

NASSAU COMMUNITY COLLEGE
Garden City, New York

BOARD OF TRUSTEES' MINUTES

Meeting of September 12, 2017

The six hundred ninth meeting of the Board of Trustees was held on Tuesday, September 12, 2017 on the eleventh floor of the Administrative Tower.

The meeting was called to order by Chair Gardyn at 7:35 p.m. followed by a salute to the flag.

Present: Jorge L. Gardyn, Chair
Kathy Weiss, Vice Chair
John A. DeGrace, Secretary Pro Tem;
Linda H. Green, Wanda H. Jackson, Donna M. Tuman, Thérèse Russell, Student Trustee.

Absent: Edward W. Powers

Also in attendance: President Keen, VP Collins

Chair Gardyn requested a motion that pursuant to Section 105 of the Open Meetings Law of the State of New York, the Board of Trustees shall enter Executive Session for the following purposes: 1) to discuss matters relating to negotiations involving the NCC Administrators Association; 2) to discuss matters relating to negotiations involving the NCCFT; and 3) of reviewing the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation. Trustee Weiss moved the motion; seconded by Trustee Jackson. Motion carried 7-0.

Chair Gardyn resumed the open meeting at 8:30 p.m.

Present: Jorge L. Gardyn, Chair
Kathy Weiss, Vice Chair
John A. DeGrace, Secretary Pro Tem;
Linda H. Green, Wanda H. Jackson, Donna M. Tuman, Thérèse Russell, Student Trustee.

Absent: Edward W. Powers

Also in attendance: President Keen, VP Collins

Approval of Minutes

Chair Gardyn requested a motion to approve the minutes of June 27, 2017. Trustee Weiss moved the motion; seconded by Trustee Tuman. Motion carried 7-0.

1. Trustee DeGrace introduced the following resolution:

RESOLVED, THAT THE EXISTING COLLEGE PROCUREMENT AGREEMENT WITH FURMAN ROTH ADVERTISING IN THE AMOUNT OF \$250,000.00 BE INCREASED BY \$275,000.00 FOR A TOTAL OF \$525,000.00 AS REQUESTED BY ASSISTANT TO THE PRESIDENT FOR

GOVERNMENTAL AND MEDIA RELATIONS MURRAY IS APPROVED BY THE NASSAU COMMUNITY COLLEGE BOARD OF TRUSTEES. (**FUNDING SOURCE:** OPERATING AND GRANT).

Chair Gardyn requested a motion to consider this item. Trustee Russell moved the motion; seconded by Trustee Tuman. Motion carried 7-0.

2. Trustee Weiss introduced the following resolution:

RESOLVED, THAT THE PENDING COLLEGE PROCUREMENT AGREEMENT WITH KONICA MINOLTA IN THE AMOUNT OF \$300,000.00 AS REQUESTED BY VP ACADEMIC STUDENT SERVICES CONZATTI IS APPROVED BY THE NASSAU COMMUNITY COLLEGE BOARD OF TRUSTEES FINANCE AND CAPITAL COMMITTEE AND WILL BE RECOMMENDED TO THE FULL BOARD OF TRUSTEES FOR APPROVAL. (**FUNDING SOURCE:** OPERATING).

Chair Gardyn requested a motion to consider this item. Trustee Weiss moved the motion; seconded by Trustee Jackson. Motion carried 7-0.

3. Trustee Tuman introduced the following resolution:

RESOLVED, THAT UPON THE RECOMMENDATIONS OF THE COLLEGE'S COLLECTIVE BARGAINING TEAM AND THE COLLEGE ADMINISTRATION, THE TERMS OF THE PROPOSED COLLECTIVE BARGAINING AGREEMENT COVERING THE PERIOD SEPTEMBER 1, 2017 THROUGH AUGUST 31, 2020 BETWEEN THE COLLEGE/COUNTY AND THE NASSAU COMMUNITY COLLEGE FEDERATION OF TEACHERS (NCCFT) BE APPROVED BY THE BOARD OF TRUSTEES OF NASSAU COMMUNITY COLLEGE, AND BE IT

FURTHER RESOLVED, THAT DR. W. HUBERT KEEN, PRESIDENT OF NASSAU COMMUNITY COLLEGE, BE AUTHORIZED TO EXECUTE THE FORMAL COLLECTIVE BARGAINING AGREEMENT ON BEHALF OF NASSAU COMMUNITY COLLEGE AND THE BOARD OF TRUSTEES OF NASSAU COMMUNITY COLLEGE, AND BE IT

FURTHER RESOLVED, THAT THE BOARD OF TRUSTEES OF NASSAU COMMUNITY COLLEGE RECOMMENDS THE APPROVAL AND ADOPTION OF SAID COLLECTIVE BARGAINING AGREEMENT WITH THE NCCFT BY THE COUNTY EXECUTIVE AND THE NASSAU COUNTY LEGISLATURE.

Chair Gardyn requested a motion to consider this item. Trustee Weiss moved the motion; seconded by Trustee Green. Motion carried 7-0.

4. Trustee Jackson introduced the following resolution:

RESOLVED, THAT IN RECOGNITION OF DISTINGUISHED AND MERITORIOUS SERVICE TO NASSAU COMMUNITY COLLEGE, AND UPON THE RECOMMENDATION OF THE PRESIDENT OF NASSAU COMMUNITY COLLEGE, THE FOLLOWING NAMED RETIRED FACULTY MEMBERS OF NASSAU COMMUNITY COLLEGE WHO RETIRED AFTER ATTAINING THE ACADEMIC RANK OF PROFESSOR OR ASSOCIATE PROFESSOR, ARE HEREBY GRANTED THE PERMANENT ACADEMIC TITLE OF PROFESSOR EMERITUS WITH ALL THE PRIVILEGES AND RIGHTS ACCRUING THERETO.

<u>Name</u>	<u>Title</u>	<u>Department</u>	<u>Retirement Date</u>
Barry Fruchter	Associate Professor	English	9/1/17
Hedda Marcus	Professor	English	9/1/17
Jay Silverman	Professor	English	9/1/17
Dale Stanley	Professor	Biology	9/1/17

Chair Gardyn requested a motion to consider this item. Trustee Weiss moved the motion; seconded by Trustee Tuman. Motion carried 7-0.

5. Trustee Green introduced the following resolution:

RESOLVED, THAT THE BOARD OF TRUSTEES OF NASSAU COMMUNITY COLLEGE HEREBY EXPRESSES GRATITUDE TO BETTYANN GEPHARDT (ANN MUTH) FOR HER YEARS OF SERVICE AS ASSISTANT VICE PRESIDENT AND DEDICATION TO NASSAU COMMUNITY COLLEGE, AND UPON THE RECOMMENDATION OF THE PRESIDENT OF NASSAU COMMUNITY COLLEGE DOES HEREBY GRANT TO HER THE PERMANENT TITLE OF EMERITUS WITH ALL THE PRIVILEGES AND RIGHTS ACCRUING THERETO.

Chair Gardyn requested a motion to consider this item. Trustee Jackson moved the motion; seconded by Trustee Tuman. Motion carried 7-0.

6. Trustee Weiss introduced the following resolution:

RESOLVED, THAT THE BOARD OF TRUSTEES OF NASSAU COMMUNITY COLLEGE HEREWITH AUTHORIZES THE CHAIR OF THE BOARD OF TRUSTEES TO EXECUTE AN AMENDMENT TO THE EMPLOYMENT AGREEMENT BETWEEN THE COLLEGE AND DR. W. HUBERT KEEN, SAID AMENDMENT HAVING BEEN REVIEWED AND APPROVED BY THE MEMBERS OF THE BOARD OF TRUSTEES.

Chair Gardyn requested a motion to consider this item. Trustee Weiss moved the motion; seconded by Trustee Jackson. Motion carried 7-0.

7. Trustee Russell introduced the following resolution:

RESOLVED, THAT THE NASSAU COMMUNITY COLLEGE BOARD OF TRUSTEES HEREBY AUTHORIZES THE APPOINTMENT OF KEITH BLUM AND CHRISTOPHER WOOD AS PEACE OFFICERS RETROACTIVE TO JANUARY 1, 2017, AND BE IT AND BE IT

FURTHER RESOLVED, THAT THE NASSAU COMMUNITY COLLEGE BOARD OF TRUSTEES HEREBY AUTHORIZES PRESIDENT W. HUBERT KEEN TO ENTER INTO ANY AND ALL AGREEMENTS NECESSARY TO IMPLEMENT THIS RESOLUTION.

Chair Gardyn requested a motion to consider this item. Trustee Green moved the motion; seconded by Trustee DeGrace. Motion carried 7-0.

8. Swearing in of Peace Officers

Keith Blum and Christopher Wood to recited the following Oath of Office:

“I, Keith Blum/Christopher Wood do solemnly affirm that I am duly qualified, according to the mandates of the State of New York to exercise the duties of the office of Peace Officer and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect and defend the constitution of the State and of the United States of America.

I further affirm that I will enforce the rules and regulation of Nassau Community College, the ordinances of the county of Nassau and the State of New York, protect life, and property, and diligently seek to detect crime and apprehend criminals, that I will be, ever mindful of the trust that has been placed in me by the officers of Nassau Community College, Nassau County and New York State, and will make every effort to live up to that trust, so help me God.”

Chair Gardyn made a motion under Article VIII section C(6) of the Rules of Procedure to allow for the consideration of an item that does not appear on the Calendar. Trustee Weiss seconded the motion. Motion carried 7-0.

9. Trustees DeGrace, Russell, Weiss and Gardyn, introduced the following resolution:

WHEREAS, on June 27, 2017 the Board of Trustees adopted a resolution containing the following decretal paragraphs:

NOW THEREFORE BE IT RESOLVED, that the Board directs the President of the College as described in Nassau Community College Board of Trustees Rules of Procedure (Policy 1200) and in New York State Regulations (8NYCCR 604.3), to undertake the establishment of a system of shared governance, with due consideration of the important role of the faculty in the administration and advancement of the College, while recognizing the genesis of the College’s Academic Senate contained in Article 20 of the labor agreement between the College and the Nassau Community College Federation of Teachers, and

BE IT FURTHER RESOLVED that upon identifying best practices in shared governance, the President shall establish a system of internal governance ensuring faculty participation in governance required by 8 NYCCR 605.1 that shall fully comport with the aforementioned Middle States Commission’s Standards 4 and 5, and

BE IT FURTHER RESOLVED that the Board declares that the Academic Senate Bylaws are not legally binding on the Board and the Board possesses authority to promulgate alternate procedures and mechanisms to ensure appropriate faculty participation in governance, as required by law, Board policy, and regulation, and

BE IT FURTHER RESOLVED that the President is directed to present to the Board on or before September 1, 2017 the aforesaid system of internal governance for the purpose of consultation with faculty on those aspects of institutional functioning as required by state statute, regulation and Board policy, and in accord with the advisory role of the faculty to the extent described in Section 20 of the labor agreement between the College and the Nassau Community College Federation of Teachers, and

WHEREAS, the Nassau Community College Federation of Teachers (NCCFT), having been previously placed on notice that it was the intention of the Board of Trustees to adopt the aforesaid resolution on June 27, 2017, informed the COLLEGE that it was seriously considering instituting litigation against the College asserting that the aforesaid action of the Board of Trustees of the COLLEGE was arbitrary, capricious and/or unreasonable, specifically contesting by way of a CPLR Article 78 proceeding the authority of the BOARD OF TRUSTEES to vitiate the bylaws of the Senate by replacing the same with a structure in compliance with 8 NYCRR 605.1, and the directives of the Middle States Commission, and substantive changes made by the structure to be promulgated by the President in compliance with 8 NYCRR 605.1, and the directives of the Middle States Commission, and

WHEREAS, on June 23, 2017, the College and the NCCFT executed an Agreement to Arbitrate, wherein the parties agreed to resort to binding arbitration to resolve their differences rather than resort to litigation - motivated by the mutual desire and need to resolve the subject issues prior to the commencement of the ensuing academic year to ensure compliance with pending Middle States Commission directives respecting the COLLEGE'S accreditation, and

WHEREAS, following the aforesaid resolution Dr. Keen prepared a draft set of bylaws in consultation with the Governance Review Task Force (GRTF) that he had previously convened, consisting of Chair of the Academic Senate, Anissa Moore, the Student Government Association Academic Senate representative, Wayne Meng, the President of the Nassau Community College Federation of Teachers, Frank Frisenda, the President of the Nassau Community College Adjunct Faculty Association, Stefan Krompiewski, Noreen Lowey, Chair of Academic Dept. Chairs, Lynn Mazzola, Former Chair of Academic Dept. Chairs, and the 2nd Vice President of the Nassau Community College Administrators Association, Sandra Friedman, and other faculty participating in some meetings, and

WHEREAS, the GRTF met on several occasions to review and discuss with President Keen the aforesaid bylaws, and

WHEREAS, on or about August 11, 2017 the GRTF reached a favorable consensus regarding the substance of the proposed bylaws except for two issues, leading the President to issue the proposed bylaws to the NCCFT, and simultaneously to the arbitrator designated in the aforesaid Agreement to Arbitrate to resolve any issues between the parties, and

WHEREAS, a hearing was held before the aforesaid arbitrator on August 24, 2017 and his Decision and Award was issued on August 30, 2017 determining the Board of Trustees had the authority to have adopted the aforesaid June 27, 2017 resolution and to approve said bylaws, and determining the substance of the two bylaw provisions at issue, to wit, regarding future amendment of the bylaws and the appointment of administrator senators, which Award is hereinafter excerpted:

AWARD

The Bylaws prepared by the President and the Governance Review Task Force dated August 11, 2017 shall be proposed to the Board of Trustees except that Paragraph XIV(c), p. 46 shall be modified as follows:

Section XIV(c) (p. 46) of the proposed bylaws adopted on August 11, 2017 (Amendments) shall be modified by adding this paragraph at the end of Section XIV(c):

The President's determination will be based upon his/her finding (s) that the Amendment violates, or does not violate a Middle States Commission standard(s), the Regulations contained in 8 NYCRR 600, et. seq., law; or that the Amendment is or is not in the best interest of the College. The President shall render his determination by the next following session of the Academic Senate, or within 30 days of the date he/she received the proposed amendment, whichever occurs later.

The Academic Senate shall have the right to appeal to an arbitrator the determination of the President upon the grounds that his/her determination is arbitrary, capricious, or unreasonable.

The parties (Academic Senate and College) shall select an arbitrator to hear and decide this matter. Should the parties (Academic Senate and College) fail to agree upon an arbitrator, he/she shall be selected pursuant to the procedures of the American Arbitration Association Rules for Voluntary Labor Arbitration. The determination of the arbitrator shall be final and binding.

Section III(A)(2),p.6 re: membership composition shall be amended by providing that: Ten per cent (10%) of the Academic Senate shall be administrators appointed by the President.

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees herewith approves in its entirety the bylaws of the Academic Senate dated August 11, 2017 prepared by the President of the College in consultation with the GRTF, as modified by the Arbitrator to the extent set forth in the foregoing Award and,

BE IT FURTHER RESOLVED, that the Board directs the immediate implementation of said bylaws.

Chair Gardyn requested a motion to consider this item. Trustee Weiss moved the motion; seconded by Trustee Tuman. Chair Gardyn asked for comments. Trustee Weiss stated that after reading the Bylaws she noticed a few non-substantive changes that need to be corrected before they are promulgated. Dr. Keen replied that there are several other corrections throughout the document that he and Chair Anissa Moore are working on to finalize the Bylaws. Motion carried 7-0.

10. Elections for Officers of the Board

Trustee DeGrace made a motion to keep the current 2016-2017 slate of officers in place for the upcoming 2017-2018 academic year. Seconded by Trustee Green. Chair Gardyn asked if there were any comments, there being none, Motion carried 7-0. The slate of officers: Dr. Gardyn, Chair; Dr. Weiss, Vice Chair; and Edward Powers, Secretary.

Dr. Keen reported on the following items:

- Enrollment is a concern that we have been actively addressing for a while, and the College will experience another estimated 5-6% decline, for which we have made accommodation in our budget. The administration is hopeful that this decrease will represent the bottom of the drop, with future years to show increases.
- Encountered some temporary logistic difficulty in accommodating the relocation of faculty and staff

offices and student classes while North Hall has been closed for renovation and the North Annex has been leased to the Westbury School District as a means of supporting the budget.

- He congratulated Keith Blum and Christopher Wood on their promotion to Peace Officers. He cited their appointment as the first step in raising the professional level of the security force on campus. In the future the administration hopes to add more Peace Officers, who, highly trained at the Nassau County Police Academy, will have more authority and embedded presence in our community, reducing our reliance on external law enforcement.
- He praised the work through the summer by dedicated faculty and administrators on the Governance Review Task Force (GRTF). He singled out Anissa Moore, the newly elected Chair of the Academic Senate, for her leadership and looks forward to working with her. He commended the involvement of Frank Frisenda, Lynn Mazzola and Stefan Krompiewski, as well, for their diligent efforts in the process of carefully examining the Bylaws, which began fifteen(15) months ago, and which has helped reinforce shared governance. He also thanked Noreen Lowey and Sandra Friedman amongst others who have helped advance the College.
- He met with the new leaders of the Student Government Association (SGA), of whom student Trustee Thérèse Russell is a member. He looks forward to working with a group so exceptionally well organized and dedicated to representing its student constituency.
- He reviewed highlights of how much we have accomplished over the past year:
 - The Planning Committee, as reported to the Board in June, did an extremely impressive job in formulating the comprehensive Strategic Plan.
 - He commended VP Valerie Collins, Patricia Lupino and Noreen Lowey for the long hours they worked most days for weeks from the start of summer to complete the extensive detailed third submission, the second Monitoring Report, to the Middle States Commission (MSC) before September 15.
 - The Middle States Team Visit will take place on October 4 and 5. He expressed high optimism about transcending our probationary accreditation through fulfillment of at least four(4) of the Standards and even of the other two(2). Actions by the Board, including the adoption of the revised Bylaws, have put us in an excellent position to succeed. We will know the MSC Team's determination unofficially upon its departure, and officially, after it meets in early December in Philadelphia.

Trustee Weiss commented that she felt privileged to have attended the September 8th Colloquium on Shared Governance at which Dr. Keen convened two presidents of SUNY community colleges, the President of the Faculty Council of Community Colleges, and a Professor Emeritus formerly of SUNY. She noted that student Trustee Russell and a few others she recognizes in the audience were also present, but wished others had joined this informative session. The panel discussed the roles and responsibilities of a Board, a President and a faculty/Academic Senate. The Bylaws adopted by the Board in many ways model how this distinguished panel characterizes effective operation of shared governance on a campus. She also thanked the NCC Foundation for providing food.

Speakers

Stefan Krompiewski, AFA President, thanked Drs. Keen and Collins and all participants on the GRTF and various planning committees for the opportunity to work together cooperatively. He recognized the contribution of three adjuncts in particular; Dr. John Perrotto, Gary Ouellette and Rich Erben, but also the increased

involvement of all adjuncts in helping the College reach new heights. He is pleased by the new spirit of cooperation amongst the NCCFT, AFA and CSEA to meet the College's goal to enhance the educational experience of our students. He is encouraged by the increase in the marketing budget, but appealed for even more, as it is important to be competitive with other colleges to bring more students to NCC. The Middle States report tells a great story of who we are and what we do, but we need better promotion to the community.

Lynn Mazzola, Professor of Accounting & Business Administration, also expressed gratitude to Drs. Keen and Collins, Maria Conzatti, Sandra Friedman, Donna Haugen, Frank Frisenda, Anissa Moore, Noreen Lowey and Stefan Krompfer for the spirit of collegiality and compromise that informed the work of the GRTF to revise the Bylaws. If all campus constituencies worked together so well, we would readily satisfy all seven(7) Standards and would again be "the gem of SUNY".

Frank Frisenda, NCCFT President, likewise extolled the welcome respectful mood that has been fostered amongst groups and individuals in the face of potentially contentious issues. "Overwhelmed to be in their company", he took note of how much work converged at the same time – Strategic Planning, Senate Bylaws revision (including the arbitration), the Middle States report, contract negotiations – and celebrated the successful collaboration in which "better heads prevailed". Thanked Drs. Keen and Collins for this change.

Chair Gardyn noted how the College is "like a new institution, changed for the better", since he started his tenure on the Board of Trustees six(6) years ago. The level of professionalism he has witnessed recently compares favorably to that of any two(2), four(4) or post-graduate school. Optimistic and enthusiastic about the future of the College for our students, he emphasized that we are a "safety net institution" for education for Nassau County and those around us. He opined that, "We already know NCC is a great place, but now we will let everyone else know how great it is."

Chair Gardyn announced the next Capital and Finance BOT Committee meeting is scheduled for Tuesday, October 10, 2017 at 5:00 p.m. followed by the Full Board meeting. The Board will open the public session between 6:15 and 6:30 p.m. and resume the public session approximately 7:30 p.m.

Chair Gardyn requested a motion to adjourn the meeting. Trustee Weiss moved the motion; seconded by Trustee Green. Motion carried 7-0.

Meeting adjourned at 9:15 p.m.

Respectfully submitted,



John DeGrace
Secretary Pro Tem