

NASSAU COMMUNITY COLLEGE
Garden City, New York

BOARD OF TRUSTEES' MINUTES

Meeting of June 18, 2013

The five hundred sixty-first meeting of the Board of Trustees was held on Tuesday, June 18, 2013 on the eleventh floor of the Administrative Tower.

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

Present: Jorge L. Gardyn, Vice Chair
John P. Donnelly - Secretary;
Mary A. Adams, Anthony W. Cornachio, John A. DeGrace,
Arnold W. Drucker, Edward W. Powers,
Kathy Weiss, Jocelyn Molina, Student Trustee.

Also in attendance: Kenneth Saunders, Maria Conzatti, Donna Haugen, Chuck Cutolo.

Vice Chair Gardyn welcomed new Board members, Jocelyn Molina and Kathy Weiss.

Vice 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 into executive session for the following purpose: to discuss the choice and appointment of outside counsel to undertake a complete review and evaluation of the activities of the Presidential Search Committee to enable the entire Board of Trustees to review such work activities and practices and to determine the appropriateness thereof, executive session being warranted to permit discussions of matters relating to the performance of the Committee and its members, and the selection of a particular candidate for the outside counsel appointment.

Trustee Cornachio voiced his opposition to the motion on the basis that he viewed it as a violation of Section 105 of the Open Meetings Law. He also objected on the grounds that it was not on the agenda that had been distributed to the members of the Board.

Trustee Donnelly moved the motion. It was seconded by Trustee Adams. The motion to go into executive session carried by a vote of 6-3 (Cornachio, DeGrace and Powers in opposition.)

Vice Chair Gardyn then explained why he believes the motion as presented is in compliance with the Open Meetings Law. First, section 105(f) of the Open Meetings law permits a public body to go into executive session to discuss matters leading to the appointment, employment, promotion, demotion, discipline or removal of a particular person or corporation." Dr. Gardyn stated that the discussion of the choice and appointment of an outside counsel is a "matter leading to the appointment." Second, in an opinion (October 15, 1996) by Robert Freeman, who is the Executive Director of the New York State Committee on Open Government, he quoted from an Appellate Division case that states that the phrase in section 105(f) "a particular person" does not mandate that the individual in question be identified by name." Therefore, Dr. Gardyn stated, the fact that the motion before the Board does not mention a specific name for the person or persons to be considered for appointment as an outside counsel, does NOT make it legally deficient. Third, in the same opinion by Robert Freeman, he quoted from another portion of the Appellate case, and it states, "The public body must identify the subject matter to be discussed" and

that section 105(f) “does require that any motion to enter into executive session describe with some degree of detail the nature of the proposed discussion.” Dr. Gardyn stated that he believes that the motion before the Board does exactly that when it states that the discussion relating to the appointment of an outside counsel will consider whether the outside counsel should “undertake a complete review and evaluation of the activities of the presidential search committee to enable the entire Board of Trustees to review such work activities and practices and to determine the appropriateness thereof.” Fourth, it is within the scope of section 105(f) to go into executive session to discuss the appointment of a new president of NCC. More than that, section 105(f) specifically refers to its being permissible to discuss in executive session “matters leading to” that appointment. In that context, Dr. Gardyn stated it is totally within the scope of section 105(f) to discuss “matters relating to the performance of the (Search) Committee and its members” since it was the very purpose of the search committee and the members to take actions “leading to” the appointment of a president for NCC.

Vice Chair Gardyn also stated that if for some reason this Board votes not to go into executive session to discuss these matters, it does not mean that these matters will not be discussed during the evening’s Board meeting. He quoted from a December 2, 2009 opinion of Robert Freeman, “The Opening Meeting Law is permissive; although it may conduct executive sessions in circumstances authorized in Section 105(1) of the Open Meetings Law, there is no obligation to do so.”

Trustee Cornachio stated that the Board’s rules require that there be an agenda and that the agenda he had been given stated only that the agenda item to be discussed in executive session is the presidential search. Trustee Cornachio reiterated that section 105(h) of the Open Meetings Law indicated that it is permissible to go into executive session to discuss 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. He added that the discussion of the presidential search is not included among those items for which it is possible to go into executive session to discuss.

Trustee Donnelly noted that the motion to go into executive session had been approved by a vote of 6 to 3, thereby allowing the Board to go into executive session. To this, Trustee Cornachio responded that it is an improper motion because it was not on the agenda that had been distributed to the Board.

Vice Chair Gardyn then indicated his intention to make a motion to consider an item that was not on the agenda when it was originally distributed to the Board members, the contents of that item being “to discuss the choice and appointment of outside counsel to undertake a complete review and evaluation of the activities of the Presidential Search Committee to enable the entire Board of Trustees to review such work activities and practices and to determine the appropriateness thereof, executive session being warranted to permit discussions of matters relating to the performance of the Committee and its members, and the selection of a particular candidate for the outside counsel appointment.” Trustee Donnelly moved the motion, which was seconded by Trustee Adams.

At this point, Trustees Cornachio, Powers, Gardyn and Drucker sought to clarify what motion had already been approved by the Board and what motion was currently under consideration. After that discussion, a vote was taken and the motion by Vice Chair Gardyn to discuss in executive session the appointment of an outside counsel to review the actions of the Presidential Search Committee was not approved by a vote of 5-4 [six votes being required to approve a resolution], with Trustees Cornachio, DeGrace, Drucker and Powers voting in opposition to the motion.

Discussion then ensued as to going into executive session “to discuss the presidential search.” Trustee Cornachio again voiced his opposition and indicated his belief that to do so would be a clear violation of the Open Meetings Law as suggested by the case law he had provided to the Board earlier. He stated that the Board could be found in contempt of the law if it proceeded to go into executive session on these grounds. Vice Chair Gardyn stated that he thought Trustee Cornachio had earlier objected to a motion to go into executive session even though that motion was more specific than “to discuss the presidential search.” Therefore, that motion would appear to have met the objections that Trustee Cornachio is now raising to the motion “to discuss the presidential search” on the grounds that it does not comply with the Open Meetings Law. Trustee Cornachio responded that it would compound the problem if the subject of the executive session had not been on the agenda that was initially circulated. Trustee Powers indicated that matters relating to the presidential search should be discussed “out here in public in the light of day.” Vice Chair Gardyn indicated that he would be happy to do that. [The Board, therefore, did not go into executive session.]

A discussion then ensued regarding the approval of minutes of previous recent meetings of the Board. Trustee Cornachio noted that in the minutes of the May 16 meeting of the Board, on page 2, item #2, it should be recorded that the motion did not carry. The motion had been defeated by a vote of 3-5. With this correction, Trustee Cornachio indicated his approval of the minutes of the May 16 Board meeting.

Approval of Minutes

Vice Chair Gardyn requested a motion to approve the amended minutes of May 7, 2013.

Trustee Cornachio moved the motion; seconded by Trustee Adams. Motion carried 8-0-1 (Weiss).

Vice Chair Gardyn requested a motion to approve the amended minutes of May 16, 2013.

Trustee Cornachio moved the motion; seconded by Trustee Donnelly. Motion carried 7-0-2 (Powers, Weiss).

Vice Chair Gardyn requested a motion to approve the amended minutes of May 30, 2013.

Trustee Donnelly moved the motion; seconded by Trustee Drucker. Motion carried 8-0-1 (Weiss).

1. Trustee Cornachio introduced the following resolution:

RESOLVED, that the following expenditures be approved and authorized:

Department	Description	Amount
a. General Counsel	Fisher Development Strategies (Funding Source: Fiscal Year 2014 Operating Budget)	\$ 50,000.00
b. VP Facilities Management	Lease payment for 500 Endo Blvd-NCC North Annex (Funding Source: Fiscal Year 2014 Operating Budget)	\$ 954,097.88
c. VP Facilities Management	Hurricane Sandy damage cleanup (Funding Source: Operating Budget)	\$ 152,833.00

d.	ITS Department	Encumbrance of additional funds to be used for computer repair and data wiring(Funding Source: Operating Budget)	\$ 120,000.00
e.	VP Facilities Management Physical Plant	To maintain and repair Liebert air conditioning units and other HVAC equipment systems (Funding Source: Operating Budget)	\$ 177,862.13
f.	Executive VP/Music, Reading/BEP Departments	Purchase and installation of 22 MacIntosh computers for Music and replacement of outdated student computers in Reading/BEP (Funding Source: Student Fee)	\$ 178,083.85
g.	VP Facilities Management & ITS Department	Small repair, remodeling and construction projects(Funding Source: Operating Budget/Student Fee)	\$ 120,912.18
h.	VP Facilities Management	Replacement of pickup trucks with snow plow to clear campus roads and parking areas (Funding Source: Student Fee/Vehicle Registration)	\$ 103,543.76
i.	VP Facilities Management Design & Construction	Electrical construction package for a Fire Alarm and Mass Notification system to be installed in the Administrative Tower Building (Funding Source: Capital Project #70073)	\$ 1,552,500.00
j.	VP Facilities Management Design & Construction	General construction package to renovate elevators in Clusters E and F and Building H(Funding Source: Capital Project #70097)	\$ 805,000.00
k.	VP Facilities Management Design & Construction	Phase 2 of restoration of Building Z (Funding Source: Capital Project #70084)	\$ 400,000.00
l.	VP Facilities Management Design & Construction	Construction to provide ADA platform lift and ramp for handicapped accessibility at Bradley Hall (Funding Source: Capital Project #90981)	\$ 170,000.00
m.	VP Facilities Management Design & Construction	New interior room and directory signage at CCB and G Buildings (Funding Source: Capital Project #70050)	\$ 120,000.00
n.	VP Facilities Management Design & Construction	Renovation of the men's and women's toilet rooms in the Theatre Building (Funding Source: Operating Budget)	\$ 208,281.00

- o. Executive VP/Placement Testing To purchase Accuplacer Units from the College Board for initial placement tests for incoming students (Funding Source: Operating Budget) \$ 115,119.00

Vice Chair Gardyn requested a motion. Trustee Cornachio moved the motion; seconded by Trustee Donnelly. Items (a –o) motion carried 9-0.

2. Trustee Donnelly introduced the following resolution:

RESOLVED, THAT THE NASSAU COMMUNITY COLLEGE BOARD OF TRUSTEES HEREBY APPROVES AN OPERATING BUDGET FOR THE FISCAL YEAR COMMENCING SEPTEMBER 1, 2013 IN THE AMOUNT OF \$213,879,542.00 AND, BE IT

FURTHER RESOLVED, THAT THE NASSAU COMMUNITY COLLEGE BOARD OF TRUSTEES RECOMMENDS THE ADOPTION OF THE COLLEGE OPERATING BUDGET BY THE NASSAU COUNTY LEGISLATURE AND THE BOARD OF TRUSTEES OF THE STATE UNIVERSITY OF NEW YORK.

Vice Chair Gardyn requested a motion. Trustee Donnelly moved the motion; seconded by Trustee Weiss. Motion carried 8-1 (Cornachio).

Trustee Powers commented that the budget is sound in its totality \$213,879,542 but is concerned on how the budget is managed going forward that we are putting ourselves in financial risk sometime in the FY2014 where we will be subject to issues with middle states accreditation and possibly in violation of several SUNY guidelines with regard to unrestricted unencumbered fund balance.

Trustee Cornachio added because of those comments I would not pass this budget, I don't believe in putting off for tomorrow a problem that may be present today.

3. Trustee Donnelly introduced the following resolution:

RESOLVED, THAT THE NASSAU COMMUNITY COLLEGE BOARD OF TRUSTEES ESTABLISHES A TUITION AND FEES SCHEDULE TO BE EFFECTIVE FOR THE ACADEMIC YEAR 2013/2014 WHEREIN THERE SHALL BE AN ANNUAL INCREASE OF \$98.00 IN FULL-TIME TUITION AND \$4.00 IN PART-TIME TUITION COMMENCING WITH THE FALL 2013 SEMESTER, AND BE IT

FURTHER RESOLVED, THAT THIS TUITION AND FEES SCHEDULE BE FORWARDED TO THE STATE UNIVERSITY OF NEW YORK FOR APPROVAL.

Vice Chair Gardyn requested a motion. Trustee Donnelly moved the motion; seconded by Trustee Weiss. Motion carried 8-0-1 (Cornachio).

Vice Chair Gardyn made a motion under Article IV section 3(f) of the Rules of Procedure to allow for the consideration of an item that does not appear on the Calendar. Trustee Donnelly seconded the motion. Motion carried 9-0.

4. Trustee Cornachio introduced the following resolution:

WHEREAS, NASSAU COMMUNITY COLLEGE IS SIGNATORY TO THE AMERICAN COLLEGE & UNIVERSITY PRESIDENT'S CLIMATE COMMITMENT ACUPCC);

WHEREAS SIGNATORIES TO THE ACUPCC HAVE COMMITTED TO, AMONG OTHER THINGS, BUILD "GREEN" BUILDINGS", WHICH INCLUDES TAKING ACTIONS IN THE DESIGN, CONSTRUCTION AND MAINTENANCE OF THOSE BUILDINGS TO REDUCE GREENHOUSE GAS AND HARMFUL CHEMICAL EMISSIONS;

WHEREAS THE NASSAU COUNTY EXECUTIVE'S OFFICE HAS ESTABLISHED A POLICY THAT ALL NEW COUNTY BUILDINGS BE CONSTRUCTED TO QUALIFY FOR A LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN (LEED) RATING OF NO LESS THAN "SILVER" LEVEL;

WHEREAS TO QUALIFY FOR SILVER LEVEL A BUILDING AND/OR FACILITY IS REQUIRED TO HAVE MANY FEATURES AND/OR POLICIES. ONE SUCH POLICY IS A "GREEN CLEANING" POLICY, WORTH 1.0 LEED POINTS

WHEREAS NCC HAS ALREADY BEEN FOLLOWING A PRACTICE WITH RESPECT TO PURCHASING AND REQUIRING IN THEIR VENDOR CONTRACTS, THE USE OF GREEN CLEANING PRODUCTS, PROCESSES AND PROCEDURES;

RESOLVED, THE NASSAU COMMUNITY COLLEGE BOARD OF TRUSTEES APPROVES AND ADOPTS THE "NCC GREEN CLEANING POLICY", TO READ AS FOLLOWS:

Green cleaning standards and best cleaning practices are to be implemented to ensure students, faculty, staff and campus visitors are not exposed to potentially harmful chemicals, and to limit and/or minimize any potential adverse effects on people and the environment.

The College will utilize green cleaning processes and procedures that consider the balance between cost, effectiveness, safety, environmental impact, equipment, industry standards and final disposal of product.

Every effort will be made to use third party "certified green" cleaning products where and when chemicals, cleaning agents, and cleaning equipment are in use.

The College is committed to maintain the highest level of environmental performance for campus custodial services by:

- Continually educating, training, and motivating our custodial staff to work in an environmentally responsible manner.
- Using cleaning products that meet Green Seal standard GS-37 or products with
- Low-volatile organic compounds (VOC) whenever applicable. An allowance for cleaning chemicals otherwise prohibited may be in cases where the product application or sanitation requirements (health care, food services) are such that there is no appropriate alternative green cleaning product available. We will limit disinfectant applications to the appropriate setting, amount, and target organism.

- Minimizing the use of aerosols.
- Using paper and plastic products that meet EPA standards with high post-consumer recycled content.
- Using concentrated cleaning products when available that are automatically and accurately diluted using cold water.
- Use of preventative products such as entrance matting shall be utilized where practical to minimize cleaning needs.
- Using cleaning systems such as micro-fiber mops and dust cloths where appropriate to clean without water or chemicals.

Vice Chair Gardyn requested a motion. Trustee Cornachio moved the motion; seconded by Trustee Donnelly. Motion carried 9-0.

Report by the Temporary Committee on the Presidential Search

Trustee Cornachio then provided the Board with a report from the Temporary Committee on the Presidential Search (otherwise referred to as the “presidential search committee” or “search committee”). He stated that he had received non-formal indications from an unnamed intermediary that the Chancellor’s office is open to receiving any one candidate for the office of NCC president that the Board may forward to the Chancellor and that such candidate “would not be looked at with any particular jaundice.” Vice Chair Gardyn responded that this information is contrary to the most recent information he had received from the Chancellor’s office. He indicated that it is his understanding that the Chancellor’s position had not changed with regard to her refusal to consider any candidate forwarded to her by the Board who was recommended by the current presidential search committee. Trustee Cornachio indicated that he would consult further with the source who had provided him with information on this matter.

Trustee Cornachio noted that of the three candidates recommended by the presidential search committee to the Board, Judge Marano had withdrawn his name from consideration. The two remaining candidates are Dr. Elana Zolfo and Dr. Joyce Ester.

Vice Chair Gardyn noted that the College had been the subject of two challenges from the SUNY Chancellor in the form of communications from the Chancellor on May 7, 2013 and May 14, 2013 which questioned the integrity of the presidential search. He stated that the Board is united in recognizing the autonomy of NCC and in its respect for the integrity and honor with which members of the presidential search committee had performed their duties. He noted further that it was in recognition of the importance of making this clear to the public and to SUNY that he contacted members of the Board with respect to initiating an independent evaluation of the presidential search process. In his view, the investigation that had been conducted by members of the Board of the presidential search process “did not meet the criteria of a formal investigation.” However, Vice Chair Gardyn added that he believes that an independent evaluation of the search process offered the opportunity of showing SUNY that the search had been conducted correctly and that the two remaining candidates should be given consideration by the Chancellor for the office of president of NCC. He therefore wants to discuss with the Board the names of individuals who might be hired by the Board to do such an evaluation.

Trustee Cornachio indicated that such a suggestion for an independent evaluation of the search process had been considered by the Board of Trustees at the May 7 meeting, but it was rejected in favor of an investigation by members of the Board who were not on the search committee. He then described how the Board's investigation was conducted and the conclusion of those Board members who participated in this investigation that "nothing untoward happened, nothing improper happened" and that the people questioned were telling the truth. Therefore, he stated that an investigation has already taken place and that to conduct another investigation "would be an insult."

Vice Chair Gardyn responded that the proposal for an independent evaluation is not meant as an insult, but was, he believes, a recognition that the Board investigation was not formal enough in terms of the criteria that normally apply to investigations.

Trustee Drucker indicated that he had participated in only one of the Board investigation's meetings because based on the meeting that he did attend, he was "thoroughly convinced (of) the integrity and ethics of the search committee."

Vice Chair Gardyn indicated that he still believes that the Board investigation of the presidential search committee did not provide a formal report and that is what he believes is necessary in this situation. He stated that his objective is to defend the autonomy of the Board and to defend the presidential search committee members and that to accomplish that goal it is necessary to have a formal report that can be presented to SUNY. Otherwise, he added, "Anything this presidential search committee will produce will be knocked down."

Trustee Drucker stated that former Board Chair Geoffrey Prime was present at the first of the Board investigation meetings and that after it was over he indicated he would be able to write to the Chancellor that the presidential search was conducted "ethically, properly and professionally." Trustee DeGrace, who also attended the first Board investigation meeting, concurred with Trustee Drucker's recollection. However, Trustee Drucker noted that the day after the first Board investigation meeting, Mr. Prime resigned from the Board for personal reasons. Trustee Drucker stated that in light of the Board's investigation, in light of the fact that two finalists still remain, and in light of the report from Trustee Cornachio that the Chancellor may be reconsidering her position on the search, the Board should recommend one of the finalists to the Chancellor and let her decide. In his view, to have an additional investigation would be "overkill."

Trustee Cornachio stated that members of the College would not tolerate an outside entity questioning them. In addition he believes that if there were such an additional investigation of non-college (public) members of the search committee, then it would discourage members of the public from participating in the future in an effort such as the search process.

Vice Chair Gardyn reiterated his concern that a self-assessment by the Board as to the presidential search process would not look adequate.

Trustee DeGrace indicated that he agreed with the concept of an independent evaluation, but since the time of his initial conversation with Vice Chair Gardyn, he had reached out to members of the search committee and was told that they would not be party to such an independent evaluation. Trustee DeGrace stated, therefore, it was not possible to move forward with such an evaluation.

Vice Chair Gardyn responded that an independent evaluation and a formal report that is the product of such an evaluation it would provide the NCC community, including the Board, with the opportunity to show the Chancellor that everything that was done as part of the search process was correct.

Trustee Drucker stated that the Vice Chair's suggestion of an independent evaluation is a "wonderful ideal," but that it is not workable if an evaluator is not going to be able to speak with each member of the search committee, thereby making the investigation incomplete and would serve only to waste time.

Trustee Weiss noted that she is the newest Board member and with that perspective does not believe that there is anything to lose with bringing in somebody who is independent to review the search process. She indicated that she believes that any member of the search committee that believes in the integrity of the search would be happy and willing to speak to an independent party to say that what took place during the search was appropriate.

In response to Trustee Adams' question as to what was the plan going forward, Trustee Cornachio outlined that there would be campus interviews with the faculty, students and administrators and, then, the Board. If one of the two remaining candidates were to receive the vote of six Board members, then their name would be forwarded to SUNY so that the SUNY Board of Trustees could consider their appointment as president of NCC. He noted that it is important to resolve this issue because the College is facing serious labor relations issues, including a possible strike in September that could lead to classes not functioning and students not receiving an education. He stated that the Board needs to be able to focus its attention on that issue.

Vice Chair Gardyn reiterated his belief that the best way to move forward is to have an independent evaluation and then to move forward with the consideration of the two remaining candidates. Trustee Cornachio reiterated his belief that members of the search committee, both from the campus and those from the outside, will refuse to subject themselves to an interview that was part of such an evaluation.

Trustee Powers stated that as a member of the presidential search committee, he would not be subjected to an outside evaluator "because this impugns the integrity of every member of that search committee." He asked Vice Chair Gardyn whether he had reached out to members of the search committee. Vice Chair Gardyn indicated that he had reached out to members of the Board. Trustee Powers indicated that he had not expressed to Vice Chair Gardyn his approval of the proposal for an independent evaluation during their conversation and that, subsequent to their conversation, he had reached out to other members of the search committee who indicated that they would not participate in such an evaluation process. He further stated that the Board members have the duty to make an informed judgment and to vote accordingly in public in front of their constituents.

Vice Chair Gardyn indicated that he would again bring up the motion to allow for the consideration of an item that was not on the public notice, and that item would be to discuss the choice of an outside counsel to evaluate the presidential search process. Trustees Powers and Cornachio indicated that such a motion had already been considered by the Board and had been defeated by a vote of 5-4 [six votes being necessary to approve a motion.] Trustee Cornachio added that the problem with Vice Chair Gardyn's proposal is that "the community that makes up this College say we will not go for that. You've got to respect that you can't come up with a remedy that is not going to work."

Vice Chair Gardyn asked Acting President Saunders to make his President's Report.

Dr. Saunders noted that the County Capital plan for 2013-2016 included \$4 million for the College's proposed performing arts building -- \$2 million from the State and \$2 million from the County and that the plan would be going to the County Legislature for its consideration. He thanked Senator Fuschillo, County Executive Mangano, Chief Deputy County Executive Walker, and members of the NCC staff for their help in moving this project along. He also noted that NCC had been awarded \$282,411 from the SUNY High Needs Grant funds for renovations of the laboratories in the Surgical Tech Program and thanked members of the NCC faculty and staff for their work on this grant. He further noted that NCC was awarded \$10,000 from SUNY's IITG Grant for the development of a multimedia workspace in the College Library. In addition, he stated that the final Memorandum to the Presidents regarding the SUNY Seamless Transfer process had been received from SUNY and that a meeting between him and the Academic Senate Executive Committee has been scheduled to go through the details of the memorandum. Dr. Saunders also announced that on July 1, NCC would launch its new virtual Discovery Center, which will provide an interactive experience of NCC for anyone considering attending the College. Finally, he thanked Dr. Janice Grackin and the Core Leadership team for their work in assembling the Steering Committee for the Middle States review.

The Board then began the public comment period.

Professor Edward Boyden, Chair of the Academic Senate urged the Board to proceed with bringing the two remaining candidates for the office of president of NCC to campus for interviews. He noted that during the previous Board meeting, Dr. Reiser had provided the Board with a full response to the allegations raised by the Chancellor regarding the search process.

Professor Kimberley Reiser, Professor of Biology and a member of the presidential search committee spoke in support of the Open Meetings Law and urged the Board to adhere to it and not require that the information on matters such as raises for administrators be FOILED in order to be made public. With respect to the presidential search, as a member of the search committee she wanted to state that she did not support an investigation of the process in addition to the one that had already been conducted by members of the Board. She noted that she had provided members of the NCC Board with a letter and attached documents in support of the integrity and appropriateness of the conduct of the presidential search. She also indicated that she had supplied the same information to the SUNY Board of Trustees, but that Bill Howard, the SUNY Senior Counsel, had not distributed the material to the SUNY Board and that she is very concerned that controlling the information that SUNY receives will impede the search for a new president of the College. Finally, she indicated that if an independent evaluation were to proceed, she would expect that the College would pay for counsel for the search committee members.

Professor Phyllis Kurland, Student Activities, spoke regarding freshman orientation and the material that is provided to new students.

Professor Frank Frisenda, Vice President of the NCCFT, said that it is not the search committee that needed to be investigated, but rather the Board needed to find out, "Who made the allegations, what were the allegations, and let's call that person or those people on the carpet and find out why they started this problem. If there's a problem, it's not the members of the search committee -- it's whoever blew this whistle that started the whole problem."

Thomas Jackson, II, Student Government President, expressed concern that the controversy regarding the presidential search is going to affect the students and that is why it needs to be resolved quickly and efficiently.

Dr. Phillip Nicholson, Chair of the History, Political Science, Geography Department, stated that the Board should resolve any questions regarding the presidential search by itself and not seek the intervention of some person or some entity from the outside. He also stated that the current College administration is a “failed administration” that had “failed to distinguish itself from its predecessor, the Astrab administration” in several important ways, including the Middle States Interim Evaluation report and the need for strong academic leadership.

Trustee Cornachio noted that on May 16, the Board had defeated a motion to suspend the presidential search and suggested that campus interviews with the remaining candidates could be set up. Several members of the Board voiced their support for this proposal. After some discussion of the motion to suspend the search that had been defeated at the May 16 Board meeting, Vice Chair Gardyn indicated that he had no problem with going forward with the campus interviews.

Trustee Donnelly asked for a description of the campus interview process. Trustee Cornachio indicated that the candidates would come to the campus and that, in separate meetings, students, faculty and administrators would have an opportunity to ask them questions. The candidates would then be interviewed by members of the Board of Trustees, who would have an opportunity to ask them questions. The Board would, then, make a determination as to whether either of the candidates are satisfactory or not. Trustee Cornachio, in response to a further question from Trustee Donnelly, indicated that the interview with the various campus groups should be in the same time frame as the Board interviews with the candidates. Vice Chair Gardyn asked whether the candidates are aware of the SUNY Board’s support of the Chancellor’s position with respect to the search. Trustee Cornachio responded that they are aware, but that he had told them that the SUNY Board’s position could change.

A discussion then ensued among Trustees Gardyn, Cornachio, Drucker and Donnelly as to whether it is possible or appropriate for the meetings between the candidates and the various campus groups be apart from the candidates’ meeting with the members of the Board. Trustee Donnelly indicated that he would like to make a motion to move ahead with the campus interviews with the two candidates recommended by the search committee and that the search committee would then report to the Board on the feedback from those meetings prior to the Board, itself, meeting with the two candidates. Trustee Donnelly then made a motion to consider an item that is not on the calendar. The motion was seconded by Trustee Weiss. The motion carried 9-0. Trustee Donnelly then made the motion that the campus interviews between the candidates and faculty, students and administrators take place and, then, that the search committee report back to the Board on the findings of these three groups. The motion was seconded by Trustee Drucker. The motion was defeated 5-4, with Trustees Adams, Gardyn, Powers, and Weiss voting in opposition. [six votes being needed to approve a motion]. Trustee Powers indicated that he voted against the motion because it is important to see the process to the end, especially in light of issues on campus dealing with labor relations and the budget.

Trustee Cornachio then asked for a sense of the Board regarding scheduling the interviews between the candidates that the groups on campus, and, in the same time frame, with the Board. At Vice Chair Gardyn’s suggestion, the Board resumed hearing public comment while members of the Board had an opportunity to consider Trustee Cornachio’s request.

Professor Shoel Cohen, Psychology Department, stated that he believes the allegations made by the Chancellor with respect to the presidential search are groundless, and it is the Chancellor who should have to explain her position and not the search committee that needs to explain its actions. He also expressed

his disappointment with Acting President Saunders and his hope that he would announce his intention to not seek to be the next NCC President.

Trustee Cornachio polled the members of the Board as to his suggestion that there be campus interviews with the candidates followed by the Board's interviewing the candidates. After considering the hands that were raised and the Trustees who voiced an opinion verbally, Trustee Cornachio said, "So we have five to four," and Trustee Powers stated, "doesn't carry."

Trustee DeGrace asked whether the entire Board needs to be present for the interviews with the candidates. Trustee Gardyn indicated that the entire Board should have to be present. Trustee Cornachio indicated that it was preferable to have the entire Board present but that the Board could conduct the interviews with at least six Board members present.

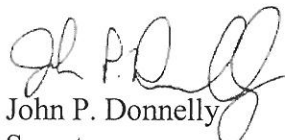
A discussion ensued as to whether a Board resolution was necessary in order to authorize campus interviews. Trustee Cornachio stated that a new resolution from the Board was not necessary because the Board had previously approved a time line for the process, including the campus interviews, and that previous approval had not since been reversed. Trustee Cornachio then posed the following question: "Assuming that we have scheduled campus interviews, will this Board agree to interview the two-semifinalists? Vice Chair Gardyn counted the hands raised. Trustees DeGrace, Powers, Drucker raised their hands in support of Trustee Cornachio's proposal. Trustees Gardyn, Weiss, Donnelly and Adams raised their hands in opposition. Trustee Molina abstained. Vice Chair Gardyn noted that the proposal by Trustee Cornachio did not carry. Trustee Cornachio stated, "All right, so there we are."

Vice Chair Gardyn announced the next Capital and Finance BOT Committee meeting is scheduled for Tuesday, September 17, 2013 at 5:00 p.m. followed by the Full Board meeting. The Board will open the public session at 6:30 p.m. and resume the public session at approximately 8:00 p.m.

Vice Chair Gardyn requested a motion to adjourn the meeting. Trustee Cornachio moved the motion, and motion was seconded by Trustee Drucker. The motion carried 9-0.

Meeting adjourned at 9:40 p.m.

Respectfully submitted,


John P. Donnelly
Secretary