

NASSAU COMMUNITY COLLEGE  
Garden City, New York

BOARD OF TRUSTEES' MINUTES

Meeting of October 29, 2013

The five hundred sixty-fifth meeting of the Board of Trustees was held on Tuesday, October 29, 2013 on the eleventh floor of the Administrative Tower.

The meeting was called to order by Chair Gardyn at 6:45 p.m. followed by a salute to the flag.

Present: Jorge L. Gardyn, Chair  
Kathy Weiss, Vice Chair  
Anthony W. Cornachio, John A. DeGrace,  
Arnold W. Drucker, Edward W. Powers.

**Absent:** Mary A. Adams, John P. Donnelly, Wanda Jackson, 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; 2) to discuss matters relating to a grievance filed by the AFA that is currently the subject of a Step III hearing; 3) to discuss matters leading to the appointment, promotion, demotion or removal of the President, Acting President, Academic Deans and certain other ungraded administrators; and 4) to discuss the Presidential Search.

Trustee Cornachio objected to going into executive session for the purpose of discussing matters leading to the appointment of the College president. He contended that no provision of the Open Meetings law permits going into executive session for that purpose. Trustee Gardyn indicated that he did not agree with Trustee Cornachio's interpretation of the Open Meetings law.

Trustee Weiss moved the motion; seconded by Trustee DeGrace. Motion defeated: 2 for: (Gardyn, Weiss) – 3 against: (Cornachio, Drucker, Powers) – 1 abstention: (DeGrace).

After further discussion, it was unanimously agreed that the Board would go into executive session for the following purposes: 1) to discuss matters relating to collective bargaining involving the NCCFT and the AFA; and 2) to discuss matters relating to a grievance filed by the AFA that is currently the subject of a Step III hearing.

Trustee Weiss moved the motion; seconded by Trustee DeGrace. Motion carried 6-0.

Present: Jorge L. Gardyn, Chair  
Kathy Weiss, Vice Chair  
Anthony W. Cornachio, John A. DeGrace,  
Arnold W. Drucker, Edward W. Powers, Jocelyn Molina, Student Trustee.

**Absent:** Mary A. Adams, John P. Donnelly, Wanda Jackson

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

Approval of Minutes

Chair Gardyn requested a motion to approve the minutes of September 9, 2013. Trustee Powers requested that page 2, first paragraph of the minutes be amended to read: "Trustee Powers indicated that Mr. Loiacono used 2 minutes and 30 seconds".

Trustee Cornachio moved the motion; seconded by Trustee DeGrace. Motion carried 7-0.

Chair Gardyn requested a motion to approve the minutes of September 17, 2013.

Trustee Powers moved the motion: seconded by Trustee Drucker. Motion carried 7-0.

1. Expenditures

a) Not called.

b) Trustee Molina introduced the following resolution:

**RESOLVED**, THAT THE NASSAU COMMUNITY COLLEGE BOARD OF TRUSTEES APPROVES REQUISITION #62284 IN THE AMOUNT OF \$190,488.00 AS REQUESTED BY CIO/ITS FOR THE ONGOING PROVISION AND MAINTENANCE OF THE COLLEGE'S PHONE AND INTERNET SERVICES PROVIDED BY BLACK BOX NETWORK SERVICES. THIS REQUISITION INCLUDES THE HARDWARE AND SOFTWARE MAINTENANCE REQUIRED SUPPORT A VOICE OVER IP (VOIP) PHONE SYSTEM AS WELL AS BOTH THE VOICE AND DATA (INTERNET) CARRIER SERVICES TO CONNECT TO THE TELECOMMUNICATIONS NETWORKS OFF CAMPUS. **(Funding Source: Operating Budget)**

Chair Gardyn requested a motion. Trustee Drucker moved the motion; seconded by Trustee Weiss. Motion carried 7-0.

c) Trustee Powers introduced the following resolution:

**RESOLVED**, THAT THE NASSAU COMMUNITY COLLEGE BOARD OF TRUSTEES APPROVES REQUISITION #62821 IN THE AMOUNT OF \$266,000.00 AS REQUESTED BY CIO/ITS FOR THE ONGOING LEASE/MAINTENANCE OF THE COLLEGE'S COPIER SERVICE PROVIDED BY KONICA MINOLTA BUSINESS SOLUTIONS. THIS ENCUMBRANCE PROVIDES FOR 12 MONTHS OF VENDOR OUTSOURCED SERVICE ON APPROXIMATELY 110 COPIERS, INCLUDING EXPENDABLES (EXCEPT PAPER), PREVENTATIVE MAINTENANCE AND REPAIRS. THE COLLEGE HAS DETERMINED THAT IT IS LESS EXPENSIVE TO HAVE AN OUTSIDE VENDOR MANAGE AND MAINTAIN THIS EQUIPMENT THAN TO PERFORM THE SAME SERVICE IN HOUSE. **(Funding Source: Operating Budget)**

Chair Gardyn requested a motion. Trustee Cornachio moved the motion; seconded by Trustee Weiss. Motion carried 6-1 (Powers).

d) Trustee DeGrace introduced the following resolution:

**RESOLVED**, THAT THE NASSAU COMMUNITY COLLEGE BOARD OF TRUSTEES APPROVES REQUISITION #20219 IN THE AMOUNT OF \$80,000.00 AS REQUESTED BY EXECUTIVE VP/LIBRARY FOR THE PURCHASE OF BOOKS AND OTHER MATERIALS NECESSARY TO SUPPORT THE COLLEGE LIBRARY. MATERIALS PURCHASED ARE LOCATED IN THE REFERENCE AREA, RESERVE ROOM AND THE CIRCULATING STACKS. ALL MATERIALS ARE HEAVILY USED BY THE COLLEGE COMMUNITY—STUDENTS, FACULTY, STAFF AND ADMINISTRATORS. THIS IS A CUMULATIVE FISCAL YEAR EXPENDITURE. (**Funding Source: Operating Budget**)

Chair Gardyn requested a motion. Trustee Molina moved the motion; seconded by Trustee Cornachio. Motion carried 7-0.

2. Trustee Weiss introduced the following resolution:

**WHEREAS** IT IS NECESSARY FOR THE SEARCH FOR NASSAU COMMUNITY COLLEGE'S NEXT PRESIDENT TO BEGIN AS EXPEDITIOUSLY AS POSSIBLE, AND

**WHEREAS** THE BOARD OF TRUSTEES HAS AND CONTINUES TO EXTEND TO THE PRESIDENTIAL SEARCH COMMITTEE ESTABLISHED BY BOARD OF TRUSTEES RESOLUTION 12/13-29 AND SUPPLEMENTED BY RESOLUTION 12/13-45 AND TO ITS MEMBERS ITS SINCERE GRATITUDE AND RECOGNITION OF THE EXTRAORDINARY WORK OF THE COMMITTEE AND EACH INDIVIDUAL COMMITTEE MEMBER'S SUBSTANTIAL CONTRIBUTION OF TIME DURING THE PRIOR PRESIDENTIAL SEARCH, AND

**WHEREAS** IN RECOGNITION OF THE BENEFIT OF ENHANCING THE REPRESENTATIVENESS OF THE SEARCH PROCESS, NEW AND ADDITIONAL MEMBERSHIP SHOULD BE ADDED TO THE PRESIDENTIAL SEARCH COMMITTEE,

**NOW THEREFORE BE IT RESOLVED** THAT THERE IS HEREBY ESTABLISHED THE NCC PRESIDENTIAL SEARCH COMMITTEE, AND

**BE IT FURTHER RESOLVED** THAT SAID COMMITTEE SHALL BE COMPOSED OF THE FOLLOWING MEMBERS: TRUSTEE EMERITUS PAUL LEVENTHAL, CHAIR; TRUSTEE ARNOLD DRUCKER; TRUSTEE WANDA JACKSON; AND TRUSTEE JOCELYN MOLINA, AND

**BE IT FURTHER RESOLVED** THAT THE FOLLOWING ENTITIES SHALL HAVE THE RIGHT TO RECOMMEND ONE REPRESENTATIVE OF THEIR OWN CHOOSING FOR APPOINTMENT AS A MEMBER OF THE COMMITTEE: THE ACADEMIC SENATE; THE DEPARTMENT CHAIRS; THE NASSAU COMMUNITY COLLEGE FEDERATION OF TEACHERS; THE ADJUNCT FACULTY ASSOCIATION AT NASSAU COMMUNITY COLLEGE; THE CIVIL SERVICE EMPLOYEES ASSOCIATION; AFRICAN, LATINO, ASIAN, NATIVE AMERICAN (ALANA); A REPRESENTATIVE OF THE UNGRADED ADMINISTRATORS TO BE CHOSEN BY THE CHAIR OF THE NCC BOARD; THE STUDENT GOVERNMENT ASSOCIATION; A COMMUNITY REPRESENTATIVE TO BE CHOSEN BY THE CHAIR OF THE NCC BOARD; THE COUNTY EXECUTIVE; THE PRESIDING OFFICER OF THE NASSAU COUNTY LEGISLATURE; AND THE MINORITY LEADER OF THE NASSAU COUNTY LEGISLATURE, AND

**BE IT FURTHER RESOLVED** THAT THIS BOARD REAFFIRMS THE EXTENSION OF ITS SINCERE GRATITUDE TO THE MEMBERS OF THE PRESIDENTIAL SEARCH COMMITTEE PREVIOUSLY ESTABLISHED, AND

**BE IT FURTHER RESOLVED** THAT THE ENTITIES ENUMERATED IN THIS RESOLUTION SHALL HAVE UNTIL 5 P.M. OF THE DAY OF THE REGULARLY SCHEDULED MEETING OF THE BOARD OF TRUSTEES IN NOVEMBER 2013 TO DESIGNATE THEIR SELECTION OF REPRESENTATIVE, AT WHICH MEETING THE BOARD SHALL CONSIDER AND ACT UPON A RESOLUTION APPOINTING THOSE RECOMMENDED REPRESENTATIVES TO THE NCC PRESIDENTIAL SEARCH COMMITTEE THAT ARE NOT REFERRED TO HEREIN, AND IF AN ENTITY ENUMERATED IN THIS RESOLUTION HAS ELECTED TO NOT DESIGNATE A REPRESENTATIVE BY SAID TIME, THEN SUCH ENTITY SHALL BE EXCLUDED FROM HAVING A REPRESENTATIVE PARTICIPATE AS A MEMBER OF THE NCC PRESIDENTIAL SEARCH COMMITTEE.

Dr. Gardyn opened up the floor for discussion regarding the resolution for the Presidential search.

Trustee Cornachio indicated that he had real problems with the presidential search committee resolution as it appeared in the Calendar and as it was amended in the Personnel Committee. He was concerned that the process by which the resolution was drafted did not reflect the collaboration of Board members. He also was concerned that although the resolution included the "major College groups" and "one or two minor College groups," it did not include other minor College groups. He contended that if some minor College groups were represented on the search committee than "all" such groups should be represented on the search committee. In addition, Trustee Cornachio indicated that if the ungraded administrators are to be represented on the search committee, it should be the ungraded administrators and not the Chair of the Board who should choose who that representative should be. Similarly, he indicated that the representatives of the Presiding Officer and the Minority Leader of the County Legislature should be chosen by the members of the respective caucuses and not by the Presiding Officer or the Minority Leader. Trustee Cornachio also indicted that he opposed the community representative being chosen by the Chair of the Board of Trustees and he opposed the chair of the search committee not being a current member of the Board of Trustees. Trustee Cornachio stated that he had a number of other comments and criticisms with respect to the search committee resolution and that the best approach would be to "listen to people who make up this college community, get input from people outside the community, form a committee based on those recommendations and suggestions and then proceed from there."

Trustee Gardyn responded that he recognized Trustee Cornachio's experience on the Board. He also indicated that the proposed resolution was presented as "a template for discussion...that was based on the previous search committees." With respect to the chair of the search committee not being a current member of the Board, Trustee Gardyn indicated that he thought it was appropriate for Mr. Leventhal, who the proposed resolution designated as chair was an appropriate choice he was an ex-trustee here at the college "who has an avid interest in the success of the college and also has an avid interest on the outside – very well respected."

Chair Gardyn requested a motion to table the resolution on the presidential search. Trustee Weiss moved the motion; seconded by Trustee Drucker. Motion carried 6-1.

#### Report of the Acting President

Acting President Saunders noted that it was a year ago today that Superstorm Sandy hit Long Island and in spite of all of the challenges that we have had to face as an institution the College moved forward and played a critical role in helping the region to during the storm and during the recovery period.

Trustee Gardyn concurred in Acting President Saunders' assessment and asked for a moment of silence to express our gratitude to all of those who helped to assist the victims of Superstorm Sandy.

Speakers

Natalia deCuba, a LINCC lecturer [Language Immersion at Nassau Community College] Program discussed value of the College's LINCC program. She described the goal of the LINCC program as helping English language learners who still need to acquire some academic English to be able to enter the College as freshmen. She stated, "We really represent the new diversity of Nassau County – the future of what we are going to be. We need these students to be getting their education so they can move on and we welcome you to come and visit us and see what we do because we are very, very innovative and our program gets emulated in other places."

Maryanne Kildare, a LINCC lecturer, also discussed the value of the LINCC program to the students and to the College. She stated, "We are recognized locally and internationally as the cutting edge program and we are top notch instructors and we invite you, we really do invite you to come to our program."

Dr. Edward Boyden, Chair of the Academic Senate, read the following resolution that was approved on October 1, 2013 by the Academic Senate with respect to the presidential search:

**Whereas**, the selection of Nassau Community College's next Chief Executive Officer is critical to its future as an institution, and

**Whereas**, the Nassau Community College Federation of Teachers Collective Bargaining Agreement establishes the Academic Senate of Nassau Community College as the body that shall provide the college community with voice in general educational goals and policies as well as other matters of concern to the college community, (Section 19-1) and

**Whereas**, the State University of New York *Guidelines for Presidential Searches for Community Colleges* states that "Experience has shown that the pressure on trustees and search committee members, real or imagined, can cloud an open search when there is an internal candidate who is at the same time chief executive. Therefore, we recommend that temporary or interim appointees not be candidates for the permanent position, "(section V: Interim Leadership), and

**Whereas**, at the December 1, 1981 meeting of the Nassau Community College Board of Trustees, Acting President James Fitzgibbons stated that he would not be a candidate for the position of president, but would assist the board in its search for a president, and

**Whereas**, on May 16, 2013, the Academic Department Chairs recommended that if Dr. Saunders is to remain Acting President, he must be removed from consideration from future searches; or, should he wish to remain a candidate for President of the college, a new and temporary Interim President should be appointed until the presidential search is completed, and

**Whereas**, the Nassau County Code of Ethics prohibits any officer or employee of the county from using county resources in furtherance of his or her business, professional or political activities or interests, (Section 2218 of the Nassau County Charter, as amended by Local Law 4-2007), and

**Whereas**, all officers and employees of Nassau County, whether paid or unpaid, are subject to the county Code of Ethics,

**Whereas**, permitting an Acting or Interim President, Officer-in-Charge or other temporary Chief Executive Officer to apply for the position of president might tend to create the impression that such temporary chief Executive Officer was using county resources in furtherance of his or her professional activities or interests, and

**Whereas**, this might place the college and/or its officers or employees at risk of legal liability by creating the impression that they had violated the Nassau County Code of Ethics, and

**Whereas**, the Middle States Commission on Higher Education is Nassau Community College's accrediting body, and

**Whereas**, the Middle States Commission requires accredited institutions to adhere to certain standards in order to remain accredited, and

**Whereas**, the Middle States Standard Six, on Integrity, requires accredited institutions to have fair and impartial practices in the hiring, evaluation and dismissal of employees, (Middle States Commission on Higher Education, *Characteristics of Excellence in Higher Education*, 2011 revision, p. 22), and

**Whereas**, Middle States Standard Six requires an accredited institution to have sound ethical practices, including the avoidance of conflict of interest or the appearance of such conflict in all its activities and among all its constituents, and

**Whereas**, permitting an Acting or Interim President, Officer-in-Charge or other temporary Chief Executive Officer to apply for the position of president creates an unavoidable conflict of interest for employees of the college who are involved in the search, particularly those not protected by tenure or collective bargaining agreements, and

**Whereas**, such a conflict of interest might jeopardize the college's accreditation by violating Middle States Standard Six, and

**Whereas**, a successful presidential search must draw on the largest and broadest possible pool of highly qualified applicants, and

**Whereas**, permitting an Acting or Interim President, Officer-in-Charge or other temporary Chief Executive Officer to apply for the position of president might give that individual an unfair and unreasonable advantage over highly qualified external candidates, thus discouraging them from applying, and

**Whereas**, permitting an Acting or Interim President, Officer-in-Charge or other temporary Chief Executive Officer to apply for the position of president might create the impression that the search is merely *pro forma*, thus discouraging highly qualified external candidates from applying, be it therefore

**Resolved**, that the Academic Senate of Nassau Community College strongly urges the board of Trustees to adopt the following rule for this and all future presidential searches at Nassau community College:

“No Acting or Interim President, Officer-in-Charge or other temporary Chief Executive Officer regardless of title shall be permitted to apply for the position of president; any such temporary Chief Executive Officer who wishes to be considered for the permanent position of president must resign his or her position as Chief Executive Officer”

Dr. Boyden inquired as to the appropriate method for members of the campus to express their views to the Board regarding the presidential search. Trustee Gardyn responded that comments should be directed to the secretary to the Board, Anne Brandi, and she would distribute them to the members of the Board.

Valarie Lagakis, Department of Reading and Basic Education, asked that the Women's Faculty Association also be represented on the presidential search committee.

Phyllis Kurland, Student Personnel Services, spoke on behalf of the Jewish Studies Faculty and asked that the Jewish faculty be represented on the search committee.

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 Weiss moved the motion; seconded by Trustee Cornachio. Motion carried 7-0.

Meeting adjourned at 9:05 p.m.

Respectfully submitted,

John DeGrace  
Secretary Pro Tem