

NASSAU COMMUNITY COLLEGE
Garden City, New York

BOARD OF TRUSTEES' MINUTES

Meeting of May 12, 2015

The five hundred eighty-second meeting of the Board of Trustees was held on Tuesday, May 12, 2015 on the eleventh floor of the Administrative Tower.

The meeting was called to order by Chair Gardyn at 7:22 p.m. followed by a salute to the flag.

Present: Jorge L. Gardyn, Chair
Kathy Weiss, Vice Chair
Arnold W. Drucker, Secretary;
Anthony W. Cornachio, John A. DeGrace, Wanda Jackson,
Edward W. Powers, Donna Tuman, Patrick Deegan, Student Trustee.

Absent: Mary A. Adams

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 involving litigation with the NCCFT; 2) to discuss matters relating to collective bargaining involving the AFA; and 3) to discuss matters leading to the appointment, promotion, demotion or removal of a particular person. Trustee Drucker moved the motion; seconded by Weiss. Motion carried 9-0.

Chair Gardyn resumed the open meeting at 8:40 p.m. followed by a salute to the flag.

Present: Jorge L. Gardyn, Chair
Kathy Weiss, Vice Chair
Arnold W. Drucker, Secretary;
Anthony W. Cornachio, John A. DeGrace, Wanda Jackson,
Edward W. Powers, Donna Tuman.

Absent: Mary A. Adams Patrick Deegan, Student Trustee.

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

Approval of Minutes

Chair Gardyn requested a motion to approve the minutes of April 8, 2015. Trustee Drucker moved the motion; seconded by Trustee Powers. Motion carried 8-0.

Chair Gardyn requested a motion to approve the minutes of April 14, 2015. Trustee DeGrace moved the motion; seconded by Trustee Drucker. Motion carried 8-0.

1. Trustee DeGrace introduced the College Operating Budget 2015-2016 resolution:

RESOLVED, THAT THE NASSAU COMMUNITY COLLEGE BOARD OF TRUSTEES HEREBY APPROVES AN OPERATING BUDGET FOR THE FISCAL YEAR COMMENCING SEPTEMBER 1, 2015 IN THE AMOUNT OF \$213,678,663 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.

Chair Gardyn requested a motion to consider this item. Trustee Weiss moved the motion; seconded by Trustee Cornachio. Motion carried 8-0.

2. Trustee Tuman introduced the Tuition and Fee Schedule 2015 - 2016 resolution:

RESOLVED, THAT THE NASSAU COMMUNITY COLLEGE BOARD OF TRUSTEES ESTABLISHES A TUITION AND FEES SCHEDULE TO BE EFFECTIVE FOR THE ACADEMIC YEAR 2015/2016 WHEREIN THERE SHALL BE AN ANNUAL INCREASE OF \$300.00 IN FULL-TIME TUITION AND \$12.00 IN PART-TIME TUITION COMMENCING WITH THE FALL 2015 SEMESTER, AND BE IT

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

Chair Gardyn requested a motion to consider this item. Trustee Tuman moved the motion; seconded by Trustee Jackson. Motion carried 8-0.

3. Trustee Weiss introduced the Professor Emeriti 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 MEMBER OF NASSAU COMMUNITY COLLEGE WHO RETIRED AFTER ATTAINING THE ACADEMIC RANK OF PROFESSOR IS HEREBY GRANTED POSTHUMOUSLY 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> |
|-----------------|--------------|------------------------------------|------------------------|
| Richard Randall | Professor | Accounting/Business Administration | 1/23/15 |

Chair Gardyn requested a motion to consider this item. Trustee DeGrace moved the motion; seconded by Trustee Powers. Motion carried 8-0.

4. Trustee Powers introduced the Promotions resolution:

RESOLVED, THAT PURSUANT TO THE TERMS OF THE FACULTY COLLECTIVE BARGAINING AGREEMENT, AND UPON THE RECOMMENDATION OF THE COLLEGE-WIDE PROMOTION AND TENURE COMMITTEE AND THE COLLEGE ADMINISTRATION, THE FACULTY MEMBERS NAMED HEREIN ARE HEREBY PROMOTED TO THE TITLE AND POSITION AS INDICATED HEREIN, EFFECTIVE SEPTEMBER 1, 2015.

Promotion to Full Professor

| <u>Name</u> | <u>Department</u> |
|-------------------------|--------------------------------|
| Genette Alvarez-Ortiz | Student Personnel Services |
| Miguel C. Alonso | History/PolSci/GEO |
| Edward A. Boyden | History/PolSci/GEO |
| Jill Burgreen | Communications |
| Florence Dee Boodakian | English |
| Pamela Flores | Psychology |
| Stella Fox | Reading & Basic Ed |
| Katrina Frazier | Library |
| Frank Frisenda | Engineering/Physics/Technology |
| Mohammad Javadi | MAT/CSC/ITE |
| Orval Jewett | Student Personnel Services |
| Laurie Joseph | Student Personnel Services |
| Vladimir Konovaliouk | Foreign Languages |
| Kristen A. Le Veness | English |
| Suzanne Liff | Reading & Basic Ed |
| William Moeck | English |
| Anissa D. Moore | Communications |
| William O'Keefe | Allied Health Sciences |
| Lilia Orlova | MAT/CSC/ITE |
| Maureen Julian Palmieri | Art |
| Tonia L. Payne | English |
| Lori Postner | MAT/CSC/ITE |
| Patricia Radecki | English |
| Phylis Sherman | Legal Studies |
| Gregory Spengler | MAT/CSC/ITE |
| Dale Stanley | Biology |
| Deborah Tyler | Reading & Basic Ed |
| Trent R. Webb | Communications |

Promotion to Associate Professor

| <u>Name</u> | <u>Department</u> |
|-------------------------|-------------------|
| Jessica Bosworth | MAT/CSC/ITE |
| Pierre Castro Desroches | Foreign Languages |
| Victoria Chai | Communications |
| Eileen C. Engelke | Nursing |
| Barry Fruchter | English |

| <u>Name</u> | <u>Department</u> |
|------------------------|------------------------------------|
| Susan Goldson | Administrative Business Technology |
| Sara Hosey | English |
| Dolisha Jones | Biology |
| Darshna Katwala | Reading & Basic Ed |
| Caroline Kaufmann | Allied Health Sciences |
| Robert M. Lazaroff | English |
| Diana Milillo Portugal | Psychology |
| Nedra Neal | Music |
| Susan Newlin-Wagner | Reading & Basic Ed |
| Angela Oglesby | MAT/CSC/ITE |
| Maureen Reeves | Nursing |
| Helen Davis Rice | Reading & Basic Ed |
| Christopher Roethel | MAT/CSC/ITE |
| Beth Beatrice Smith | English |
| Silvina Trica-Flores | Foreign Language |

Chair Gardyn requested a motion to consider this item. Trustee Cornachio moved the motion; seconded by Trustee Weiss. Motion carried 8-0.

5. 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 Weiss seconded the motion. Motion carried 8-0.

Trustee Drucker introduced the AFA MOA resolution:

WHEREAS, THE LABOR AGREEMENT ENDING ON SEPTEMBER 30, 2010 BETWEEN NASSAU COMMUNITY COLLEGE (HEREINAFTER "COLLEGE") AND THE ADJUNCT FACULTY ASSOCIATION (HEREINAFTER "ASSOCIATION") EXPIRED ON SAID DATE, AND

WHEREAS, REPRESENTATIVES OF THE RESPECTIVE PARTIES HAVE ENGAGED IN NEGOTIATIONS FOR A SUCCESSOR AGREEMENT TO SAID EXPIRING LABOR AGREEMENT, AND

WHEREAS, THE REPRESENTATIVES OF THE COLLEGE AND THE ASSOCIATION MEMORIALIZED THEIR AGREEMENT IN A MEMORANDUM OF AGREEMENT PROVIDING FOR A NEW COLLECTIVE BARGAINING AGREEMENT FOR THE TERM OF OCTOBER 1, 2010 THROUGH SEPTEMBER 30, 2018,

NOW THEREFORE, BE IT RESOLVED, THAT THE BOARD OF TRUSTEES OF THE COLLEGE HERewith RATIFIES AND APPROVES THE MEMORANDUM OF AGREEMENT HEREINABOVE REFERENCED AND

BE IT FURTHER RESOLVED, THAT THE BOARD'S RATIFICATION OF THE AFORESAID MEMORANDUM OF AGREEMENT IS SUBJECT TO AND CONTINGENT UPON APPROVAL AND EXECUTION OF SAID MEMORANDUM OF AGREEMENT BY THE NASSAU COUNTY EXECUTIVE ON BEHALF OF THE COUNTY OF NASSAU, AND APPROVAL THEREAFTER BY THE NASSAU COUNTY LEGISLATURE.

Motion carried 8-0.

5. Discussion of the override of the Presidential Veto on Senate Resolution related to Class Size Limits.

Dr. Gardyn announced that the Board evaluated and discussed the presidential veto in Executive Session and will be discussing the veto in June with input from the Senate and the administration.

Dr. Saunders reported on the following items:

1. Congratulated the faculty who were recently promoted.
2. Congratulated the leadership of the AFA for the solidification of a contract long overdue.
3. Encouraged all to participate in the year end activities as we approach graduation: Presidential Awards ceremony for students who will be recipients of scholarships for their outstanding work in various areas scheduled for May 13; Nursing Pinning Ceremony scheduled for May 18, and Commencement scheduled for May 28.

Speakers

Evelyn Deluty, Professor of Philosophy and incoming Chair of the Academic Senate, read the following statement:

During the last Middle States review, the members of the Evaluation Team Visit commended Nassau Community College for the collegial atmosphere that pervaded our academic community. They wrote:

There is clear evidence of trust and confidence in the relationship between the senior leadership Team and the campus community. And, this belief carries through to the College's Board of Trustees. The President, Board, and senior leaders protect this trust with open and candid dialogue that targets "problem solutions" rather than "problem-making". What will the Middle States Reaccreditation Team report when they return to our campus next spring for their 2016 visit? Will they report on an institution that continues to cultivate a spirit of collegiality and mutual respect to solve problems together, or will they step into a fractured academic community that has lost its moorings and forgotten that an academic institution only thrives when civic discourse among its constituencies is alive and well. The last Middle States Review did not mince words in calling Nassau Community College "a leader among community colleges at a national level". The reviewers assigned credit where credit was due, to the President at that time, the Board of Trustees, and the Academic Senate. In with regards the Senate, they wrote that: The institution has done a magnificent job of establishing a very strong, collegial decision-making environment through the use of the Academic Senate, which has enabled faculty, administration, and students to become mutually engaged in the issues affecting the College. As incoming Chair of the Academic Senate I intend to facilitate the performance of the duties of the very Academic Senate that Middle States commended. The members of the Academic Senate not only have the right to formulate academic goals and policies, but we have an obligation to our students to do so. We can't jeopardize the pre-eminence of this institution by weakening the shared governance process. In the next few weeks I hope to discuss with you, the members of the Board, the Senate's most recent overrides which I'm sure you are aware of. Let us return to "open and candid dialogue" so that next spring the Middle States reviewers will once again be able to laud the collegial atmosphere that sustains Nassau Community College's proven tradition of academic excellence. I look forward to beginning such a candid dialogue with you about the most recent senate overrides.

Statement by Michael Steuer, Professor Emeritus in the Department of Mathematics, Computer Science and Information Technology:

Prior to my retirement two and a half years ago I was a full time faculty member here for over forty-six years, with more than half of them spent as an officer of the Academic Senate, including eight years as Senate Chair. I would like to speak to you about my perception of a deteriorating relationship among the trustees, the administration, and the faculty. Since I prepared these notes prior to tonight's meeting, I'm not sure if it will need any updating. In all of the past years, academic issues were initiated in the Academic Senate through its committees or brought to the Senate by the academic leadership of the college, generally the Vice President for Academic Affairs, an office which you have left vacant for the last few years. Everyone saw the value and effectiveness of our shared governance in presenting a solution that was created in a way that worked best for our students in a manner we could all support even if there was not unanimous agreement on all of the details. Our method of generating academic policy was praised by the leadership of other colleges and most importantly as Dr. Deluty said, by our accrediting body of the Middle states association, which sometimes found fault in other issues but never in our governance system. While our College Board of Trustees dealt with major tasks of governing the institution they very rarely had to concern themselves with discrete academic issues, putting their faith in their administrators' being able to work with faculty leadership. Alas, this no longer seems to be the situation at NCC. This past year has seen presidential vetoes, veto overrides, union grievances on academic issues, and most importantly a few Board resolutions presenting academically unsound suggestions and threats to the Academic Senate if it failed to comply with them. These Board resolutions appear to be an attempt to micro- manage the college and indicate to me, at least, a failure on the part of the current administration to work collegially with the faculty as we did in the past. Since I am not directly involved in any of this, I encourage you to heed the statements of our current faculty leaders and others assembled here this evening. As the College is in the middle of our self-study in anticipation of a Middle States Association visit, it would be disastrous for our shared governance crisis to become a major issue affecting our reaccreditation. While I would like to request that you return the college to the "good old days", I realize that this is presumptuous and perhaps impractical. What I do request is that you work with the faculty, the administration, and the student leaders to enhance our shared governance system so that ideas are openly discussed and debated in a collegial and non-threatening manner. Thank you for your attention.

David Stern, PhD, First Vice Chair of Academic Senate read the following statement:

I want to thank everyone here board members, administrators, faculty, staff and students for devoting your time to our institution. Tonight I again ask you to restore the collegial cooperation on our campus. The recent veto actions of Acting President Saunders are indicative of the current state of a lack of shared governance. After going several decades without even one Presidential veto, the college started to experience multiple vetoes first under the President Astrab and now, after a short pause, under Acting Saunders' Presidency. As Senate Chair Deluty and Former Chair Steuer have presented in their statements, our Middle States accreditation, states laws governing community colleges and the college's contract with its faculty and staff require cooperation. It will be a benefit to all constituencies on campus if we all worked towards improving collaboration. Thank you.

Frank Frisenda, NCCFT Vice President, thanked the Board for the promotion to Full Professor. I wish we could congratulate all the promotions that the P&T Committee recommended but I supposed that once again a misguided denial of due process will result in another grievance. The presidential vetoes of committee recommendations are rending itself to further erosion of trust between the faculty, the administration, and the Board of Trustees. I would like to read Article I of the CW Post Collegial Federation of the New York State

United Teachers, our parent union. “The purpose of this Agreement is to provide the C. W. Post Collegial Federation and the Administration with a clear statement of the procedures in which the members of the full-time faculty and administration interact in the governance of the academic community. The parties acknowledge the unique relationship between the full-time faculty and the operation of the academic enterprise jointly as the faculty participate ubiquitously in policy-making aspects of academic and institutional governance. Furthermore, Section 2.2 of the CW Post Faculty Council by-laws states that the faculty council selects delegates to and facilitates the representation of the campus faculty at the meetings of the Board of Trustees and its standing committees. At these meetings faculty may participate in the business and activities of the board and its committees. Faculty has the right to place items on the agendas of all meetings and to discuss all the agenda items. What a strange place Nassau Community College must seem to you Professor Tuman where the cooperation, interaction and respect you enjoy at CW Post does not exist here. Imagine how your nicer colleagues at Post would react if they were shut out of discussions, shut out behind closed doors, and made to shut up after three minutes. Would you want to work in a place like that, would they? Thank you.

Shoel Cohen, Professor of Psychology, I would like to address the Board having asked the Senate to come up with data to substantiate their ideas about the cutoff for remedial test and for the size of classes. It is not the function of science to discover the facts of substantiating somebody’s fantasy. It is the function of science to discover the reality of the universe. Dr. Gardyn, if I had instructed you to determine that a vaccine for mumps, rubella, and measles was responsible for autism or I asked you to show that its very dangerous for children to be inoculated with this, would that be acceptable, I rather doubt it.

Chair Gardyn replied: sure, you do what’s called a meta-analysis and you go back and look at presiding data and then make exceptions and interpretations of such data.

Shoel Cohen replied: no, I’m sorry you’re mandated to find this.

Chair Gardyn replied: It’s a hypothesis.

Shoel Cohen replied: No, this is not a hypothesis. I’m telling you to do it and that’s what’s happened to us. You’ve instructed us- do it, find data to support this that’s just no good. All my students know that. My students know something about science and I’m wondering why the Board doesn’t know as much. I find that given that we already have lost a day of the high holidays in September by the State that the College’s decision. I’m sorry no matter who told you what, the buck stops with you. Canceling the first day of Rosh Hashanah is just morally repugnant. You should have taken the high ground.

Dr. Gardyn replied: I was not aware of anything along those lines and will get back to you with an answer.

Shoel Cohen replied: we haven’t lost days for Rosh Hashanah since I’ve been here and that’s 1968. And I can tell you that whatever the decision is whether to hold classes or not hold classes I will continue as I have since 1968 to take both those days off.

Trustee Cornachio replied: I think the Academic Senate decides that calendar.

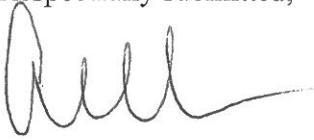
Chair Gardyn announced the next Capital and Finance BOT Committee meeting is scheduled for Tuesday, June 9, 2015 at 5:00 p.m. followed by the Full Board meeting. The Board will open the public session between 6:15 and 6:30 p.m. and resume the public session approximately 7:30 p.m.

Dr. Gardyn congratulated the faculty who were promoted to the rank of full professor and associate professor.

Chair Gardyn requested a motion to adjourn the meeting. Trustee Drucker moved the motion; seconded by Trustee Powers. Motion carried 8-0.

Meeting adjourned at 9:10 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Arnold", with a long horizontal flourish extending to the right.

Arnold Drucker
Secretary