum:

• describe the duties of the position to be filled;
• set forth the qualifications required of any individual to fill that position;
• describe the recruitment efforts that have been undertaken;
• certify that the recruitment efforts failed to locate any qualified non-retired individuals to fill the position;
• certify that the retiree is duly qualified, competent and physically fit to perform the duties of the position; and
• explain why the employment of the retiree is in the best interests of the government service, including why the position cannot be filled through the transfer or training of existing personnel.

Under Section 211, such approvals may be granted for periods not exceeding two years each. As noted above, however, requests for such waivers should be made only rarely and should be sought only for the time period that is absolutely necessary. If a request must be made to renew the employment of any individual after the completion of the two-year period, a new application with the necessary information must be submitted, and the prospective employer must again attest that no qualified persons are available for the position other than the retiree. A new search must be conducted before that attestation is made.
B. Earnings Limitations: Same vs. Different Employer

Under Section 211, retirees re-employed by the same employer from which they retired (i.e., CUNY employees returning to CUNY) are subject to an earnings limitation. This means that the combination of their pension and salary is capped (see below). Retirees re-employed by a different employer are not subject to an earnings limitation (i.e., employees joining CUNY who had previously worked for non-CUNY public employers). For this purpose, The City University of New York is a single employer. All New York State, New York City agencies, and other political entities are different employers from The City University of New York. RF CUNY, City University Construction Fund, each of the Auxiliary Enterprise Corporations, and each of the CUNY Related Foundations are different employers. Notwithstanding that these related entities are separate employers, any hiring action which may create the perception that hiring a CUNY retiree by the CUNY RF or other CUNY related entities is done solely to circumvent the earnings limitation must be avoided. An example that may cause such a perception is a CUNY employee who retires and is hired by the CUNY RF without a break in service to the exact same position, department, and operating unit and makes more than the salary threshold allowed in the guidelines.

If a retiree was primarily employed by another employer but employed on a part-time basis at CUNY, earnings will be limited if the CUNY employment occurred within two years of the employee’s retirement date, and if the employee’s pension is based in part on the CUNY service. Some examples:

- A retiree from the New York City Department of Education also taught until the date of retirement at CUNY. Anyone in this situation should have had their University service reported to the New York City Teachers’ Retirement System, so earnings are limited.
- An employee of the New York City Department of Education retired. He or she last taught at CUNY two years before retiring and now wants to be re-employed by that campus. Earnings are unlimited.
- A New York City firefighter who taught on an adjunct basis at CUNY wants to be re-employed at CUNY. As the firefighter would have been in the NYC Fire Department Pension Fund and thus could not have participated in the University pension system, the earnings are unlimited.

Questions about whether a given employee’s earnings are limited should be referred to the Office of Human Resources Management.
C. Method for Calculating Earnings Limitation

When an earnings limitation applies, it is calculated as follows:

1. Determine the salary the employee would be making if he or she had not retired. To do this, take the employee's base pay as of the employee's retirement date and add any salary increases that would have been received had the employee not retired. Include across-the-board increases and salary step increases but not discretionary increases.

Note: If the employee was employed by two or more employers, salaries from all employers should be combined.

2. If the employee was in NYCERS or NYCTRS, ask NYCERS or NYCTRS to provide the final average salary.

3. Subtract the employee's highest possible pension option from either the current salary of the position from which the employee retired (i.e., item #1 above) or from the employee's final average salary (i.e., item #2 above), whichever is greater. In NYCERS and NYCTRS the highest possible pension option is the option that has no reductions for payment options but includes any Cost of Living Adjustments (COLAs) for that year. In the ORP, this option assumes that the employee began annuity income upon retirement and selected a single life annuity with no guaranteed period. In all cases, the pension option figure is provided by the retirement system.

4. Round the result up to the next multiple of $500.

Note: Sometimes NYCERS and NYCTRS are not able to provide final pension figures at the time requested. They may still be in the process of calculating the employee's pension. In that case, they will give estimated figures. It is important to follow up in several months to request the final figures. Estimated figures will almost always be on the low side, so make sure the employee stays well under the earnings limit until final figures are obtained.

If an employee's service will continue beyond the period specified on the original approval and a new waiver request is to be submitted, it may be necessary to contact the retirement system again to see if there are adjustments to the pension figures. NYCERS and NYCTRS may provide COLAs to retirees. If an employee might be eligible for a COLA, the retirement system should be contacted so that pension figures can be updated at the time a new waiver request is submitted. Pension figures in the ORP are based on a hypothetical annuity starting date and do not need to be updated.
D. Procedures for Section 211 Waivers

Section 211 waivers may be reviewed and approved for up to two years at a time. As the earnings limits are by calendar year, it is preferable that waiver requests be submitted by calendar year rather than academic year.

The campuses should follow these procedures:

1. Determine if a 211 waiver is necessary. If the employee will earn less than the Section 212 limit (currently $30,000), a 211 waiver is not necessary. If the employee will earn less than the Section 212 limit with one employer, but the combined total salary with multiple employers will exceed the Section 212 limit, then a 211 waiver form should be completed.

   If the employee is over age 65 or will turn 65 during the year in question, their earnings are unlimited under Section 212 and a Section 211 waiver is not necessary.

2. Determine if the employee's salary is limited under Section 211. Employees' salaries are limited if they are returning to work for the same employer. See Section III.B. above for an explanation of the “same employer.” If the salary is limited, the employee can only earn in post-retirement employment the difference between the salary the employee would be making had he or she not retired and the employee's highest possible pension option.

3. If the salary is limited, follow the procedures in III.C. to determine the appropriate limitation on salary.

4. When a Section 211 waiver is required, the CUNY unit must undertake an extensive recruitment effort to fill the vacancy. If the unit determines as a result of that recruitment effort that there are no available non-retired persons qualified to perform the duties of the position, it must fill out the attached form and submit it for review to the Office of Human Resources Management (OHRM). If approved by OHRM, the Section 211 waiver request will be submitted to the Board of Trustees for approval.

5. A copy of the fully-executed Section 211 Waiver Form should be sent to NYCERS, NYCTRS or other appropriate pension system. For members of the ORP, a copy should be sent to the Office of Human Resources Management. A copy should also be sent to the employee.
IV. Pension Membership

Employees rehired under Sections 211 and 212 may not rejoin their previous retirement system or elect to participate in a new retirement system. They may, however, participate in a tax-deferred savings program.

Definitions

Retiree - a person who is receiving a service retirement from NYCERS, NYCTRS, or other New York City or New York State Public Retirement System. Members of the Optional Retirement Program (ORP) who separated from service at normal retirement age (55, or 50 in an incentive program) or older and have 10 years of service will be considered retirees if they have received a retirement incentive or have begun to withdraw funds from their pension, either through annualization or cash withdrawal.

Special rules apply to persons receiving a disability pension from a retirement system. They are not covered by Sections 211 and 212. Other laws limit how much a person with a disability retirement may earn with the same or different employer. When considering hiring a person who is receiving a disability pension, please contact the system from which the person retired to determine the applicable earnings limit before an offer is made.

Earnings - For the purpose of the earnings limit calculation, earnings are amounts actually earned in the year in question. Earnings do not include money earned in a prior year and received in the current year. Example: an employee retires on December 31 and receives a lump sum payment for unused vacation in the succeeding January. That payment does not have to be included in the earnings for the year beginning in January because it was earned in the prior year.

In the year of retirement, earnings refer only to money earned after the date of retirement. Example: if an employee retires on August 31, only earnings for the period from September 1 through December 31 count towards the earnings limit.

Earnings in private employment do not count towards the earnings limit.

Earnings paid on the form entitled, "Miscellaneous Income – Form 1099 Miscellaneous" (Form 1099), count towards the earnings limit.
B. NOTICE OF AMENDMENT OF THE BOARD BYLAWS - ARTICLE VI, SECTION 6.4, ARTICLE IX, SECTION 9.1, AND ARTICLE XI, SECTION 11.2

WHEREAS, The current process for Board of Trustees approval of standard campus resolutions and actions of a non-policy nature includes Board approval of a Chancellor’s University Report, which is a lengthy document that lists thousands of routine and necessary standard non-policy academic and administrative actions taken by the campuses and Central Office; and

WHEREAS, The Board of Trustees has concluded that this process does not provide a meaningful opportunity for the Board to review and provide informed oversight of University actions; and

WHEREAS, The Board of Trustees has concluded that the delegation of its authority to approve these actions to the Chancellor would allow for informed and appropriate review, reduce delay for the campuses, and allow the Board to focus its review and oversight of more significant initiatives and actions; and

WHEREAS, Article V, Section 5.1 of the Bylaws of the Board of Trustees of The City University of New York allows for an amendment of the Bylaws to be adopted at any regular or special meeting of the Board succeeding the regular or special meeting at which it was proposed, unless such provision is waived by the unanimous consent of the Board; now therefore be it

RESOLVED, That the Board of Trustees of The City University of New York hereby delegates to the Chancellor the authority to approve changes to existing academic degree programs that do not require approval by the New York State Education Department; the establishment of new courses; the modification of existing courses; the discontinuance of existing courses; a change to the name of an academic department unless a naming opportunity for a donor is involved, in which case the change should be approved by the Board of Trustees of The City University of New York; the creation or discontinuance of a minor; and articulation agreements with another educational institution; and be it further

RESOLVED, That the Board of Trustees of The City University of New York hereby delegates to the Chancellor the authority to approve all actions except for the following:

- appointments in the Executive Compensation Plan, including acting or interim at all levels;
- appointment of faculty with tenure or named chair;
- fellowship leave;
- instructional transfer;
- reappointment with early tenure;
- reappointment tenure on schedule;
- termination of executive staff;
- any appointment or reappointment requiring a waiver of the bylaws;
211 waivers for retirees making over $30,000 annually;
212 notice for retirees making under $30,000, and be it further

RESOLVED, That the Board of Trustees of The City University of New York hereby authorizes the Chancellor to delegate such authority to Vice Chancellors or other appropriate designees, and directs the Chancellor to develop and disseminate to the campuses and Central Office a written process for submission of non-policy actions for approval by the Chancellor; and be it further

RESOLVED, That the Chancellor will bring all other items directly to the appropriate Board of Trustees Committee for review and approval; and be it further

RESOLVED, That notice is hereby provided of proposed Amendments to Article VI, Section 6.4., ARTICLE IX, Section 9.1, and Article XI, Section 11.2 of the Bylaws, as follows:

NOTE: New material is underlined

EXPLANATION: The University’s practice has been for the Board of Trustees to review and approve all academic and administrative campus actions, including non-policy actions such as a new course being offered in a campus department or the appointment of an employee. Given the size of the University and the enormous volume of routine actions, the existing process requires campuses to submit such actions to the Central Office to be included in a Chancellor’s University Report, which is reviewed and acted upon in its entirety by the Board of Trustees at each of its six regular meetings per academic year. Board members are provided a large document with hundreds of non-policy entries, which does not allow for a meaningful opportunity to for the Board to review and provide informed oversight. Moreover, given the time between Board meetings, and the necessary lead time to enable staff review and the provision of these items to the Board, the delay in implementing actions a campus has taken can be up to several months.

Accordingly, the Board has concluded that the Chancellor’s University Report in its present form does not serve the best interests of the University, and that the University will be better served by the Board’s delegation of its statutory powers to govern and administer the University. To that end, the Board delegates to the Chancellor its authority to approve certain routine academic and personnel actions.

The Chancellor may similarly delegate review and approval to Vice Chancellors or other designees, and is directed by the Board to develop and disseminate to the campuses and Central Office a written process for submission of non-policy actions for approval by the Chancellor or designee. This delegation will allow the Board to dedicate its attention and oversight to more significant initiatives and matters, while providing for compliance with University policies as well as applicable laws and regulations.
Article VI, Section 6.4 - Appointments to the Instructional Staff – Notices - and Article IX, Section 9.1 - Department Organization of the Board Bylaws would be amended as follows:

ARTICLE VI, SECTION 6.4 - APPOINTMENTS TO THE INSTRUCTIONAL STAFF – NOTICES.

a. All full-time appointments to the instructional staff, except as related to tenure or as otherwise provided, shall be made by the board upon the recommendation of the chancellor, or his/her designee.

b. Except for the appointment of persons whose sole educational duties shall be administrative, all original appointments to the instructional staff shall be made to a department. All appointments shall be for one year or less except that the board chancellor, or his/her designee may, in appropriate instances, make appointments for a period not exceeding two years.

c. In the case of the appointment or removal of a chancellor, the affirmative vote of a majority of all members of the board shall be required.

d. Each appointment, other than appointments in the executive compensation plan, shall terminate at the terminal date specified in the appointment. There shall be a university standard letter of appointment. The notice shall state specifically that the appointment is of a temporary nature; that it is subject to financial ability; shall give the terminal date of the appointment, and shall add that services beyond the period indicated in the notice of appointment are possible only if the board (for appointments with tenure or academic permanency) or for other appointments the chancellor or his/her designee, takes affirmative action to that effect.

e. In the position of instructor, there shall be no more than four successive annual reappointments.

f. Appointments and reappointments to a full-time position on the instructional staff, except for those involving granting of tenure or other academic permanency shall be considered final when formally approved by the board chancellor, or his/her designee.

g. All appointments and reappointments, including those with tenure, requiring waivers of the Bylaws will be submitted to the Secretary of the Board of Trustees well in advance of the date on which the action is to take effect and shall be accompanied by up-to-date curricula vitae, which will be distributed with the advance agenda to the members of the Board of Trustees.

h. All academic or non-academic appointments, promotions, reappointments or grants of tenure or administrative permanency requiring a waiver of the Bylaws will be submitted to the Secretary of the Board of Trustees well in advance of the date on which the action is to take effect, and shall be accompanied by up-to-date curricula vitae, which will be distributed with the advance agenda to the members of the Board of Trustees.

i. The chancellor or his/her designee shall issue procedures for appointments to the instructional staff not requiring Board action, and shall update those procedures as necessary.
ARTICLE IX, SECTION 9.1 - DEPARTMENT ORGANIZATION.

a. Each department, subject to the approval of the faculty or faculty council, where existent, and subject to the provisions of other sections of these bylaws, shall have control of the educational policies of the department through the vote of all of its members who have faculty rank or faculty status; and if it may also choose to permit a vote on departmental matters by persons in visiting professorial titles and other members who have been appointed on an annual salary basis for a first or second year of full-time service. The right to vote for the election of department chairpersons and the departmental committee on personnel and budget, referred to in some colleges as the departmental committee on appointments, shall be reserved to those with faculty rank

b. The executive officer of the department shall be the department chairperson who shall be a professor, associate professor or assistant professor elected by secret ballot for a term of three years, except as provided below, by a majority vote of all the members of the instructional staff of the department who have faculty rank. Proxy or mail voting shall not be permitted. The department chairperson must be tenured or have been approved by the board for tenure at the time of his/her election, except in departments less than seven years old. Such elections shall be subject to the subsequent approval of the president and the board chancellor, or his/her designee. The present system of staggered departmental elections shall be continued. The successors of department chairpersons shall be elected during the first full week in May at the expiration of the respective terms of office to take office as of July first of the year in which they are elected and at the three year intervals thereafter. Vacancies shall be filled by election for the unexpired term. Notwithstanding anything in the foregoing to the contrary, in the library department, the president of the college shall from time to time recommend a member of the department to the board chancellor, or his/her designee for designation as chairperson.

c. In any case where the president does not approve the election of a department chairperson, or at such other time as the interests of the college may require the removal of a chairperson and the appointment of a new one, he/she shall confer with the department and thereafter shall report to the board, through the chancellor any subsequent action by the department with respect thereto, together with his/her own recommendation for a chairperson. The recommendation by the president to the board, through the chancellor, for the designation of the department chairperson should take place only after careful consideration by the president of the qualifications of those selected by the respective departments. The president shall base his/her recommendation on the capacity of the individual selected to act effectively as the departmental administrator and spokesperson and as a participant in the formation, development, and interpretation of college-wide interest and policy.

d. Where there are fewer than three tenured professors, associate professors, and assistant professors in a department, the president may, except where the department has been in existence for less than seven years, after consultation with the departmental faculty, recommend the appointment of a chairperson to the board chancellor from among the members of the department holding professorial rank. Where the department chairperson is recommended by the president pursuant to this subdivision, subdivision “c” of this section, or subdivision “a” of section 9.5, the chairperson need not be tenured.

e. Each department shall operate as follows, unless the governance plan provides otherwise: There
shall be in each department a department committee on personnel and budget, referred to in some colleges as a department committee on appointments, consisting of the department chairperson and where possible, of four other members who must have faculty rank. The number of members of faculty rank shall not affect provision for student membership, if a college governance plan so provides. Four of the faculty members of the committee must be tenured, except if the department has fewer than four tenured faculty members. The department chairperson shall be the chairperson of the committee. The four faculty members shall be elected by a majority vote of those persons in the department having faculty rank. Election shall be held at the same time that the department chairperson is elected. A vacancy in the office of the chairperson prior to expiration of his/her term when such vacancy necessitates an election for a new chairperson shall not affect the term of the committee. A president may remove a member of the personnel and budget committee, for good cause, at the request of a majority of the members of such committee. Such request shall be in writing, and the member whose removal is sought shall have an opportunity to respond. If a member of the personnel and budget committee is removed by the President, an election shall be held to fill the vacancy.

In departments with fewer than four tenured faculty members, the president, after consultation with the departmental faculty, shall appoint an ad hoc committee to make recommendations on appointments with tenure in lieu of a committee on appointments or a departmental committee on personnel and budget.

f. There shall be a committee on personnel and budget for the Hunter College Elementary School and a committee on personnel and budget for the Hunter College High School. The committee in each school shall consist of the principal, as chairperson, a designee of the provost of Hunter College, and three members of the instructional staff of the school who are tenured or will have tenure by the time of service, elected for a term of three years by members of the permanent instructional staff of the school. These committees shall have in each school, insofar as practicable, the same functions as are assigned by these bylaws to a departmental committee on personnel and budget in a college.

g. Each department may name such other committees as it chooses and shall have the fullest measure of autonomy consistent with the maintenance of general educational policy.

ARTICLE XI, SECTION 11.2. - CHANCELLOR.

A. Position Definition:
The chancellor shall be appointed by and report to the board. He/she shall be the chief executive, educational and administrative officer of the city university of New York and the chief educational and administrative officer of the senior and community colleges and other educational units and divisions for which the board acts as trustees. He/she shall be the chief administrative officer for the board and shall implement its policies and be the permanent chairperson of the council of presidents with the right and duty of exercising leadership in the work of the council. The chancellor shall have the following duties and responsibilities

a. To initiate, plan, develop and implement institutional strategy and policy on all educational and administrative issues affecting the university, including to prepare a comprehensive overall academic
plan for the university, subject to the board’s approval; and to supervise a staff to conduct research, coordinate data, and make analyses and reports on a university-wide basis
b. To unify and coordinate college educational planning, operating systems, business and financial procedures and management
c. As to each educational unit
   1. To oversee and hold accountable campus leadership, including by setting goals and academic and financial performance standards for each campus
   2. To recommend to the board the appointment of the college president and senior campus staff
   3. To recommend directly to the board the underlying academic appointment of any president, with tenure, notwithstanding any other provisions in these Bylaws
   4. Periodically, but no less than every five years, review the performance of each college
   5. Present to the board all important reports, recommendations, and plans submitted by a college president, faculty or governance body with his/her recommendations, if any
   6. To approve changes to existing academic degree programs that do not require approval by the New York State Education Department; the establishment of new courses; the modification of existing courses; the discontinuance of existing courses; a change to the name of an academic department unless a naming opportunity for a donor is involved, in which case the change should be approved by the board of trustees; the creation or discontinuance of a minor; and articulation agreements with another educational institution
d. To prepare, with the advice of the council of presidents, the operating budget and the capital budget for consideration by the board and presentation to the state and the city
e. To act as the representative of the university and its colleges with outside agencies and particularly to promote the interest and welfare of the university and its colleges with city, state and federal officials
f. To approve all appointments, reappointments and promotions to the instructional staff of the university except for those, including the granting of tenure, that are specifically reserved to the board of trustees
g. To promote a positive image of the university and to develop and enhance public and private sources of funding for the university
h. To attend meetings of the board and its committees and to advise on all matters related to his/her duties and responsibilities
i. To live in a residence provided for him/her by the board
j. Nothing in this enumeration shall compromise or detract from the powers and duties of the board of trustees as defined in the state education law

B. Qualifications:
He/she shall have an outstanding reputation as an educational administrator, executive, and scholar, and such personal qualities as will be conducive to success as a leader of scholars and teachers and as the chief executive officer and public representative of the university

Vice Chairperson Schwartz asked for a vote. Cal. No. 3 was unanimously adopted.
Barbara Bowen, President of the Professional Staff Congress, under Article 2.4(c)(iv) of the University collective bargaining agreement shared her concerns on behalf of membership regarding the report of the Committee on Fiscal Affairs.

4. COMMITTEE ON FISCAL AFFAIRS:
Trustee Ferrer reported that at the October 9, 2018 meeting of the Committee on Fiscal Affairs, the Committee approved the following resolutions, and he recommended their approval by the Board.

Moved by Trustee Ferrer and seconded by Vice Chairperson Schwartz, the following resolution was presented and opened for discussion:

A. The City University of New York - Reduction in Graduate Application Fee:

WHEREAS, The cost of applying to a master’s or doctoral degree program at CUNY is currently $125, which is the highest among local colleges and universities, and above the average of other major public universities in the United States; and

WHEREAS, As part of the University’s Strategic Framework, CUNY has committed to diversifying its master’s and doctoral programs; and

WHEREAS, Unlike other student fees, the application fee is required at the time of application and cannot be financed through student loans or other forms of financial aid; and

WHEREAS, The current application fee is creating a barrier to entry for students of limited means and is in opposition to CUNY’s mission of providing access to a quality education; now therefore be it

RESOLVED, That the Board of Trustees of The City University of New York hereby reduces the graduate application fee from $125 to $75; and be it further

RESOLVED, That the CUNY Tuition and Fee Manual will be revised to include this new rate, as well as language that will state “Campus Directors of Graduate Admissions may waive the application fee in special cases, with the specific criteria for doing so approved by individual college presidents”.

EXPLANATION: This graduate application fee reduction will enable the 15 CUNY campuses with master’s or doctoral programs to increase graduate enrollment by providing greater equity and access to all students. The current application fee of $125 is
higher than the average of $74 among local colleges and universities, and is also higher than the national average of $78. Every application cycle, colleges receive many requests for waivers of graduate application fees with no mechanism to do so. While Campus Directors of Graduate Admissions may waive the application fee in special cases, specific criteria for doing so must be approved by college presidents at each individual campus.

USS Chair and Trustee Khan stated that reducing the fee is a good step; however, the University needs to reverse the current trend of imposing excellence fees that hinder access and opportunity for many low-income New Yorkers seeking graduate schooling at CUNY.

Vice Chairperson Schwartz asked for a vote. Cal. No. 4.A. was unanimously adopted.

Moved by Trustee Ferrer and seconded by Vice Chairperson Schwartz, the following resolution was presented and opened for discussion:

**B. City College/CUNY School of Medicine - Establishment of The CUNY School of Medicine Mission Driven Scholarships:**

WHEREAS, The CUNY School of Medicine (formerly known as the Sophie Davis School of Biomedical Education) was approved by the Board of Trustees in 2016, for the purpose of becoming a fully accredited medical school with a mission to provide access to medical education to talented youth from social, ethnic and racial backgrounds historically underrepresented in medicine, and to develop physicians committed to practicing in underserved communities with a special emphasis on primary care; and

WHEREAS, The former Sophie Davis School of Biomedical Education imposed a fee on graduates who did not complete a primary care residency and/or did not fulfill a primary care service commitment; and

WHEREAS, The CUNY School of Medicine requests to use a portion of these funds to create a Mission Driven Scholarship for the graduate medical education years to help offset the cost of medical school tuition; and

WHEREAS, The criteria for eligibility for the scholarship is based on a commitment on the part of the scholarship recipient to fulfill the mission of the School by completing a primary care residency and providing full-time primary care medical services in a primary care physician shortage area in New York State; and
WHEREAS, Primary care is defined as one who provides comprehensive, continuous, and primarily ambulatory personal healthcare in family practice, general pediatrics, general internal medicine, general geriatrics, or primary care obstetrics and gynecology; and

WHEREAS, The school will require students/graduates who fail to meet the terms and conditions of the Scholarship to return those funds; and

WHEREAS, These returned funds will be reinvested into the Mission Driven Scholarship account to be made available for future scholarship awardees; now therefore be it

RESOLVED, That the Board of Trustees of The City University of New York hereby establishes the CUNY School of Medicine Mission Driven Scholarship and authorizes General Counsel to execute the Agreement setting forth terms and conditions of said scholarship; and be it further

RESOLVED, That the Board of Trustees of The City University of New York hereby authorizes the CUNY School of Medicine to award scholarships using these funds in conjunction with said Agreement terms and conditions, and require financial restitution from scholarship recipients for failure of meeting the terms and conditions of said Agreement.

EXPLANATION: Students admitted into the Biomedical Science Program in the former Sophie Davis School of Biomedical Education agreed to complete a primary care residency and to complete two years of full time primary care service in a primary care physician shortage area of New York State, designated by the New York State Board of Regents as listed in the bulletin, Regent Designated Physician Shortage Areas in New York State. Students who failed to meet this service obligation were required to pay the school $75,000. The reasoning, in part, behind for this payment was to incentivize graduates of the biomedical education program to practice primary care, thus keeping in line with the school’s mission. Additionally, because graduates paid CUNY undergraduate tuition rates and not that of a traditional medical school tuition rate, the service commitment requirement was justified.

The CUNY School of Medicine now charges medical school tuition for the graduate portion of the BS/MD program, and as such, the school no longer requires a service commitment for graduates. However, the mission of the school has not changed and the shortage of primary care physicians has not decreased, especially in medically underserved communities in New York. Therefore, the school is seeking ways to encourage students to choose a career in primary care and to serve in medically underserved communities in New York.
To offset the cost of medical school tuition, the school is requesting to use a portion of formerly collected “service commitment funds” it has received and continues to receive, to be used as Mission Driven Scholarship for medical students entering the graduate years in the CUNY School of Medicine.

Eligibility criteria for this scholarship are based on a commitment on the part of the student to fulfill the mission of the school by entering a primary care residency and serving the underserved in primary care in New York State. The student must commit to serve full-time for a specified period, or the equivalent of one year for each year of scholarship funding received, in an underserved (federally designated physician shortage) area of New York State in primary care. The commitment will be enforced within six months after the completion of the primary care residency program.

In the event the graduate enters a non-primary care residency program, is dismissed from school for academic or disciplinary reasons or who voluntarily terminates academic training before graduation, or fails to meet other terms and conditions of the Agreement, the student will be considered to have failed to honor the service obligation and will be required to make restitution to the CUNY School of Medicine.

A discussion about the mission driven scholarships followed, including available funds and scholarship levels.

*Vice Chairperson Schwartz asked for a vote. Cal. No. 4.B. was unanimously adopted.*

Moved by Trustee Ferrer and seconded by Vice Chairperson Schwartz, the following resolution was presented and opened for discussion:

**C. The City University of New York - Central Office - Chemical Inventory Management System Authorization of Contract with Research Applications and Financial Tracking (Raft), Inc.:**

WHEREAS, CUNY is required by the Resource Conservation and Recovery Act to keep an accurate, up-to-date inventory of chemicals stored on its campus, and in order to meet this requirement, CUNY has had a membership with the ChemTracker Consortium instituted by Stanford University since October 2006; and

WHEREAS, Stanford University recently entered into an agreement with Research Applications and Financial Tracking, Inc. ("RAFT"), assigning their rights to RAFT to the ChemTracker brand and intellectual property. As such, in order to continue the
membership, all ChemTracker Consortium members are required to enter into an agreement with RAFT; and

WHEREAS, CUNY advertised this requirement, and received only one (1) response; now therefore be it

RESOLVED, That the Board of Trustees of The City University of New York authorize the General Counsel to execute a contract with Research Applications and Financial Tracking, Inc., for Chemical Inventory Management System – ChemTracker, without competitive bidding and pursuant to law and University Regulations. The contract term shall be three (3) years. CUNY’s ChemTracker subscription shall not exceed an aggregate cost of $529,200 over the contract term, chargeable to appropriate funding sources during the applicable fiscal year or years. The contract shall be subject to approval as to form by the Office of General Counsel.

EXPLANATION: ChemTracker includes a detailed chemical reference database of approximately 54,000 pure chemicals, mixtures and synonyms. This database includes physical property, hazard toxicology, fire and building code, IBC (International Building Code), SARA (Superfund Amendments and Reauthorization Act), DOT (Department of Transportation), and many regulatory classifications and other identifiers.

CUNY will receive a 17% discount off RAFT’s Academic Discounted pricing. The total subscription fee for all 20 campuses will be $176,400 annually, which is the same price CUNY is currently paying.

RAFT has agreed to keep the annual price of $176,400 firm for the entire duration of the contract. Additionally, the implementation cost associated with the transition to this new ChemTracker 5 platform will be entirely covered by RAFT.

This single source acquisition has been advertised as required by law.

Trustee Wilkin noted the importance of CUNY’s value in supporting the goal for Minority and Women-owned Business Enterprise (MWBE).

Vice Chairperson Schwartz asked for a vote. Cal. No. 4.C. was unanimously adopted.
Moved by Trustee Ferrer and seconded by Vice Chairperson Schwartz, the following resolution was presented and opened for discussion:

D. The City University of New York - Central Office - Heating, Ventilation and Air Conditioning Maintenance Services:

WHEREAS, The University requires preventive maintenance and repair services for its heating, ventilation, air conditioning and refrigeration (HVAC) equipment located in eight (8) leased facilities in the Boroughs of Manhattan, Queens and Brooklyn; and

WHEREAS, These services are required to properly maintain equipment purchased by CUNY for these leased facilities, and for services needed for specific space needs such as server and telecommunication rooms; and

WHEREAS, CUNY conducted a competitive solicitation for a vendor to provide HVAC preventive maintenance and repair services and received six bids; now therefore be it

RESOLVED, That the Board of Trustees of The City University of New York authorize the General Counsel to execute a contract with BP Air Conditioning Corp. (“BP”) to provide HVAC preventive maintenance and repair services for the Central Office locations. This contract is being awarded to the lowest, responsive and responsible bidder after public advertisement and timely submission of sealed bids pursuant to law and University regulations. The contract shall be for two (2) years and shall not exceed $540,784. The contract shall be subject to approval as to form by the Office of General Counsel.

EXPLANATION: The HVAC equipment being maintained under this contract was purchased by CUNY and installed at the various locations to meet specific needs (such as server and telecommunication rooms). Since maintenance of this equipment is not covered under any lease agreement, CUNY is responsible for providing its own maintenance.

Under this contract, BP will provide as needed HVAC preventive maintenance and repair services on a time-and-materials basis for all the locations. In addition, BP has committed to subcontract 33% of the total spend, or $178,460, to NYS-certified MWBE firms.

Vice Chairperson Schwartz asked for a vote. Cal. No. 4.D. was unanimously adopted.
Moved by Trustee Ferrer and seconded by Vice Chairperson Schwartz, the following resolution was presented and opened for discussion:

E. The City University of New York - Cooperative Purchasing Agreement for Maintenance, Repair and Operating Supplies Authorization of Contract with W.W. Grainger, Inc.:

WHEREAS, The University currently purchases a significant volume of maintenance, repair and operating supplies against the New York State Office of General Services contract (the “OGS Contract”) with W.W. Grainger, Inc. (“Grainger”); and

WHEREAS, The University is a member of Educational and Institutional Cooperative Services, Inc. (“E&I”), a purchasing consortium; and

WHEREAS, E&I has in place an agreement with Grainger for maintenance, repair and operating supplies that is available for use by E&I members (the “E&I Consortium Contract”); and

WHEREAS, The University has determined that the E&I Consortium Contract offers more advantageous pricing, and more closely meets the University’s form, function, and utility requirements, than the OGS Contract; and

WHEREAS, As part of the University’s deep commitment to the development and growth of New York State-certified minority, women, and service-disabled veteran-owned businesses, Grainger has elected to participate in a business mentor-protégé relationship with a State-certified firm to provide mentorship in key business management functions, and technical trainings to develop and enhance skill sets; and

WHEREAS, for these reasons the University desires to utilize the E&I Consortium Contract in accordance with law and University policy, and a notice has been placed in the New York State Contract Reporter to disclose the University’s intention to enter into an agreement to make purchases under the E&I Consortium Contract; now therefore be it

RESOLVED, That the Board of Trustees authorize the General Counsel to execute all agreements that are necessary or useful in order for the University and the Colleges to make purchases under the E&I Consortium Contract (as its terms may be modified or supplemented by the University), which agreements shall be subject to approval as to form by the University Office of General Counsel. The E&I Consortium Contract term expires on January 31, 2020. It is estimated that over the term of the E&I Consortium Contract the annual aggregate spend will be $3.5-$4.0 million for the University.
EXPLANATION: Colleges need to purchase on an ongoing and as needed basis, maintenance, repair and operating supplies for their day-to-day operations. By utilizing the E&I Consortium Contract, the University anticipates a savings of 8%-10% over the current OGS Contract with Grainger. Based on the University’s current spend against the OGS Contract, it is estimated that savings would amount to between $280,000 and $400,000 a year. In addition to the savings, the E&I Consortium Contract offers growth incentive rebates up to 2% and an ecommerce discount of 0.5%. The E&I Consortium Contract also offers the end users an opportunity to take advantage of Vendor Managed Inventory (VMI) Services, which will reduce overages and inefficiencies in stock room management. The E&I Consortium Contract also offers the opportunity for individual campuses to develop “hot lists” that can be customized to individual campus-specific needs resulting in deeper discounts on high-volume purchases. This strategically sourced contract will have an MWBE participation goal of 30%. The MWBE mentor-protégé relationship that Grainger has agreed to will accelerate the development of the NYS-certified firm; CUNY will be monitoring the progress and development bi-annually with Grainger and the firm.

Vice Chairperson Schwartz asked for a vote. Cal. No. 4.E. was unanimously adopted.

Moved by Vice Chairperson Schwartz and seconded by Trustee Ferrer, the following resolution was presented and opened for discussion:

F. The City University of New York - Interim Asset Allocation:

WHEREAS, As part of the Long-Term Investment Policy Statement Adopted on March 19, 2018, the Board of Trustees committed to enhancing the diversification of assets, and approved a Long-Term Asset Allocation; and

WHEREAS, The Long-Term Asset Allocation includes allocations to private market investments, which take longer to reach their targets; now therefore be it

RESOLVED, That the Board of Trustees approve an Interim Asset Allocation for the CUNY Long-Term Investment Pool; and be it further

RESOLVED, That the Interim Asset Allocation will be reviewed annually alongside the Long-Term Investment Policy Statement adopted by the Board of Trustees relating to investments, until such time that the Subcommittee on Investments is satisfied that the Portfolio is comfortably in range of the Long-Term Target Allocation.
EXPLANATION: The Investment Policy Statement established a new Long-Term Asset Allocation that provides the University the opportunity for enhanced diversification within asset classes. The Long-Term Asset Allocation includes allocations to private market investments. Private market assets are relatively illiquid and it may take several years depending on market conditions for such allocations to reach their targets. As a result, in the interim, assets earmarked for private markets will be invested in a combination of stocks and bonds. To properly account for this dynamic, it is recommended that the Subcommittee on Investments adopt an Interim Asset Allocation.

Vice Chairperson Schwartz asked for a vote. Cal. No. 4.F. was unanimously adopted.

5. COMMITTEE ON ACADEMIC POLICY, PROGRAMS, AND RESEARCH:
Trustee Jill O'Donnell-Tormey reported that at the October 9, 2018 meeting of the Committee on Academic Policy, Programs, and Research, the Committee approved the following resolutions, and she recommended their approval by the Board.

Moved by Trustee O'Donnell-Tormey and seconded by Vice Chairperson Schwartz, resolutions 5.A. through 5.D. were presented and opened for discussion:

A. CUNY Graduate School and University Center - MA in Biography and Memoir:

WHEREAS, The CUNY Graduate School and University Center is the home of the esteemed Leon Levy Center for Biography, established in 2007 through a generous gift of over $7 million by the Leon Levy Foundation, which has continued to provide significant financial support to related initiatives, including two fellowships annually for doctoral students writing biographies and a wide variety of stimulating public events and programs; and

WHEREAS, Biography and memoir is one of the largest sectors in the current publishing landscape, and this proposal comes with an endorsement from the publishing industry; and

WHEREAS, The Graduate Center faculty includes many award-winning biographers and memoirists and world renowned history and literature faculty who will oversee the development and implementation of this program; now therefore be it

RESOLVED, That the program in Biography and Memoir leading to the Master of Arts offered by the CUNY Graduate School and University Center be approved effective October 29, 2018 subject to financial ability.
EXPLANATION: The CUNY Graduate Center seeks to capitalize on New York City’s standing as the center of the publishing world by offering a program that covers the professional and ethical issues of writing for publication about people’s lives to students seeking to excel in this exciting professional arena. In addition to required core courses, the program will allow students to take electives in a wide range of disciplines to provide inspiration, context, and intellectual stimulation. No additional faculty will be hired to staff this program.

B. Baruch College - MS in Business Analytics:

WHEREAS, Data analytics is one of the fastest growing professions and offers attractive compensation packages; and

WHEREAS, Baruch College has established itself as the flagship business school within CUNY already offering several related programs; and

WHEREAS, This program will attract Baruch undergraduate alumna/e and other working professionals due to its flexible scheduling including on-line, evening, and weekend courses; and

WHEREAS, The program can be launched with existing faculty and will need only two new faculty hires over the first two years of the program; now therefore be it

RESOLVED, That the program in Business Analytics leading to the Master of Science offered by Baruch College be approved effective October 29, 2018 subject to financial ability.

EXPLANATION: Baruch is responding to the national need for individuals well versed in the technical and content issues of big data within the business environment. Coursework in web programming as well as data mining and visualization will complement business electives and a capstone project to provide students with an excellent preparation for this rapidly growing profession.

USS Chair and Trustee Khan made a motion to amend the resolution to include an additional WHEREAS clause that states that the Master of Science program will not occur any excellence fees over the next 10 years. The motion was not seconded, and therefore did not carry.

SVC&CFO Sapienza noted that a new process have been put in place to streamline excellence fees proposal decisions taken by the Committee on Fiscal Affairs.
C. New York City College of Technology - B Arch in Architecture:

WHEREAS, New York City College of Technology has an established associate’s degree in Architectural Technology that will serve as a pipeline to this bachelor’s degree; and

WHEREAS, The creation of this program will serve the city and state of New York as well as the surrounding region by diversifying the licensed professionals in the field of Architecture; and

WHEREAS, The National Architectural Accrediting Board has already determined that the proposed curriculum would be eligible for candidacy status; now therefore be it

RESOLVED, That the program in Architecture leading to the Bachelor of Architecture offered by be approved effective October 29, 2018 subject to financial ability.

EXPLANATION: New York City College of Technology currently offers both an AAS and a B. Tech in Architectural Technology. The College now wishes to offer its stronger students, a Bachelor of Architecture degree, accredited by the National Architectural Accrediting Board, and leading to NYS professional licensure for architects. All students will be required to complete the AAS before being permitted to transfer into the B Arch.

D. Medgar Evers College - Establishing New Start-Up New York Initiative:

WHEREAS, Medgar Evers College has STEM and Business degree programs whose students will benefit from opportunities to work directly alongside an innovative technology company gaining real world experience to complement their studies; and

WHEREAS, Medgar Evers College faculty will have an opportunity to participate in joint research projects related to computer science, physics, and engineering; and

WHEREAS, Nanotronics staff will offer consultation on curricular innovation in the STEM disciplines; now therefore be it

RESOLVED, That the Board of Trustees of The City University of New York approve the selection of Nanotronics to participate in the Start-Up NY program (the “Program”) through Medgar Evers College. Nanotronics participation in the Program shall be subject to all University and New York State requirements. This action will be effective October 29, 2018.

EXPLANATION: Nanotronics is a company that produces optical inspection tools for scientists and engineers at an affordable price. They will provide Medgar Evers students
with mentors and internships, Medgar Evers faculty with assistance in curriculum development and opportunities for research collaboration, and Medgar Evers graduates with potential employment opportunities.

Trustee Kevin Kim inquired about the process and criteria of establishing startup companies at the University.

USS Chair and Trustee Khan suggested that the University puts forth a budget request for the next fiscal year that allows faculty deserved pay raises that also supports CUNY students and ensures that the University continue to be open to low-income students.

*Vice Chairperson Schwartz asked for a vote. Cal. Nos. 5.A. through 5.D. were adopted. Trustee Una Clarke and USS Chair and Trustee Khan abstained.*

6. **COMMITTEE ON FACULTY, STAFF AND ADMINISTRATION:**

Senior Advisor to the Chancellor (SAC) and Secretary of the Board Gayle M. Horwitz reported that at the October 9, 2018 meeting of the Committee on Faculty, Staff and Administration, the Committee approved the following resolutions, and Trustee Cortés-Vázquez recommended their approval by the Board.

Moved by Trustee Berger and seconded by Vice Chairperson Schwartz, the following resolution was presented and opened for discussion:

A. **The City University of New York - Appointment of Dr. Vivian Louie as Professor of Urban Policy and Planning at Hunter College, with Tenure Pursuant to §6.2(B) of the Bylaws:**

WHEREAS, Dr. Vivian Louie was a faculty member at Harvard University from 2000-2013, being promoted from Lecturer to Assistant Professor and then finally to Associate Professor, a title she held for six years. She was the CUNY Thomas Tam Visiting Professor at Hunter for the 2013-2014 academic year; and

WHEREAS, Dr. Louie comes to Hunter College directly from the William T. Grant Foundation where she served as program officer; and

WHEREAS, Dr. Louie has an expertise in Asian American Studies including successful publication and grant writing records warranting an appointment as a full professor with tenure; now therefore be it
RESOLVED, That Dr. Vivian Louie, Professor of Urban Policy and Planning at Hunter College be appointed with tenure through a waiver of University Bylaw 6.2.b effective August 1, 2018.

EXPLANATION: Dr. Louie has never been awarded tenure at a previous institution. As such, a waiver of bylaw 6.2.b is required to appoint her with tenure. This waiver request is used to recruit highly qualified individuals from the non-profit organizations, research institutions, and government agencies to faculty positions at our colleges and schools. Dr. Louie comes to Hunter College directly from the William T. Grant Foundation where she served as a program officer. Prior to her appointment there, she was a faculty member at Harvard University from 2000-2013, being promoted from Lecturer to Assistant Professor and then finally to Associate Professor, a title she held for six years. She was the CUNY Thomas Tam Visiting Professor at Hunter for the 2013-2014 academic year. Dr. Louie has an expertise in Asian American Studies and both successful grant writing and publication records that warrant the appointment as a full professor with tenure.

Vice Chairperson Schwartz asked for a vote. Cal. No. 6.A. was unanimously adopted.

Moved by Trustee Michael Arvanites and seconded by Vice Chairperson Schwartz, resolutions 6.B. through 6.F. were presented and opened for discussion:

B. The City University of New York - Appointment of Luisa Borrell as Distinguished Professor at The CUNY Graduate School of Public Health and Health Policy:

WHEREAS, Professor Luisa Borrell is an internationally recognized leader in the social determinants of health and the role of race/ethnicity, socioeconomic indicators and neighborhood conditions as factors that promote disease and health in populations; and

WHEREAS, In addition to over 100 peer-reviewed journal articles, many in top journals in the fields of epidemiology and public health, and significant recognition by her peers as measured by the thousands of citations her work has received, Professor Borrell has received over $7 million in external grants from the National Institutes of Health and the Robert Wood Johnson and R.W. Kellogg Foundations; now therefore be it

RESOLVED, That the Board of Trustees of The City University of New York appoint Luisa Borrell as Distinguished Professor of Epidemiology at the CUNY Graduate School of Public Health and Health Policy effective November 1, 2018, with compensation of $28,594 per annum in addition to her regular academic salary, subject to financial ability.
EXPLANATION: As one of her reviewers notes, “Dr. Borrell’s experience as a dentist, coupled with her training as an epidemiologist, have paved the way for truly novel work in the area of oral health and health disparities. Dr. Borrell was the first scholar to note the Hispanic Paradox in oral health (i.e., better oral health in Mexican Americans compared to other ethnic groups despite more socioeconomic risk factors). Based on that work, Dr. Borrell created a new index of health disparities, the “Symmetrized Theil Index.” Another notes that “Dr. Borrell's work has truly changed the field, as she may actually have been the first to systematically and expertly use oral health variables as endpoints to quantify racial and ethnic disparities.” A third comments that “Two facets of Dr. Borrell’s work have been especially innovative over the years. The first of those is her focus on social disparities in oral health. Simply put, Dr. Borrell is the nation’s leading scholar in this area of study and literally brought populations-based disparities in oral health to the nation’s attention in the early 2000s.” “The second innovative aspect of Dr. Borrell’s work involves her understanding of Hispanic heterogeneity in population health.” “She was the first scholar to clearly demonstrate that race matters for the health of Hispanics.”

Dr. Borrell joined the CUNY Graduate School of Public Health and Health Policy in 2016 as Professor of Epidemiology & Biostatistics. Previously, she served as an Associate Professor, from 2008 to 2011, and then Professor, from 2012 to 2016, in the Department of Health Sciences at Lehman College and the CUNY Graduate Center and Assistant Professor of Epidemiology, from 2001 to 2008, at the Mailman School of Public Health at Columbia University. She received her Ph.D. in Epidemiologic Science from the University of Michigan School of Public Health, a Master in Public Health (M.P.H.) from Columbia University and a Doctor in Dental Surgery (D.D.S.) from Columbia University School of Dental and Oral Surgeons. She is currently the chair of Epidemiology and Biostatistics at the CUNY Graduate School of Public Health and Health Policy, a position she has held since 2016, when she joined the School.

The CUNY Graduate School of Public Health and Health Policy and The City University of New York will be well-served by Professor Borrell’s appointment as Distinguished Professor.

C. The City University of New York - Appointment of Michael Shub as Distinguished Professor at City College:

WHEREAS, Professor Michael Shub is an internationally recognized leader in dynamical systems and computational complexity; and

WHEREAS, In addition to over 95 peer-reviewed journal articles, three authored or co-authored books and one edited book, 5 patents and over 100 invited addresses,
Professor Shub was elected Fellow of the American Mathematical Society in 2016, Fellow of the Fields Institutes in 2010 and Fellow of the American Association for the Advancement of Science in 2000; now therefore be it

RESOLVED, That the Board of Trustees of The City University of New York appoint Michael Shub as Distinguished Professor of Mathematics at City College effective November 1, 2018, with compensation of $28,594 per annum in addition to his regular academic salary, subject to financial ability.

EXPLANATION: One of his reviewers notes that Professor Shub “has, over several decades, made invaluable research contributions on well-known hard problems. Moreover, he has played a seminal role in constructing bridges between two foundational scientific areas of great research interest, dynamical systems and computational complexity; and his creative works on these have been very influential both in pure mathematics and in theoretical computer science. They’re also valuable for the study of chaotic phenomena in current physics, with yet further applications.” Another notes that “Mike Shub is very creative and plays the role of pioneer. He has proposed questions and ideas which have opened important new directions and that have been developed by large groups of dynamicists. To my mind, he is among the mathematicians who had the biggest influence on the theory of dynamical systems.” As another reviewer points out, “Mike Shub is one of a small select group of first rate, internationally renowned mathematicians who have made substantial contributions to Dynamical Systems and related areas over the past several decades. This group includes Fields Medal winners and winners of several other distinguished prizes. I mention this relation to prize winners to emphasize that the areas Shub works in are at the center of many of the most significant mathematical developments in the past half century.”

Dr. Shub joined the City College Department of Mathematics in 2016 as Martin and Michele Cohen Professor. He is also Professor of Mathematics at the CUNY Graduate Center. Previously, he served as Principal Investigator at the University de Buenos Aires from 2010 – 2014; Professor and then Distinguished Professor at the University of Toronto from 2004 – 2010; Research Staff Manager and Manager of Special Math Studies at the IBM Thomas J. Watson Research Center from 1985 to 2004; Associate Professor and then Professor at Queens College from 1973 to 1985; and Assistant and then Associate Professor at the University of California at Santa Cruz from 1971 to 1973. He is currently the chair of the Department of Mathematics at City College, a position he has held since he joined the college in 2016. He earned his M.A. and Ph.D. in Mathematics from the University of California, Berkeley and an A.B. from Columbia University.
City College and The City University of New York will be well-served by Professor Shub’s appointment as Distinguished Professor.

D. The City University of New York - Appointment of Eric Lott as Distinguished Professor at The Graduate Center:

WHEREAS, Professor Eric Lott is an internationally recognized leader in cultural studies, American studies, American literature and culture, transnational studies and critical race studies; and

WHEREAS, In addition to three highly acclaimed books, *Black Mirror: The Cultural Contradictions of American Racism* (2017), *The Disappearing Liberal Intellectual* (2006) and *Love and Theft: Blackface Minstrelsy and the American Working Class* (1993 and 2013), over 75 articles, short essays and reviews and over 100 invited lectures; Professor Lott has been awarded a Cornell University Society for the Humanities Fellowship, a University of Virginia Sesquicentennial Fellowship, a Princeton University Council for the Humanities Visiting Fellowship and a National Endowment for the Humanities Fellowship; now therefore be it

RESOLVED, That the Board of Trustees of The City University of New York appoint Eric Lott as Distinguished Professor of English at the Graduate Center effective November 1, 2018, with compensation of $28,594 per annum in addition to his regular academic salary, subject to financial ability.

EXPLANATION: One of his reviewers notes “Both nationally and internationally, Eric Lott has earned a reputation as a leading scholar in cultural studies, having left his mark on fields that include American studies, literary studies, history, critical race studies, theatre and performance studies and music. I can think of no other scholar whose work has achieved the preeminence of Lott’s in such a broad range of disciplines.” Another notes that “Eric is, by any measure, a towering figure in the field of American studies; his ground-breaking work, *Love and Theft: Blackface Minstrelsy and the American Working Class*, has become a touchstone for recent generations of scholars on matters of popular culture, race and class in the nineteenth-century United States, music and performance, and archival methodologies.” and “*The Black Mirror: The Cultural Contradictions of American Racism*, is a dazzling and timely consideration of race and fantasy in U.S. culture.” It is “meticulously researched, brilliantly conceived and stunningly written.” As another points out, “If distinction means producing field-changing work that garners the admiration of and informs the scholarship of at least two generations of scholars, then Lott is certainly one of the most worthy scholars I know for that honor.”
Dr. Lott joined the Graduate Center in 2014 as Professor of English and American Studies. Previously, he served as Assistant Professor through Professor of English at the University of Virginia from 1990 to 2014. He earned his M.A. and Ph.D. in English from Columbia University and a B.A. in English from the University of Missouri.

The Graduate Center and The City University of New York will be well-served by Professor Lott’s appointment as Distinguished Professor.

E. The City University of New York - Appointment of Nari Ward as Distinguished Professor at Hunter College:

WHEREAS, Professor Nari Ward is an internationally recognized artist; and

WHEREAS, In addition to 27 solo exhibitions and 80 group exhibitions between 1993 and 2017 and pieces in the collections of the Museum of Modern Art; the Brooklyn Museum; the Whitney Museum of American Art; Musee d’Art Moderne Grand-Duc Jean, Luxembourg; and GAM, Galleria Civica di Arte, Torino, Italy, Professor Ward received the 2017 $100,000 Vilcek Prize, recognizing contributions of immigrants to American culture, the 2015 Joyce Foundation Award for a major commission in Detroit, the 2012 Rome Prize from the American Academy of Rome, and was the first recipient, of the American Academy of Arts and Letters Willard L. Metcalf Award in 1998; now therefore be it

RESOLVED, That the Board of Trustees of The City University of New York appoint Nari Ward as Distinguished Professor of Art at Hunter College effective November 1, 2018, with compensation of $28,594 per annum in addition to his regular academic salary, subject to financial ability.

EXPLANATION: One of his reviewers notes that Professor Ward “is a deservedly celebrated high profile stellar artist who intelligently tackles deeply complex issues of identity and race, while at the same time engaging in what are substantively inventive material explorations. He does this with a visual beauty that draws one in even as it speaks unashamedly and fearlessly. His contribution to his field is remarkably rich and critically engaged. His work is at once poetic and political.” Another notes that “Ward’s work encompasses extraordinary range both in terms of the abundance of references invoked by the work, which are regional, global, populist and specialized, and also in terms of the craft, skill and genre it embraces: Ward works with sculpture, painting, materials of all kinds, performance and stage design, bringing the same succinct intelligence to all.” “Nari Ward has been tremendously influential and his career has spanned many countries.” As another points out “I cannot recommend strongly enough that he be promoted to Distinguished Professorship. Nari Ward is regarded nationally and internationally as one of the world’s premiere visual artists working today. He has
played a critical role in the development of artistic practice and concepts and has garnered the attention of some of the art world’s top experts, all of whom recognize his status as one of the best in his field.”

Professor Ward joined Hunter College’s Department of Art and Art History as an Assistant Professor in 1998, was tenured and promoted to Associate Professor in 2003 and promoted to Professor in 2007. Previously he served as an adjunct Assistant Professor at Hunter College from 1993 to 1997. He earned his M. F.A. from Brooklyn College in 1992 and his BA from Hunter College, cum laude, in 1989.

Hunter College and The City University of New York will be well-served by Professor Ward’s appointment as Distinguished Professor.

**F. The City University of New York - Appointment of Steven Greenbaum as Distinguished Professor at Hunter College:**

WHEREAS, Professor Steven Greenbaum is an internationally recognized leader in the development of new materials for electrical energy storage and in the field of solid state Nuclear Magnetic Resonance; and

WHEREAS, In addition to over 250 peer-reviewed journal articles and over $4 million in external grants since 2008, Professor Greenbaum received the 2002 Presidential Award for Excellence in Science, Mathematics and Engineering Mentoring, was elected Fellow of the American Physical Society in 2010, served as Jefferson Science Fellow in the U.S. Department of State in 2014-15 and received the Distinguished Scientist Award from the Society for the Advancement of Chicanos/Hispanics and Native Americans in Science in 2016; now therefore be it

RESOLVED, That the Board of Trustees of The City University of New York appoint Steven Greenbaum as Distinguished Professor of Physics at Hunter College effective November 1, 2018, with compensation of $28,594 per annum in addition to his regular academic salary, subject to financial ability.

**EXPLANATION:** As one of his reviewers notes, “Professor Greenbaum has proven himself as a top scientist in his fields of expertise: structural analysis of materials, highly judicious use of solid-state NMR spectroscopy. Moreover, he also demonstrated that he can enter quickly and very effectively into new fields, being able very quickly to raise a valuable and original contribution, demonstrating high impact research.” Another notes that Dr. Greenbaum “is an expert in the field of solid state ionics” and “is indeed a world leader in the use of NMR techniques to study the diffusion and conduction of mobile ions, especially LI+ ions, in liquid, polymer and solid electrolytes.” As another reviewer points out, “he has developed a truly distinguished reputation, resulting in many invited
talks and visits to other universities. He has been an invited speaker at the Gordon Research Conference, indicating the cutting edge nature and the quality of his work.”

Dr. Greenbaum joined the Hunter College Department of Physics as an Assistant Professor in 1983 and was promoted to Associate Professor in 1988 and Professor in 1991. He is currently the chair of the Department of Physics, a position he also held from 1997 to 2000. He served as the Executive Officer of the Ph.D. Program in Physics at the Graduate Center from 2008 to 2014. He has had Visiting Professorships at Rutgers and Stony Brook Universities, Tel Aviv University, Universite de Paris and the University of Rome. Greenbaum earned a Ph.D. in Solid State Physics from Brown University and a BA in Physics from Clark University. He also served as a NRC Postdoctoral Fellow at the Naval Research Lab.

Hunter College and The City University of New York will be well-served by Professor Greenbaum’s appointment as Distinguished Professor.

_Vice Chairperson Schwartz asked for a vote. Cal. Nos. 6.B. through 6.F. were unanimously adopted._

Moved by Trustee Arvanites and seconded by Vice Chairperson Schwartz, the following resolution was presented and opened for discussion:

_G. The City University of New York - Appointment of Dr. Naresh Devineni with Early Tenure Pursuant to §6.2(D) of the Bylaws at City College:_

WHEREAS, Dr. Naresh Devineni, Associate Professor of Civil Engineering at City College, focuses his research on advancing the science of risk management, and water resources planning in particular; and

WHEREAS, Dr. Devineni’s research is critical to addressing pressing global challenges as the distribution of water supply across the globe and the impact of climate on these challenges, and WHEREAS, Dr. Devineni has an exceptionally strong scholarly record, and record of receiving grants from prestigious organizations such as the National Science Foundation, the Department of Energy, and the Environmental Protection Agency; now therefore be it

RESOLVED, that Dr. Naresh Devineni, Associate Professor of Civil Engineering at City College, be appointed with early tenure through a waiver of University Bylaw 6.2(d).
EXPLANATION: The focus of Naresh Devineni’s research is advancing the science of risk management with applications to water resources planning. His research is critical to such pressing global challenges as the varying distribution of water supply across the globe and the impact of climate risks on these. In four years, he has been awarded $1,296,894 in funding for 12 projects, from such prestigious organizations as the Department of Energy, the National Science Foundation and the Environmental Protection Agency. His scholarly record is exceptionally strong and includes 33 peer reviewed journal publications. External reviews of Dr. Devineni’s scholarship are exceptionally complimentary. Dr. Devineni is by all accounts an energetic, enthusiastic and dedicated teacher and mentor of students from high school to doctoral levels, and good citizen of his department and school and deserving of being awarded early tenure.

Vice Chairperson Schwartz asked for a vote. Cal. No. 6.G. was unanimously adopted.

7. COMMITTEE ON FACILITIES PLANNING AND MANAGEMENT:
Trustee Brian Obergfell reported that at the October 9, 2018 meeting of the Committee on Facilities Planning and Management, the Committee approved the following resolutions, and he recommended their approval by the Board.

Moved by Trustee Obergfell and seconded by Vice Chairperson Schwartz, resolutions 7.A. and 7.B. were presented and opened for discussion:

A. Baruch College, College of Staten Island, and Queens College - University-Wide Program to Upgrade Fire Alarm Systems:

WHEREAS, The University has embarked in a University-wide program to upgrade and modernize the fire alarm systems at its facilities; and

WHEREAS, The University intends to review and, if necessary, upgrade certain fire alarm systems, including central monitoring stations, in a total of 22 different buildings on three campuses, specifically, six (6) at Queens College, fifteen (15) at the College of Staten Island and one (1) at Baruch College with the listings of the specific buildings attached (the “Fire Alarm Upgrades”); now therefore be it

RESOLVED, That the Board of Trustees of The City University of New York requests the City University Construction Fund (“Fund”) to execute a Purchase Order for the design, purchase and installation of the Fire Alarm Upgrades under an existing New York State Office of General Services Contract. The Purchase Order shall be subject to approval as to form by the Fund’s General Counsel. The total cost of all Fire Alarm Upgrades shall be chargeable to the State Capital Construction Fund under DASNY Project Number

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EXPLANATION: This project will undertake a comprehensive review of the fire alarm systems in 22 different buildings on these three campuses and upgrade the fire alarm systems in these buildings, as necessary.

The scope of work includes:

1. Preparation of plans and specifications for the installation of the upgraded Fire Alarm Systems and Central Monitoring Stations;
2. Obtaining plan approval from NYC DOB and the Fire Department; and
3. Provision of labor and materials required to update and/or replace the Fire Alarm Systems and Central Monitoring Stations.

B. Queensborough Community College - Acquisition Of Building:

WHEREAS, The University's Accelerated Study in Associate Programs ("ASAP") assists students in earning associate degrees within three years by providing a range of financial, academic, and personal supports including comprehensive and personalized advisement, career counseling, tutoring, waivers for tuition and mandatory fees, MTA MetroCards, and additional financial assistance to defray the cost of textbooks; and

WHEREAS, The University is committed to expanding the ASAP program but there is very limited space at its community colleges to do so; and

WHEREAS, A 11,330 square foot two-story building located at 50-35 Cloverdale Boulevard, Bayside, New York (Block 7502, Lot 11) (the "Building"), which is located across the street from Queensborough Community College (the "College"), is available for purchase; and

WHEREAS, The University is proposing to acquire the Building to provide classroom and administrative support space for ASAP operations at the College and to support other College initiatives; and

WHEREAS, The University commissioned an appraisal that supports the $4 million being paid for the facility; and

WHEREAS, The Building needs some repairs to be utilized by the College; and

WHEREAS, The University requests that the City University Construction Fund (the "Fund") acquire the Building and do the required repairs; now therefore be it
RESOLVED, That the Board of Trustees of the City University of New York requests that the Fund (a) acquire the Building, (b) procure design services for preliminary renovations thereto, (c) execute a purchase and sale contract, a design services contract and any other documents related thereto, and (d) pay up to $4.2 million for the acquisition (inclusive of a $200,000 commission) and up to $800,000 for the design services and other related closing costs. Such purchase, design and other costs shall not exceed $5 million. The total cost will be chargeable to the State and City Capital funds under DASNY Project Number 3497409999. All agreements, including the purchase and sale contract and the design services contract, shall be subject to approval as to form by the Fund’s General Counsel.

EXPLANATION: The Fund intends to purchase, on behalf of Queensborough Community College, the existing 2 story building formerly used by the Hollis Hills Bayside Jewish Center. The facility will be used by Queensborough Community College in connection with classrooms and faculty offices to support its ASAP program and other College initiatives.

CUCF will finance the acquisition, design services and related costs from a combination of New York City and New York State funding.

Vice Chairperson Schwartz asked for a vote. Cal. Nos. 7.A. and 7.B. were unanimously adopted.

Moved by Vice Chairperson Schwartz and seconded by Trustee Berger, the following resolution was presented and opened for discussion:

8. Central Office - Appointment of Pamela Silverblatt as Interim Senior Vice Chancellor for Legal Affairs and General Counsel and Senior Vice Chancellor for Labor Relations:

WHEREAS, Pamela Silverblatt brings extensive legal experience to this important position and has demonstrated knowledge in all areas of law affecting higher education; and

WHEREAS, As a member of the Chancellor’s leadership team serves as the Chief Legal Officer of the University representing the University’s interests in providing CUNY’s 25 schools with policy and legal guidance and coordinating the University’s compliance with government mandates. The Interim Senior VC represents University’s interests in approving contracts, defending labor arbitrations and coordinating the defense of the University in legal proceedings and settlement agreements with City and State agencies; now therefore be it

RESOLVED, That the Board of Trustees of The City University of New York approve the appointment of Pamela Silverblatt as Interim Senior Vice Chancellor for Legal Affairs and General Counsel and
Senior Vice Chancellor for Labor Relations effective September 24, 2018.

EXPLANATION: Pamela Silverblatt has been serving as Vice Chancellor for Labor Relations since January 14, 2008 and prior to that she served as First Deputy Commissioner in the Mayor’s Office of Labor Relations, where she assisted in the development and implementation of New York City’s labor policy, represented the Mayor in the conduct of all labor relations matters affecting the City of New York and over 100 labor organizations. She managed the negotiation, implementation and interpretation of collective bargaining agreements covering over 200,000 employees in Mayoral and non-mayoral agencies.

Ms. Silverblatt will continue to serve as Senior Vice Chancellor for Labor Relations in addition to her Interim role as Senior Vice Chancellor for Legal Affairs and General Counsel.

Pamela holds a J.D. from Hofstra University and B.S. from the State University of New York at Binghamton.

The Interim Chancellor strongly recommends her appointment.

Vice Chairperson Schwartz asked for a vote. Cal. No. 8 was unanimously adopted.

Moved by Vice Chairperson Schwartz and seconded by Trustee Berger, the following resolution was presented and opened for discussion:

9. The City University of New York – Appointment of Claudia V. Schrader as President of Kingsborough Community College:

RESOLVED, That the Board of Trustees of The City University of New York approve the appointment of Claudia V. Schrader as the President of Kingsborough Community College, effective September 15, 2018.

EXPLANATION: The Interim Chancellor is recommending Claudia V. Schrader as President. Ms. Schrader was most recently the Provost and Senior Vice President for Academic and Student Success at Bronx Community College. She previously served as the Associate Provost, Assistant Provost and Deputy Department Chair at Medgar Evers College.

Dr. Schrader is well known as an inspirational leader with a proven record as an innovator in advancing student success at community colleges. At Bronx Community College, Dr. Schrader “established a new communications system for professional and faculty advisors and student services personnel” and “conceptualized and implemented new academic advisement model that has resulted in increased student satisfaction.”
She earned her Bachelor of Arts degree in African Studies/Journalism from Rutgers University, a Master of Arts in Special Education, Master of Educational Instructional Practice in Special Education, and a Doctor of Education in International and Transcultural Studies from Columbia University Teachers College. Dr. Schrader is also a NYS Department of Education certified Special Education Teacher (K-12).

**Vice Chairperson Schwartz asked for a vote. Cal. No. 9 was unanimously adopted.**

Moved by Vice Chairperson Schwartz and seconded by Trustee Berger, resolutions 10 and 11 were presented and opened for discussion:

10. **The City University of New York – Appointment of Karrin E. Wilks as Interim President of Borough of Manhattan Community College:**

RESOLVED, That the Board of Trustees of The City University of New York approve the appointment of Karrin E. Wilks, as the Interim President of Borough of Manhattan Community College, effective September 1, 2018.

**EXPLANATION:** The Interim Chancellor is recommending Karrin E. Wilks as Interim President. Ms. Wilks was most recently the Provost and Senior Vice President for Academic Affairs, and has served in public higher education administration for more than 30 years. She has extensive experience developing and evaluating policy and programs aimed at improving student success, particularly for underserved populations. Her leadership includes a focus on strategic planning, program design and implementation, college readiness and developmental education, evidence-based retention and success strategies, leadership development, and improving teaching and learning across disciplines. In 2016, Wilks was selected as one of 40 community college leaders nationwide for the inaugural class of the Aspen Presidential Fellowship.

Prior to joining BMCC, Wilks served as the Senior Vice President and Interim Provost for Medgar Evers College, and held the position of University Dean for Undergraduate Studies in the CUNY Central Office of Academic Affairs. Earlier in her career, she served as Senior Vice President for the Vermont State Colleges, taught writing and humanities courses at the Community College of Vermont and served on the faculty of the Vermont Leadership Institute.

Wilks earned an Ed.D. in Policy and Leadership Development, and M.Ed. in Curriculum and Instruction from the University of Vermont. She holds a B.A. in History/Creative Writing from Middlebury College.
11. The City University of New York – Appointment of Timothy Lynch as Interim President of Queensborough Community College:

RESOLVED, That the Board of Trustees of The City University of New York approve the appointment of Timothy Lynch as the Interim President of Queensborough Community College, effective September 1, 2018.

EXPLANATION: The Interim Chancellor is recommending Timothy Lynch as Interim President. Mr. Lynch was most recently the Provost and Senior Vice President for Academic Affairs and Professor of History at Queensborough Community College.

He has been a faculty member, department chairperson and chief academic officer at state maritime colleges in New York and California. A native New Yorker, Dr. Lynch earned history degrees at Brooklyn College and the CUNY Graduate School Center. As provost, he has worked with campus constituencies to advance student success through a data-driven approach to enrollment management, instructional support and degree completion.

Dr. Timothy Lynch holds degrees from Brooklyn College (BA) and the CUNY Graduate School and University Center (PhD). His research focuses on immigration and ethnicity, as well as on America's relationship with the sea. He is an acknowledged expert on American maritime history, with numerous national presentations and international media appearances to his credit. He has held leadership positions in various professional organizations, and his recent monograph Beyond the Golden Gate: A Maritime History of California, is considered an important contribution to the field.

Vice Chairperson Schwartz asked for a vote. Cal. Nos. 10 and 11 were unanimously adopted.

SAC and Secretary of the Board Gayle M. Horwitz noted that item Nos. 12 and 13 were considered in Executive Session and presented them for the Board’s approval.

Moved by Vice Chairperson Schwartz and seconded by Trustee Berger, resolutions 12 and 13 were presented and opened for discussion:

12. The City University of New York - Reimbursement for Expenditures for Counsel for Vice Chancellors:

WHEREAS, On February 21, 2017, the Board of Trustees of The City University of New York authorized reimbursement to the campus presidents and deans of each college as applicable (“presidents”) for reasonable expenses incurred to retain personal counsel of their choice to represent them at required interviews with the Office of the Inspector General of the State of New York (“IG”); and
WHEREAS, Since that time, the IG has required and continues to require certain current vice chancellors to submit to a recorded interview under oath; now therefore be it

RESOLVED, That the Board of Trustees of The City University of New York hereby authorizes reimbursement to University vice chancellors for reasonable expenses incurred to retain personal counsel for required interviews with the IG. The vice chancellors are valued key employees, whom CUNY expends great effort to recruit and retain.

EXPLANATION: Pursuant to an ongoing investigation, the IG has required and is requiring certain vice chancellors to submit to a recorded interview under oath, and has advised that the vice chancellors may bring personal counsel if they wish. This interview is pursuant to the IG’s statutory authority to “require any officer or employee in a covered agency to answer questions concerning any matter related to the performance of his or her official duties.” Refusal to answer questions in an IG interview under oath subjects an employee to removal from employment.

In the ordinary course of business, when CUNY employees are sued for conduct occurring in the course of their employment, the State (for senior colleges) or City (for community colleges) will represent and indemnify, including representing them at deposition or trial when they are required to testify under oath. CUNY is aware of no evidence of wrongdoing on the part of any current vice chancellors.

Pursuant to its broad authority to “govern and administer all educational units of the city university,” NYS Education Law §6204.1, the Board has the power to authorize reimbursement to the vice chancellors for their reasonable expenses incurred to retain personal counsel of their choice for these interviews and any follow-up by the IG. The Board hereby approves reimbursement of up to $25,000 each for such expenses, and if expenses exceed $25,000, the individual may return to the Board for further consideration. Requests must be submitted to the General Counsel and include appropriate documentation that the services were performed.

If a court finds that a vice chancellor has engaged in wrongdoing with respect to the actions that are the subject of the IG’s examination, the University will seek the return of the reimbursement.

13. The City University of New York - Appointment of Dr. Joy Connolly as Interim President of The CUNY Graduate Center:

WHEREAS, Dr. Joy Connolly’s superb service as Provost of the Graduate Center of the City University of New York since 2016 and before that as Dean for the Humanities at New York University from 2012-2016 has given her administrative and leadership experience; and

WHEREAS, Dr. Connolly’s recent promotion to University Distinguished Professor of Classics, her three books, and more than thirty articles in the field of Roman literature, philosophy, and political thought are evidence of the scholarly achievements and standing we expect of the leader of the
Graduate Center; and

WHEREAS, Dr. Connolly is a well-known advocate for doctoral education and for the important role of the humanities in society and has secured over two million dollars for the Graduate Center from the Mellon Foundation to support her work in transforming doctoral education and linking it to the public good; and

WHEREAS, Dr. Connolly has led the development of the website, Sum, which features the discoveries and creative work of faculty and students at CUNY, has overseen the transfer of the ASRC from City College to the Graduate Center, and has presided over the expansion of the number of master's degrees offered by the Graduate Center; now therefore be it

RESOLVED, That the Board of Trustees of the City University of New York approve the appointment of Joy Connolly as the Interim President of the CUNY Graduate Center, effective December 10, 2018.

EXPLANATION: Interim Chancellor Rabinowitz is recommending Distinguished Professor Joy Connolly as Interim President of the CUNY Graduate Center. Dr. Connolly earned her AB in Classics from Princeton University and her PhD in Classical Studies from the University of Pennsylvania. She held tenure track positions at the University of Washington, Stanford University, and New York University before joining the Graduate Center. She is currently serving as Provost of the Graduate Center.

Vice Chairperson Schwartz asked for a vote. Cal. Nos. 12 and 13 were unanimously adopted.

Trustee Arvanites noted that it has been a privilege to work with the CUNY Service Corps in their efforts to assist the University during disastrous storms.

Moved by Vice Chairperson Schwartz and seconded by Trustee O’Donnell-Tormey, the reconvened public session was adjourned at 8:06 p.m.