

NASSAU COMMUNITY COLLEGE
Garden City, New York

BOARD OF TRUSTEES' MINUTES

Meeting of November 19, 2013

The five hundred sixty-sixth meeting of the Board of Trustees was held on Tuesday, November 19, 2013 on the eleventh floor of the Administrative Tower.

The meeting was called to order by Chair Gardyn at 6:35 p.m. followed by a salute to the flag.

Present: Jorge L. Gardyn, Chair
Anthony W. Cornachio, John A. DeGrace,
Arnold W. Drucker, Wanda Jackson, Edward W. Powers

Absent: Mary A. Adams, John P. Donnelly, Kathy Weiss, Jocelyn Molina

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

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 collective bargaining involving the NCCFT and the AFA; 2) to discuss matters involving litigation relating to a grievance filed by the AFA that was the subject of a Step III hearing and subsequent action by the County Executive; and 3) to discuss matters involving litigation relating to the labor dispute with the AFA.

Trustee Cornachio moved the motion; seconded by Trustee Powers. Motion carried 6-0.

Chair Gardyn resumed the open meeting at 7:50 p.m. followed by a salute to the flag.

Present: Jorge L. Gardyn, Chair
Anthony W. Cornachio, John A. DeGrace,
Arnold W. Drucker, Wanda Jackson, Edward W. Powers

Absent: Mary A. Adams, John P. Donnelly, Kathy Weiss, Jocelyn Molina

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

Approval of Minutes

Chair Gardyn requested a motion to approve the minutes of October 29, 2013.

Trustee Cornachio moved the motion; seconded by Trustee Drucker. Motion carried 6-0.

1. Expenditures

Trustee Powers introduced the following resolution:

- a) **RESOLVED**, that Requisition #59887 in the amount of \$250,000.00 as requested by General Counsel for contract renewal of Ingerman Smith, LLP for professional services and other general legal issues necessary for the operation of the College. (**Funding Source: Operating Budget**)

Chair Gardyn requested a motion. Trustee Drucker requested a motion to table the item in order to see the retainer agreement and the past two year's invoices.

Chair Gardyn requested a motion. Trustee Drucker requested a motion to table the item in order to see the retainer agreement and the past two year's invoices. Trustee Drucker moved the motion; seconded by Trustee Cornachio. Motion carried 6-0. Trustee Cornachio asked that the minutes reflect that the reason for tabling this item was to be given the time necessary for Trustee Drucker's request for information to be complied with. Trustee Cornachio further indicated that the item would probably be approved at the next meeting pending this review.

Trustee Powers introduced the following resolution:

- b) **RESOLVED**, that Requisition #60264, 60265 in the amount of \$212,422.00 as requested by Executive VP/Lifelong Learning for the cost to print and mail the spring 2014 Continuing Education brochures which promote the College's Continuing Education courses, Workforce Development and credit-bearing programs to the community. (**Funding Source: Operating Budget**)

Chair Gardyn requested a motion. Trustee Jackson moved the motion; seconded by Trustee DeGrace. Motion carried 6-0.

Trustee Jackson introduced the following resolution:

- c) **RESOLVED**, that Requisition #G00037-G00046 in the amount of \$100,000.00 as requested by Executive VP/Engineering & Physics for the creation of ten (10) custom virtual Physics Labs. Upgrading the capacity of the Physics Laboratory will improve student learning through experimentation and inquiry afforded through the virtual laboratory environment. (**Funding Source: Grant**)

Chair Gardyn requested a motion. Trustee Cornachio moved the motion; seconded by Trustee Powers. Motion carried 6-0.

2. Facilities

Trustee DeGrace introduced the following resolution:

RESOLVED, THAT THE RENTAL FEE BE WAIVED FOR USE OF NASSAU COMMUNITY COLLEGE FACILITIES BY THE LAKEVIEW YOUTH FEDERATION FOR THE 22nd ANNUAL FRIENDSHIP GAMES IN DECEMBER 2013 AND JANUARY 2014, AND BE IT

FURTHER RESOLVED, THAT ALL ASSOCIATED PERSONNEL AND MAINTENANCE COSTS WILL BE BORNE BY THE USER.

Chair Gardyn requested a motion. Trustee Drucker moved the motion; seconded by Trustee Cornachio. Motion carried 6-0.

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 Jackson seconded the motion. Motion carried 6-0.

3. Donation

Trustee Drucker introduced the following resolution:

WHEREAS, COACH STORE OF ROOSEVELT FIELD, LOCATED AT SIMON MALL, GARDEN CITY, NEW YORK, OFFERED TO DONATE EIGHT DISPLAY MANNEQUINS TO THE MARKETING, RETAILING, FASHION BUYING MERCHANDISING, INTERIOR AND FASHION DESIGN DEPARTMENT OF NASSAU COMMUNITY COLLEGE, AND

WHEREAS, THE ESTIMATED VALUE OF THE DONATION IS TEN THOUSAND DOLLARS (\$10,000.00), AND

WHEREAS, THE DEPARTMENT HAS DETERMINED THAT THIS DONATION WILL ENRICH THE LEARNING PROCESS FOR THE STUDENTS WHO TAKE COURSES OFFERED BY THE DEPARTMENT, AND GREATLY APPRECIATES THIS DONATION.

RESOLVED, THAT THE NASSAU COMMUNITY COLLEGE BOARD OF TRUSTEES ACCEPTS THE DONATION OF THE MANNEQUINS FROM COACH OF ROOSEVELT FIELD MALL.

Chair Gardyn requested a motion. Trustee Drucker moved the motion; seconded by Trustee Cornachio. Motion carried 6-0.

4. Presidential Search – No motion was made to untable the resolution.

Chair Gardyn asked if there were any members who wished to discuss the resolution on the Calendar.

Trustee Cornachio indicated that he had several problems with the resolution as drafted. First, he stated that the historical precedent at the College is for the chair of the presidential search committee to be a current member of the Board of Trustees and that the resolution on the Calendar would designate an individual to be chair who is not a current member of the Board of Trustees. Second, Trustee Cornachio objected to the Chair of the Board being given the power to appoint several members of the search committee without the review and approval by the other members of the Board. He indicated that he was concerned that the process, including the process for the selection of the chair of the search committee, Paul Leventhal, may create the appearance that the Chair of the Board would be making selections to the search committee "so it's your gang."

Chair Gardyn responded by asking rhetorically whether "the members of the NCCFT, AFA, and the CSEA are they the members of my gang?" He went on to state that his intent was to look at the composition of the presidential search committees in the previous two attempts as the basis for creating a template for the next search committee, with the goal that a resolution be brought to the Board as a point of discussion and not as a fait accompli. Chair Gardyn added that the fact that the chairs of previous presidential search committees were current members of the Board of Trustees did not "mean that it is written in stone. Paul Leventhal I consider only because he is well respected by the faculty, was an ex Trustee, is well respected in the community and I thought it would be a welcomed addition to the search committee."

Trustee Drucker indicated that he understood Trustee Cornachio's concern that the fact that the resolution was on the Calendar could be interpreted as if it was "almost like a foregone conclusion" and that it might create a momentum for its passage as written. Chair Gardyn indicated that that was not his intent in having the item remain on the calendar as an item that may be untabled.

Trustee Cornachio noted that the resolution as approved by the Board's Personnel Committee would have the Chair of the Board appoint the representative of the ungraded administrators and the community representative. He added that, instead of a "one man show, the "Board is supposed to act as a Board."

Chair Gardyn stated that the manner in which the representative of the ungraded administrators would be chosen is open to the further discussion of the Board.

With respect to the community representative, Trustee Cornachio suggested that there be a representative of the business community, such as someone who is a member of the Long Island Association.

Chair Gardyn and Trustee Cornachio then exchanged views on the process by which the community representative had been chosen in the College's most recent presidential search. Chair Gardyn indicated his recollection was that the selection was made by the former Chair of the Board, Geoffrey Prime, and Trustee Cornachio indicated that a review of the minutes would support his view that the selection was made by the entire Board.

Chair Gardyn and Trustee Drucker discussed the process by which the chair of the search committee should be chosen, and Chair Gardyn indicated that the manner in which the chair of the search committee is chosen is still open to discussion by the Board.

Trustee Cornachio repeated his concern that the resolution on the Calendar would have the representative of the ungraded administrators chosen by the Chair of the Board. Chair Gardyn indicated that such language could be modified. Trustee Cornachio added that he believed that as senior Trustee he should be on the search committee and that Trustee Powers should also be on the search committee in light of his great service on the previous search committee. He also indicated his support for Trustee Jackson's being on the search committee.

Chair Gardyn noted that in determining the size of the search committee, it was also necessary to recognize the impracticality of having a search committee that is too large. In response to a comment from Trustee Drucker, Chair Gardyn indicated that the exact size of the search committee is another matter that was open for further discussion by the Board. Trustee Cornachio suggested that Trustee Drucker, as chair, could manage a large search committee

Trustee Powers noted that the resolution on the Calendar had not been previously discussed by members of the Board. He indicated that as part of such a discussion it would be helpful to have the input of previous search committee members as to what worked and what didn't work.

Chair Gardyn indicated that he believed that there was merit to having members of the next search committee being people of scope and expertise who could bring a fresh look and perspective to next search committee.

Trustee Drucker indicated that as a member of the next search committee, he would value the experience of Trustees Cornachio and Powers as members of the next search committee.

Trustee Powers stated that having individuals on the next search committee who have experience with the process is important if the search is to be successful so that the important issues facing the College could be effectively addressed.

Chair Gardyn stated his belief that the next search committee would benefit from a mix of experience and new members and that the subject is open for further discussion by the Board.

Trustee Cornachio indicated that it was good that a message had been sent to the campus community asking any campus group that wished to be considered for membership on the search committee to contact the secretary to the Board, Anne Brandi. He asked that all members of the Board receive a list of those groups that asked to be considered, and Chair Gardyn agreed. With respect to the ungraded administrators' representative on the search committee, Trustee Cornachio indicated that that the representative should be the choice of the ungraded administrators themselves.

Chair Gardyn asked if there were further comments on the presidential search. There being none, he asked Acting President Saunders to make his report.

Acting President Saunders noted that the NCC Foundation would be sending out its "holiday card" fund raiser and is also in the process of its annual appeal. He also announced that on December 12 there would be the Presidential Awards scholarship ceremony for students who have demonstrated outstanding academic performance. Acting President Saunders also wished all the members of the campus community a Happy Thanksgiving.

Dr. Ed Boyden, Chair of the Academic Senate urged that the Board move forward expeditiously with the presidential search in light of the College's need for permanent leadership. He urged that the presidential search also proceed in the spirit of openness, inclusion and transparency. Dr. Boyden also referred to the resolution passed by the Academic Senate regarding the presidential search and asked for a written response on the points raised by the resolution.

Professor Jason Gorman read a copy of the petition relating to the presidential search that had been circulated via the campus e-mail. The petition reads as follows:

We, the undersigned, urge Nassau Community College to choose a Presidential Search Committee that will fairly represent the college community. A properly balanced search committee will promote confidence in the next Nassau Community College president. Therefore, we recommend the following:

1. The Presidential Search Committee must adhere to search guidelines of SUNY, the American Association of University Professors and the Association of Governing Boards.

2. A Trustee, who is a voting member of the Board of Trustees and on the proposed Presidential Search Committee, must be appointed as Chair. The Chair should have an ongoing and direct connection to the NCC community.
3. The community member must be determined by his/her distinguished community service record and chosen by the entire Board of Trustees.
4. No administrator should be a voting member of the Presidential Search Committee. The AAUP advises administrators do not serve on presidential search committees and SUNY warns of potential problems when the chief executive applies.
5. A cross section of campus constituent groups must be considered and permitted to participate. Each group should choose their own representative.
6. If a Trustee Emeritus serves on the Presidential Search Committee based on his or her title of 'Trustee Emeritus,' he or she must not be appointed or elected as an officer such as a Chair or Secretary, nor should he or she be permitted to vote.
7. All appointments to the Presidential Search Committee must be vetted and approved by the entire Board of Trustees.

A brief clarification: no. 7 intends to convey that the groups chosen to be on the Presidential search committee must be agreed to by the Board as a whole (while still permitting each chosen group to designate their representative) and that no individual appointments be made solely by the Chair of the Board of Trustees.

Professor Michael Boyle, Prof. of Theatre and Dance spoke in support of the petition on the presidential search because it "spells out some of the essential problems with this impending do-over." He also spoke of the need for the search process to be transparent for the benefit of NCC's students, fair to administrators and faculty so that no undue pressure or benefit can be exerted to influence an outcome. He indicated his belief that this situation could not occur while the chief executive or acting president can continue in that title and also be a candidate.

Susan Cushman, Prof. of English and Coordinator of Jewish Studies Project spoke in support of the request from the Jewish Studies Project to that it have a representative as part of the presidential search committee in light of the fact that the College has a significant Jewish faculty, students and staff as well as a growing Jewish population in Nassau County. She indicated that the Jewish Studies Projects concerns included, but were not limited to, offering Kosher food in the cafeteria, awareness of the two day Rosh Hashanah holiday on the calendar and most importantly, recent incidents of anti-Semitism that have come to my attention on campus.

Professor Phyllis Kurland, Prof. of Student Personnel Services spoke in support of the remarks of Professor Cushman. She also suggested that the Board consider that there may not be the need for a "community representative" per se on the presidential search committee because the members of the Board are, in fact, community representatives in light of the manner by which they were appointed to the Board, via the Governor or the County.

Professor M. Debra DeSanto, President of the NCCFT spoke regarding the current status of the contract negotiations between the College and the NCCFT. She noted that two more negotiation sessions have been

scheduled and indicated her "hope and expectation" that there could be some resolution by the end of the semester so that the situation can be stabilized for the benefit of the students and the community.

Shoel Cohen, Professor of Psychology spoke regarding the importance of transparency and the appearance of fairness and appropriateness with respect to the presidential search. He also questioned why the resolution on the Calendar would appoint as chair a person, Paul Leventhal, who is not a current member of the Board of Trustees.

Chair Gardyn reiterated his view that the resolution that appeared on the Calendar was a template and the basis for further discussion by the Board as to the composition of the search committee. Also, he noted that additional campus input has been sought, including providing campus groups with the opportunity to ask to be represented on the search committee. Regarding Paul Leventhal, Chair Gardyn noted that he is a person who is respected by members of the campus community and the community at large.

Trustee Drucker indicated that the next search committee should be more inclusive than the previous search committee.

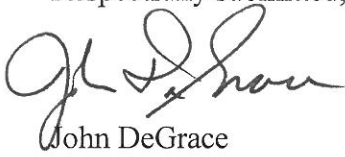
Trustee Gardyn wished to all in the Nassau Community College family a very wonderful Happy Thanksgiving. May you share it well with your families and your friends.

Chair Gardyn announced the next Capital and Finance BOT Committee meeting is scheduled for Tuesday, December 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.

Chair Gardyn requested a motion to adjourn the meeting. Trustee Jackson moved the motion; seconded by Trustee Drucker. Motion carried 6-0.

Meeting adjourned at 8:35 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "John DeGrace".

John DeGrace
Secretary Pro Tem