

NASSAU COMMUNITY COLLEGE
Garden City, New York

BOARD OF TRUSTEES' MINUTES

Meeting of December 8, 2015

The five hundred ninety-first meeting of the Board of Trustees was held on Tuesday, December 8, 2015 on the eleventh floor of the Administrative Tower.

The meeting was called to order by Chair Gardyn at 6:29 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, Jennifer Borzym, Student Trustee.

Also in attendance: Interim President Dolan, EVP Saunders

Discussion of the Academic Senate Executive Committee override of Interim President's veto of Multiple Measures Resolution on placement testing exemptions.

Evelyn Deluty read the following statement:

At last month's Board meeting it became apparent that the Board is likely to sustain the Interim President's veto of the Multiple Measures Resolution on placement testing exemptions. It is a shame that a "College Statement" was formulated that excludes the expertise of the mathematics department. Why then have we asked for this "discussion" tonight? As I explained in our letter to Dr. Gardyn, the Senate Bylaws lay out a process that we are required to follow in the case of a Presidential veto. There are a number of reasons why we have to follow these Bylaws. To begin with, the Collective Bargaining Agreement empowers the Academic Senate "to formulate and propose academic policies." The rules codified in the Senate Bylaws are taken from the CBA.

- First, the Bylaws specify that the veto must "be presented at the next regularly scheduled Senate meeting for discussion" which is what happened on November 24, 2015.
- The Bylaws go on to direct us to entertain "a motion to override the veto" which is what we had to do.
- They then stipulate that "if the two-thirds vote of the Senate members present votes to override the veto, then this has to be brought to the Board of Trustees at the next regularly scheduled meeting" as what we're doing.
- Finally, the Senate Bylaws specify that "The Senate Executive Committee must be provided with the opportunity to speak with you prior to Board action."

The Senate Bylaws regulate Senate debate. In this context it is important to point out that at the last Academic Affairs Subcommittee meeting on November 10, 2015, the point was made that a Presidential veto was inevitable because the Academic Senate Executive Committee insisted on moving forward with the Developmental Education Committee's Resolution on Placement Testing Exemption despite the fact that the administration did not accept the Developmental Education Committee's mathematics score. For the record I would like to make it clear that in order to comply with the November deadline set by the June 10th Board resolution, we had to place the issue on the October 27 Senate agenda. However, the administrative senators did not avail themselves of "Senate procedures." They could have made a motion

to amend the resolution on the floor of the Senate, in the very least to separate the math score from the reading and writing testing exemption scores. This discussion then would have taken place on the floor of the Senate according to Senate procedures, rather than here tonight. But there is a broader issue at stake here. We are in the midst of our Middle States reaccreditation process. Middle States Standard 4—Leadership and Governance stipulates that: “The Commission on Higher Education expects a climate of shared collegial governance in which all constituencies involved in carrying out the institution’s mission and goals participate in the governance function in a manner appropriate to that institution.” The shared governance process, cited by Middle States as best governance practices, is the ‘manner appropriate to’ Nassau Community College. It has been practiced effectively at NCC for decades. Middle States Standard 4 “defines the role of institutional constituencies in policy development and decision-making.” In mapping out the respective roles of the constituencies, the Standard states what Middle States expects an accredited institution of higher learning to do in order to comply with this criterion of leadership and governance. One of the factors involved directly addresses bylaws: “An accredited institution is expected to possess or demonstrate the following attributes or activities:

- a well-defined system of collegial governance ...;
- written governing documents, such as ... Bylaws, ... that... delineate the governance structure and provide for collegial governance...”

The Academic Senate Bylaws satisfy these requirements of Middle States Standard 4. Adherence to the Senate Bylaws is integral to our Middle States accreditation. This is precisely why we were praised by Middle States in the last review. Since the Senate Bylaws trigger a “discussion” between the ASEC and the BoT “prior to Board action,” any testing exemption policy can only be established after the Board meets with the Academic Senate Executive Committee for a discussion” of this Presidential override. It is therefore very disturbing to us that this letter has already been sent to local high schools on November 20th announcing a change in NCC’s testing exemption policy. Members of the Board, as we move forward you will act on the Senate’s veto override, and ultimately we may not agree. However, we are requesting that you consider the broad scope of retention issues as you make your decision. The goal of retention does not just regulate admissions criteria for the College. Retention is ultimately achieved when our students successfully complete their degrees. For that reason if you sustain this Presidential veto, we hope that the Developmental Education Committee will be provided with appropriate data in a timely fashion to perform their annual analysis of the placement testing exemption policy. A review of the data will validate this policy, or cause us to amend it for the sake of the academic success of our students. Thank you for giving the Academic Senate Executive Committee the opportunity to discuss this veto override with you. My colleague, Dr. Rosa, the 2nd Vice Chair of the Academic Senate Executive Committee, and the *ex officio* representative on the Developmental Education Committee, has a few more thoughts to share with you.

Paul Rosa read the following statement:

As you are already aware, the SAT and Regents tests have been modified, and will continue to evolve over the next year and in the future. Thus, the evaluative utility of the tests used to place our students using multiple measures will need to be revisited. The Developmental Education committee, which has a standing charge to “ensure a procedure for appropriate placement of the developmental student,” will therefore monitor how these tests are changing and will work to assess how these changes will affect our students’ success. For long-term student success is the true measure of how effective these measures are. That’s why we fought so hard for our version of them, that’s why we believe in them very strongly and that’s why we worked so hard to establish them. As part of this assessment, the developmental educational committee will need accurate information about how students who are placed using these measures are faring. The Academic Senate asks therefore that the Board of Trustees direct the Administration to collect data on students affected by the placement measures. In particular we ask for

data that will allow the Developmental Education committee to see how the different sets of Math placement numbers, both to the Developmental Committee's measures and the President's measure adopted last month, so the Developmental Committee can see how these numbers influence placement and long-term success.

Dr. Dolan made the following statement: The Board of Trustees heard a wealth of evidence last May and also additional rationale in November of 2015, the administration stands by those former presentations and asks the Board to stand by its previously enacted resolution.

Trustee Cornachio requested that we deem evidence of this hearing: all of the exhibits, oral arguments and all statements that were admitted during our previous hearings on the issue of multiple measures and the entire record that took place on June 9.

Trustee Jackson commented that the ASEC has a point since the tests are changing, and requests that we look at it again in the future.

Trustee Weiss commented that data be looked at and thinks the administration would want to look at the current results and compare them to the future results to see how the SAT's new changes and the new Regents are going to impact on the recommendations.

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 Cornachio seconded the motion. Motion carried 9-0.

1. Chair Gardyn introduced the following resolution:

WHEREAS, ON OCTOBER 27, 2015 THE ACADEMIC SENATE ADOPTED "RESOLUTION ON THE PLACEMENT TESTING EXEMPTION POLICY REVISIONS 2015" PURPORTING TO IMPLEMENT CERTAIN STANDARDS RESPECTING PLACEMENT TESTING, WHICH RESOLUTION WAS VETOED BY INTERIM PRESIDENT OF THE COLLEGE THOMAS DOLAN ON NOVEMBER 6, 2015, AND

WHEREAS, THE ACADEMIC SENATE TOOK ACTION ON NOVEMBER 24, 2015 ADOPTING AN "OVERRIDE RESOLUTION" PURSUANT TO ARTICLE II OF THE BY-LAWS OF THE ACADEMIC SENATE WITH RESPECT TO INTERIM PRESIDENT DOLAN'S VETO OF THE ACADEMIC SENATE'S ACTION OF OCTOBER 27, 2015 REGARDING PLACEMENT TESTING IN READING, ENGLISH AND MATHEMATICS, WHICH VETO WAS ISSUED BY THE INTERIM PRESIDENT ON NOVEMBER 6, 2015, AND

WHEREAS, THE BOARD OF TRUSTEES OF NASSAU COMMUNITY COLLEGE HAD PREVIOUSLY ADOPTED RESOLUTION #15/16-13 ON NOVEMBER 10, 2015 ESTABLISHING COLLEGE POLICY WITH RESPECT TO PLACEMENT TESTING IN READING, ENGLISH AND MATHEMATICS,

NOW THEREFORE BE IT RESOLVED, THAT THE "OVERRIDE RESOLUTION" OF THE ACADEMIC SENATE DATED NOVEMBER 24, 2015 IS HEREWITH REJECTED IN WHOLE BASED UPON THE VETO STATEMENT OF THE INTERIM PRESIDENT DATED NOVEMBER 6, 2015 REFERRED TO ABOVE, AND FURTHER BECAUSE THE VETOED RESOLUTION OF THE

ACADEMIC SENATE, "RESOLUTION ON THE PLACEMENT TESTING EXEMPTION POLICY REVISIONS 2015", WHICH PURPORTS TO UNILATERALLY IMPLEMENT CERTAIN STANDARDS RESPECTING PLACEMENT TESTING IS IN DIRECT DEROGATION OF RESOLUTION #15/16-13 OF THE BOARD OF TRUSTEES, ADOPTED ON NOVEMBER 10, 2015, WHICH ESTABLISHED COLLEGE POLICY WITH RESPECT TO PLACEMENT TESTING IN READING, ENGLISH AND MATHEMATICS, PURSUANT TO THE AUTHORITY OF THE BOARD OF TRUSTEES ESTABLISHED BY LAW, CONTRACT AND REGULATION, AND

BE IT FURTHER RESOLVED, THAT THE BOARD OF TRUSTEES OF NASSAU COMMUNITY COLLEGE DOES HEREBY SUSTAIN IN WHOLE INTERIM PRESIDENT DOLAN'S VETO OF NOVEMBER 6, 2015 OF THE ACADEMIC SENATE'S ACTION OF OCTOBER 27, 2015 WITH RESPECT TO PLACEMENT TESTING IN READING, ENGLISH AND MATHEMATICS.

Trustee Cornachio moved the motion; seconded by Trustee Jackson. Motion carried 9-0.

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) matters relating to negotiations with the AFA; and 2) for the purpose of reviewing the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation or to discuss matters leading to the appointment, promotion, demotion or removal of the President. Trustee Drucker moved the motion; seconded by Trustee Powers. Motion carried 8-1 (Cornachio).

Chair Gardyn resumed the open meeting at 7:55 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, Jennifer Borzym, Student Trustee.

Also in attendance: Interim President Dolan, EVP Saunders

Approval of Minutes

Chair Gardyn requested a motion to approve the minutes of November 10, 2015. Trustee Drucker moved the motion; seconded by Trustee Weiss. Motion carried 9-0.

2. Election of Officers

The Board of Trustees of Nassau Community College conducted a vote for election of officers during the public session. Chair Gardyn was re-elected as Chair by a vote of 9-0. Trustee Weiss was re-elected as Vice Chair by a vote of 9-0.

Dr. Dolan commended the Board on a unanimous vote for Chair and Vice Chair and feels it is a step forward to move ahead with College business.

3. Trustee Drucker introduced the following resolution:

RESOLVED, THAT THE PENDING COLLEGE PROCUREMENT AGREEMENT IN THE AMOUNT OF \$250,000.00 REQUESTED BY GENERAL COUNSEL FOR GOVERNMENTAL & MEDIA RELATIONS/MARKETING & COMMUNICATIONS DEPT. TO PROVIDE THE COLLEGE WITH A FULL SERVICE "AGENCY OF RECORD" FOR MARKETING. THE SERVICES WILL INCLUDE TRADITIONAL AND DIGITAL MARKETING, BOTH OF WHICH ARE ESSENTIAL IF THE COLLEGE IS TO BE ABLE TO EFFECTIVELY COMMUNICATE WITH THE VARIETY OF TARGET AUDIENCES NECESSARY TO SUPPORT ITS RECRUITMENT AND RETENTION EFFORTS, AS WELL AS TO REINFORCE THE COLLEGE'S PRESENCE IN THE COMMUNITY AMONG DECISION-MAKERS AND OTHERS FOR WHOM THE COLLEGE RELIES ON FOR FINANCIAL SUPPORT.

Chair Gardyn requested a motion to consider this item. Trustee Drucker moved the motion; seconded by Trustee Tuman. Motion carried 9-0.

4. 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 25th ANNUAL FRIENDSHIP GAMES IN DECEMBER 2015 AND JANUARY 2016, AND BE IT

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

Chair Gardyn requested a motion to consider this item. Trustee Cornachio moved the motion; seconded by Trustee Weiss. Motion carried 9-0.

5. Trustee Powers introduced the following resolution:

WHEREAS, THE COLLEGE AND THE AFA ARE PARTIES TO A MEMORANDUM OF AGREEMENT DATED MAY 26, 2015, WHICH AGREEMENT HAS BEEN RATIFIED BY THE AFA, THE BOARD OF TRUSTEES OF NASSAU COMMUNITY COLLEGE, LEGISLATURE OF THE COUNTY OF NASSAU, AND WHICH MEMORANDUM OF AGREEMENT WILL BE EMBODIED IN A COLLECTIVE BARGAINING CONTRACT FOR THE TERM OF OCTOBER 1, 2010 TO SEPTEMBER 30, 2018, AND

WHEREAS, A DISPUTE HAS ARISEN BETWEEN THE PARTIES WITH RESPECT TO THE PROVISION OF RELEASE TIME FOR OFFICERS AND DESIGNEES OF THE AFA, WHICH THE COLLEGE CEASED PROVIDING ON OR ABOUT JANUARY 2014, AND

WHEREAS, THE PARTIES ARE DESIROUS OF RESOLVING THEIR DISPUTE RATHER THAN ENGAGING IN LITIGATION OF THEIR RESPECTIVE CLAIMS, THEREBY AVOIDING THE PAYMENT OF COUNSEL FEES, AND

WHEREAS, THE PARTIES HAVE MEMORIALIZED THEIR AGREEMENT TO PAYMENT OF RELEASE TIME FOR OFFICERS AND DESIGNEES OF THE AFA IN A MEMORANDUM OF AGREEMENT DATED NOVEMBER 17, 2015,

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

Chair Gardyn requested a motion to consider this item. Trustee Cornachio moved the motion; seconded by Trustee Tuman. Motion carried 9-0.

The following discussion took place:

Trustee Cornachio: There's an item you brought up at one previous meeting, Dr. Dolan, I think two meetings, where you were asked for a replacement for whatever the muckety-muck title is for the Cutolo position. And I led the charge against it. And it's been haunting me because you were very sincere it doesn't happen all the time--but on this particular, you--I had sent, I had sent you an email asking that you list out why, your reasons why, and you did respond. So I'd like to hear one more time on that. Have you gathered your thoughts together? I know I alerted you to the fact that I was going to raise this at this meeting. Do you have anything further to say?

Dr. Dolan: Well, this afternoon I did send the Board some rationale with a January-to-May calendar of the kinds of activities that the Vice President for Governmental Affairs is involved in. Today, I got another--after I emailed that to the Board, I got another little tutorial because we began to prepare some of the paperwork involved with the Presidential award ceremony that takes place next Tuesday night, to which I would invite everybody in the audience and the whole Board. I would love to see you all there. The work that's done for that is about 150 students who are being honored - - let me go back - - apologize, this is a micro-example, but consider what goes into this micro-example I think there are many examples like this. What happens is that we take the 150 or so students who are being honored, we match them up by Senate district, assembly district, and legislative district, each and every Senator, Assemblyperson, or Legislator in the County receives a letter identifying each person from their area who's receiving an award, inviting them to attend the ceremony. That's a difficult technical task. But I think the more-important thing to think about in reference to that is the goodwill that it spreads among our legislators to whom we turn quite often. I've been in their offices a lot in the last couple of weeks. I don't want to say we are hat in hand all the time, but we are certainly incumbent upon them, and I know that those dialogs are going to continue for the rest of this budget cycle, what promises to be yet another difficult budget cycle. I think the work that the Vice President for governmental affairs does in cultivating that relationship with our Legislative representatives, both in the County and the State level, can't be overemphasized in terms of the--both the goodwill that it does and the potential good financial reward that it can bring to the college. When I made the request that the position be considered, I did so with a full understanding that the optics are terrible and the Board knows what I mean by that. Yes, we are in the midst of looking at a number of retirements from the NCCFT. We are struggling to do the best that we can to replace lines. We had yet another well-attended meeting with chair people today, where we entertained questions, and we continue to have that conversation about replacing lines. We're going to do the best we can, but I think that we've successfully lowered expectations in terms of how many we're going to be able to replace now, with the hope that we're going to be able to replace even more come Fall, but the optics are terrible any time an administrative position is vacated and we propose to fill it. So I certainly understood the argument that was made against it. The proposal that I made to the Board was that we would take several of the key parts of the position and farm them out in ways that I described to the Board. I don't think that it will do the position full justice, and the one that I volunteered to take on is to continue the service as the liaison to the County Legislature. Having welcomed the opportunity to do that, I'm not sure that I will do as well as somebody who has experience in that field. But that being said, I don't know if that person exists.

Trustee Cornachio: But you nevertheless, you nevertheless feel, you nevertheless feel that we should replace--somebody in that position.

Dr. Dolan: I thought so then. I understood why the Board declined before, certainly understood, but yes, I--even in the midst of some very bad optics, I think that that person has an opportunity, perhaps, and is likely to increase the probability of us receiving more funding from the State and from the County.

Trustee Cornachio: Well, you've--I've gone 180 degrees. You've done your magic with me. As a matter of fact, I gave heavy thought to it because, and we've had a couple conversations about this, I gave heavy thought to it, and I have a great candidate, by the way.

Chair Gardyn: I'm sorry, Mr. Cornachio, are you admitting that you were wrong?

Trustee Cornachio: I'm a humble man. You just don't understand me, Jorge. No, I'm very humble.

Chair Gardyn: I am very impressed that you can own up to when you make a mistake.

Trustee Cornachio: I'm the kind of guy who was happiest when I was a law clerk in a library, reading books and writing papers. I'm very shy and reserved. You bring out the animal in me, Jorge.

Trustee Drucker: Can we send him back to the library though?

Trustee Cornachio: Just to--they wouldn't have me there either. Let me continue my thought, I mean we have a massive problem getting funding from this College on the State level and also particularly on the County level, and I thought and thought and thought and thought and thought, and it occurs to me that someone who worked at the--there's someone available, someone who worked in the State Legislature, who was well-liked on both sides of the aisle, someone who is known to everybody on the County level on a first-name basis and who was liked, somebody who is warm, somebody who comes to work. So we would see the person in an office and we would see her car in the parking space, which might be an unusual thing around here for some positions anyway, an attorney, a good writer, a good thinker. I'm thinking of Kate Murray for the job, and as a matter of fact, I overwhelm myself, and I'm going to make a motion now that we add it to the calendar that she be appointed to that position of - -

Dr. Dolan: I'm not, I'm not sure that we can move quite that quickly. I'm quite certain that there are--Mr. Wright's office would need to act on terms of affirmative action. We would need to post the position, conduct a search to solicit nominees.

Trustee Cornachio: Well I--okay, I'm pretty certain we can, and so I'm going to make a motion that we add it to the calendar for consideration.

Trustee Cornachio made a motion to add this motion to the calendar.

Chair Gardyn: All in favor of adding this motion to the calendar for consideration?

Trustee Cornachio: And again we're just adding it to the calendar.

Motion carried 6-0-3 (Drucker, Jackson, Weiss).

Dr. Dolan: But I do offer the Board the caveat that I don't think that you can legally appoint someone to a position like this without a search and then it is, it's--affirmative action needs to be considered. I think I'm violating--I don't know.

Trustee Cornachio: There are so many appointments that have been added to this College without a search, Vice-Presidential appointments, that this--I mean what you're saying is a surprise to me, and I think there's an emergency situation that--this year, and I think we can move on.

Dr. Dolan: I assure you, none of them have been added since September 9th.

Trustee Cornachio: Well, since you were here.

Dr. Dolan: And I think we're making--I think the Board would be making a mistake to act on this nomination. But you get to vote.

Trustee DeGrace: I would like to indicate that I've had the pleasure of working with Mr. Cutolo and I've worked with Chuck when he was in the County Legislature. He's done an outstanding job here as well as when he worked for the County. I have to say we're going to lose a very talented individual, and I mean that from the bottom of my heart. I do believe that. I also believe that Kate Murray is the type of person that would be able to step up and carry on in Chuck's demeanor; I think she's outstanding. She knows government. I think she's someone who carries all legally, as well as intellectually, as well as knowing all those with government, so I have to say that I'm very, very impressed with Mr. Cornachio's recommendation.

Trustee Cornachio: I never met her, never met her face-to-face, never spoke to her on the phone, but I know of her, and I think it would be a win-win for this College, and I think if there's anybody around who in that position could get money for this College that it's not used to getting, I think it's her. Plus she's bright, she's resourceful. I really think it's a win-win.

Trustee Weiss: But I think we're jumping the gun.

Trustee Drucker: Yes, absolutely.

Trustee Weiss: First of all, I know her, and I respect her, but that has nothing to do with process. The process says that we write a job description, which could be different than what Mr. Cutolo's job description was, that we do that through either Human Resources or Affirmative Action, wherever it happens, that we conduct a search, that she may turn out to be the best candidate in that search, but we have an obligation to follow a process, not jump the process. And I, for one, am not ready yet to even vote for a full-time position.

Trustee Drucker: I agree.

Trustee Weiss: I haven't even gone there yet. My recommendation was going to be to ask Dr. Dolan, before you got to this, to take a look at whether or not, between the money we're spending on a lobbyist, which is pretty significant, and other things that we've done, is there a way that we don't have to have a Vice President for this? Is there a level that's different than whatever that salary level would be deemed who could accomplish many of the same things? I'm not prepared to go to the Vice President or X, whatever it is.

Trustee DeGrace: Chuck, you wanted to make a statement?

Mr. Cutolo: Just for the record, my title is not Vice President, its General Counsel.

Trustee Weiss: I think we have to follow a process that we believe in, that ensures that we have done the right things, especially related to affirmative action.

Trustee Drucker: I echo Kathy's sentiments 100%, and based on the legalities that have arisen over the past month with respect to this Board, we should be extremely diligent and conscientious about crossing every "T" and dotting every "I" before we make any decisions that may in fact be erroneous, and we should not be hasty in such a decision.

Trustee Cornachio: Well, I think the first thing is I should make the motion 'cause I haven't made the motion yet, and I--make that motion that Kathleen, I think--Katherine or Kathleen, I don't even know her name. I know of her and I know she's a dynamo. What is her name? Kathleen or Katherine? Ms. Murray. That, soon to be formerly of a position in the Town of Hempstead, that she be appointed to the vacancy created by Mr. Cutolo's resignation effective on January 1, 2016, just that Mr. Cutolo would be still here, but I think it would be a good idea to have the replacement with him for a couple of weeks, just so that he can show her the ropes. So that would be my motion, and I don't know if there's anybody that's going to second it, having heard from--

Trustee Drucker: You've done 180 degrees from last month.

Trustee Cornachio: No, no, no, no, no--yes I have

Trustee Weiss: He has a motion. Get a second and then we can--

Trustee DeGrace: But I believe Mr. Cornachio was correct in the sense that there is a learning curve and now's the time to do it because we will have Mr. Cutolo's experience with us, and I think once he leaves, it'll be a different ballgame. So I really believe now is the time to do it. I do concur with Mr. Cornachio.

Trustee Cornachio: Did someone second the motion or--?

Trustee DeGrace: I second it.

Chair Gardyn: Tony, what is the--just give me the motion itself so I can just write it down exactly.

Trustee Cornachio: Can't you make it up, Jorge?

Chair Gardyn: No, this is your show, so--

Trustee Cornachio: Ms. Rice, Mrs. Rice? Murray, Murray.

Trustee Powers: Kathleen P. Murray.

Trustee Cornachio: Ms. Murray. It's a female, okay? Resides in the Town of Hempstead--that she be appointed to the position now held by Mr. Cutolo, that will be vacant upon Mr. Cutolo's resignation sometime in mid-January, or the end of January, that her employment start effective January 1st, while Mr. Cutolo is still here. I don't know if he plans to take leave days.

Mr. Cutolo: I'll be here the whole time.

Trustee DeGrace: He's a team player.

Trustee Cornachio: I heard a voice. I heard a voice. Okay, so he will be here all--okay, so that from the 1st to whenever he's going, they would be working together so she could get some idea as to the job. I have no hesitation in believing that she will do a great job.

Trustee Weiss: Well, no, finish your motion. Let now John second--

Chair Gardyn: So Ms. Kate P. Murray be appointed to the position of Mr. Cutolo at the end of January.

Trustee Cornachio made a motion to appoint Kate Murray to Mr. Cutolo's position.

Trustee Weiss: No, you said January 1st.

Trustee Cornachio: Oh, January 1st. I'm sorry, 2015. '16.

Trustee Weiss: John, you seconding now?

Trustee DeGrace: I'll second the motion.

Trustee Cornachio: At the same motion--at the same salary that Mr. Cutolo's now getting.

Chair Gardyn: First, can I ask who your second is?

Trustee Weiss: DeGrace.

Chair Gardyn: Mr. DeGrace? Any further discussion by the Board?

Trustee Cornachio: We sat through a meeting where the College, I don't know what she is now, Comptroller, Vice President, big muckety-muck. Okay, she said how bad things are financially and she made a big point--Ms. Reznik--made a big point about how the County has been very, very poor about contributing to the College, that the one-third, one-third, one-third is ancient history. Well, you put the right people on-board, we may be able to do something about that.

Trustee Weiss: But Tony, if she's the right person, let her win the job, let her go through the process.

Trustee Cornachio: Well, that's how--that's why we have a Board resolution here.

Trustee Weiss: No, I know, and I'm speaking against the resolution because I think we have to follow our process.

Trustee Cornachio: I think it's urgent that we get somebody in as soon as possible. You're talking about a search that could take six months, and I have to tell you something, since I've been on this Board in 2008, there have been so many appointments without any search, acting Presidents, Vice Presidents, Assistant Presidents.

Trustee Weiss: Well, we should stop that.

Trustee Cornachio: Well, you know what, no one's ever stopped it before.

Trustee Weiss: Well, we can--

Trustee Cornachio: And some of those were done while people on this Board were here. So I think this is an urgent situation, and in terms of an urgent situation, whatever the procedures are, we can go ahead and make it legal because it is an urgent situation.

Trustee Drucker: Well Tony, you of all people are--

Trustee Cornachio: --I did 180 degrees, you're right.

Trustee Drucker: No, no--you of all people are very, very proactive with respect to getting this Board to abide by the rules with respect to--

Trustee Cornachio: --and I have not been successful.

Trustee Drucker: --issues that we should go into Executive session for, and what we shouldn't, and you've gone to extreme levels about that, so you don't want us to continue with practices that we've had in the past with respect to those issues, and for that reason, you have been proactive. So for the same reason, we shouldn't be so hasty in this decision. We must follow procedures.

Trustee Cornachio: What I'm saying is, if it's a normal appointment, yes, we should follow certain steps. This is not a normal appointment. This is a critical appointment.

Trustee Drucker: Well, your definition is critical. We don't all say it's--what makes it critical?

Trustee Tuman: I'd also like to say something--that I see both sides very clearly here--but the fact is you have to be pragmatic about this in terms of the fact that if we do put it on the back burner, and then we go to job description, and then we go to looking at job description, perhaps changing it, interviewing candidates, we could lose six months in that process. And the fact is, when we looked at this budget in the capital plan that's in place today, it was very clear to us that there needs to be a facilitator in place to help the negotiations, to push the numbers across the picture plane, and I know that Mr. Chuck Cutolo is very, very active, and his role on behalf of the Board to facilitate through the County, through the State, has sustained us financially for quite a while, and there's no doubt that we need that person in place, especially when enrollment is down, especially when our fund numbers are down. I don't think we could take the risk and lose this opportunity to get someone at this high level that we know has had this experience, and I'm with Anthony on this.

Trustee Weiss: How do we appoint somebody, vote for something, in which the person hasn't even expressed interest in a job? I'm very confused.

Trustee Tuman: I don't know--

Trustee Weiss: I mean, I'm sorry, but how does anybody know she wants to do--

Trustee Drucker: Putting the cart before the horse, isn't it?

Trustee Jackson: Moreover, perhaps we could just ask what it would take to expedite that for the position if that's what we want to do since some of us are uncomfortable with just making a resolution and saying this is what we should do. There must be a process, and it doesn't mean it has to take six months. It's possible the

process could be expedited, but we still need to know what that process is, and I think most of us don't, which is why I abstained.

Trustee DeGrace: Well, one of the things I have to say--and I can see Trustee Jackson's point--but about two months ago, maybe three months ago, I brought up an individual to be considered for some type of an increase, and every time I bring this person's name up, we have to study it, we have to get the job descriptions, we have to do this, we have to do that, we have to do this, this, this, that. I'm tired of waiting. I think we need the job. I think we should vote on it and let the cards fall where they may. This woman is an outstanding individual. She'll do a great job. And she can say "No", but I want--she can always say, "I don't want the job." Let's move forward.

Trustee Weiss: Dr. Dolan, how long would an expedited search take?

Dr. Dolan: 30 days.

Trustee Cornachio: Oh, please, in this place? Come on.

Trustee Weiss: I'm just asking the question that fits in with--

Dr. Dolan: And I just want to answer the question: 30 days. An expedited search could be accomplished in 30 days, and I could report to the Board, it might be on Thursday exactly how we could do that.

Chair Gardyn: Alright, well, let me just jump into this. I understand, Mr. Cornachio, your enthusiasm. Kate Murray is an excellent administrator. I think that her connections with government are fabulous. I think it's a wonderful thing, I think she would be a definite asset.

Trustee Cornachio: It's a win-win.

Chair Gardyn: To the College. But there is a matter of procedure that we have to follow through. So what I would consider, and maybe you can come in as a compromise, is that we appoint her as an "acting" position while we activate an RFP to go through. At least we get that immediacy settled, and then we're following due process. We'll try to capitalize on the expediency and to follow through.

Trustee Drucker: She doesn't even know about it, yet now you say it's "acting".

Trustee Cornachio: They can always say "No".

Trustee Drucker: But I've never heard of someone being appointed to something that they don't even know about.

Trustee DeGrace: I think that's a compromise. I think right now we've come up with a nice compromise, and I'd be willing to go along with that, so let's do it.

Trustee Cornachio: And you know what, it would be "acting", because you're still going to be here.

Trustee DeGrace: Right. And that's the point--is we want someone while Mr. Cutolo is here. That's the point. Everybody's talking about protocol, procedure. You know what--the train is going to leave. Let's do it. We can change it, we can modify it. I believe it's necessary. Let's do it. Let's make the modification to Mr. Cornachio's proposal and let's vote on it. Let's not waste time. If you're for it, you're for it. If you're not, you're not. That's all. No big deal.

Trustee Cornachio: I modify my original motion.

Chair Gardyn: Okay. To include the word "acting"?

Trustee Cornachio: Yeah.

Chair Gardyn: And also to have an expedited RFP process.

Trustee Cornachio: Right.

6. Trustee Cornachio introduced the following resolution:

RESOLVED THAT MS. KATE P. MURRAY BE APPOINTED TO THE POSITION OF MR. CUTOLO AS OF JANUARY 1, 2016 AND AT THE SAME SALARY MR. CUTOLO IS CURRENTLY EARNING,

FURTHER RESOLVED THAT THE APPOINTMENT IS "ACTING" AND AN EXPEDITED SEARCH SHALL BE CONDUCTED.

John DeGrace seconded the motion. Motion carried 6 (Gardyn, Cornachio, DeGrace, Powers, Tuman, Borzym) - 2 (Weiss, Drucker) - 1 (Jackson).

Trustee Jackson: So what's the next step? Just so we're clear--

Dr. Dolan: I will discuss it with Craig Wright tomorrow in terms of determining what the "acting" position is and how we can expedite--

Trustee Cornachio: Well, Jorge, why don't you call her and say, "This is what the Board has offered, do you accept?" Just to allay the fears that she hasn't been asked.

Chair Gardyn: I'll contact her.

Trustee Cornachio: 'Cause I've never talked to her in my life.

Chair Gardyn: I will contact her and find out if she is interested in the position, and report back to the Board.

Trustee Weiss: Wouldn't it be Dr. Dolan's job to do that? As the Chief Executive Officer, he should be the one that is discussing employment.

Chair Gardyn: Then I defer to you, Dr. Dolan.

Trustee Weiss: Am I correct, Dr. Dolan - -

Dr. Dolan: I will call her tomorrow. Yup, does anybody have a phone number?

Mr. Cutolo: I obviously have a personal interest in this. So what is my title now?

Trustee Drucker: Lame duck, lame duck.

Chair Gardyn: General Counsel and mentor.

Trustee Cornachio: Emeritus, on the 23rd

Mr. Cutolo: The 29th.

Chair Gardyn: Chuck, your title is not changing.

Dr. Dolan: I made the mistake, Chuck, and I apologize.

Mr. Cutolo: No, I just want to have it in the context that she's "acting"--

Dr. Dolan: Whatever you are.

Chair Gardyn: She's "acting"--whatever your title is.

Trustee Jackson: You can choose to call her once we figure out what we're doing.

Trustee Weiss: Dr. Dolan, when you have this all figured out, you'll probably have to get creative with the title, because two people can't hold the same title, one of which is "acting".

Dr. Dolan: Right, right, okay.

Trustee Weiss: That's what Mr. Cutolo was trying to ask.

Chair Gardyn: Chuck, I understand what you were saying now, so I'm sorry.

Dr. Dolan reported on the following items:

- Latest issue of the College's newsletter, *Nexus*, which will be coming out within the next couple of days with a run of 35,000, including to all of the members of the College community, high school guidance counselors, elected officials, media, and public libraries. Editorial staff cited:
 - Head Writer and Headline Writer, Chuck Cutolo
 - Editor and Researcher, Alicia Steger
 - Writing Assistant and Proofreader, Gail Mattimore
 - Design Coordinator, Tommy Conigliaro.
- *Nexus* articles highlighting the ongoing accomplishments of our dedicated faculty and staff include:
 - Mathematics and Computer Club (Carmine Desanto)
 - *NEST* at NCC food pantry (Kerry Golde)
 - *Schoolhouse Rock Live!*, bringing live theater to local elementary school students (Victor Abravaya)
 - *John Lewis: A Civil Rights Icon*
 - Constitution Day committee (Phyllis Kurland)
 - Children's Greenhouse daycare staff
- Congratulations to the following athletic teams on their outstanding accomplishments:
 - NCC men's soccer team's recent national championship.
 - NCC soccer team coach, Dan Fisher, was named the National Coach of the Year, and students Benjamin Alonge being named the tournament MVP and Frankie Villegas being named the region 15 Player of the Year.
 - NCC women's volleyball team won the 2015 region 15 Division III champions.
 - Christine Abrams voted basketball Coach of the Year and the women's basketball team won the 2015 Region 15 Division III champions
 - Women's soccer coach, Keith Detelj was named the Region 15 Coach of the Year.
 - Baseball Team won the 2015 Region 15 Division III champions.
 - Men's lacrosse won the 2015 Region 15 champions.
 - Women's lacrosse won the 2015 Region 15 champions, and Guiliana Rizzotti was named player of the Year.
 - Golf Team were the 2015 Region 15 division champions and Larry Dellaquila was named region 15 Coach of the Year.
 - The Wrestling team won the NJCAA Division III national championship once again in 2015, and were also winners of the mid-Atlantic champions, and Coach Paul Schmidt was inducted into the National Wrestling Hall of Fame.

Trustee Weiss requested that the Board take a look at the Boards' Bylaws since they haven't been looked at in a while.

Dr. Gardyn replied that he is working with Donna Haugen on having a consulting company provide us with a template of Bylaws and present it to the Board for input.

Trustee Cornachio: Just--I hate to do this at this time, we have this "acting"--maybe it's better phrased "associate"--you know what I'm saying? Because he's still there.

Trustee Weiss: Right, I just said to Dr. Dolan that he needed to come up with a title that's appropriate.

Trustee Cornachio: Yeah, if you want to, I can amend the resolution--we could re-vote on it.

Trustee Weiss: I don't think--

Trustee Cornachio: You understand what I'm saying? Your mediation, your compromise, was "acting", but what Chuck's saying, "Well, what am I then?"

Chair Gardyn: I understand now.

Dr. Dolan: And I understand that we can't all have duplicate roles. Once again, I think that I can come up with a title that will capture the responsibilities.

Trustee Cornachio: We have a resolution on it. Should we change the resolution now?

Dr. Dolan: I think the resolution's already illegal, so I can work with it.

Trustee Cornachio: Work with a more accurate illegal resolution.

Dr. Dolan: I think there's lots of flexibility built into that resolution.

Trustee DeGrace: Doctor, you going to sue us?

Trustee Drucker: No, he can't sue us.

Trustee Cornachio: I'm the only guy that does that.

Trustee Jackson: I do have one additional comment that has nothing to do with any of this. Just wanted to make sure because it was brought up that folks know that the Presidential search is continuing. We'll start our interviews on Friday.

Speakers

Juliana Dijkstra, SGA President, remarks as presented:

This is Shadley Hobour; she's our Academic Senate chairperson. So--and I hope you're all doing well. I just wanted to say "Hello" and remind you on one concern student government has, and we just want to just let you know that we are concerned about this. So for the Student Personnel Services department, we are losing seven people due to retirement, and these seven people are very crucial in the students' lives. I do not know all the retirees, but there's three on the top of my list that have really transformed my experience here at Nassau, and on a personal note, I would not be here in front of you today if it wasn't for the Student Personnel Services department--I would be at Molloy or Adelphi--just because they were so encouraging on everything that I could get involved in here, and now I'm standing in front of you as the Student Government President. So it's been a really great journey, and I will be leaving here in the Spring, but for future years, I just want to really encourage that the SPS department is so crucial for student retention and to allow students to really get the full experience here at Nassau. So I want to say thank you to the Student Personnel Services department because they've really done an excellent job at everything they've accomplished this year and the past--however many years they've been here. So I look forward to seeing those of you are on the Presidential search committee this weekend. Thank you.

Professor David Stern remarks as presented:

Well, I wish everyone a happy holiday season, too. During the hearing earlier, several Board members expressed agreement with our position that data should be collected to assess the effects of the multiple measure changes. There was an indication that only the administration would do this, and I just want to make a request that the data collection and evaluation be done as a collaborative effort through the Senate's development ed. committee, and that you direct the administration to work within our collaborative structure, not outside of it. I know we all agree that our College is served better when we have true consensus, and that we avoid dueling reports and dueling resolutions. Thank you.

Prof. Frank Frisenda remarks as presented:

Okay, I'm trying to get my thoughts together here. I'm listening to your discussion, and now all these coaches that you mentioned--I really hope that Kate Murray can carry out their tradition and keep these teams as successful as they are.

Trustee Cornachio: That's not Chuck's job.

Prof. Frisenda continued:

I understand, okay, but they're not getting replaced, okay? Right? We have not yet discussed one replacement for the 105 faculty, alright, that are leaving us, okay? Taking advantage of the early retirement, alright? And yet you're giving them all these accolades, okay, you heard student government give accolades, alright, to the people in SPS, okay, the accolades for our coaches, okay, that work here, alright, yet no one has discussed that Larry Dellaquila retired, when we're replacing him, okay? The other thing is, look, I know Kate Murray. I've worked with her before. I love Kate Murray. I think she's a wonderful, wonderful, woman, okay? What I hear you saying, though, is that Kate Murray can do the job that Chuck Cutolo could do in that she knows so many people in the County Legislature and the State, and can lobby for the College, and so, the thing I'm thinking of while I'm listening to the discussion is, where did each one of you come from? You're all here sitting on the Board of Trustees because somebody appointed you, and I'm going to guess that the person that appointed you was somebody very highly politically connected, okay? That it wasn't me, okay? And with all due respect, it wasn't Dr. Dolan or Ken Saunders, okay? It was somebody highly politically connected. So that means you have these political connections. And when you asked at the other meeting earlier, "What about private donations?", what about you guys stepping up to the plate and using your political connections that put you on this Board to help us get some of the money and some of the resources we need? And maybe it's a rhetorical question, but it's just there, alright? And I don't get it. But the other thing I want to say is--before I wish you a Merry Christmas--I want to mention that today is going to be President Debbie DeSanto's last day at a Board meeting as President of the NCCFT. My very dear friend and colleague Debbie is retiring on December 31st, and I just want to publicly wish her the very, very best.

Prof. Debra DeSanto, NCCFT President remarks as presented:

When I got up this morning, I was thinking about what am I going to say for my last three minutes as President of the NCCFT, and I think you all expect me to come up here, as I said I would do, and ask about the lines again, and obviously Frank made it pretty clear in his sentiments--and students and everybody else that spoke about it today. We haven't lowered our expectations, even after the meeting today. We still expect those lines to be replaced and to get as many of them as we possibly can. I don't know what else to say, other than tonight's meeting--I have so many questions about what ended up going on here about the resolution and about who might be coming in an "acting" position. We certainly would take faculty members in "acting" positions, and that's certainly something that we should consider for the long term. On that note, again, I think you know that I've been up here month after month after month and year after year. I sat in this room many times alone. Tonight we did not put a call out for the faculty to come. That's why the numbers aren't packing through the door here. I think if they would have seen what went on here, they might have been quite interested. The bottom line is we're going to continue to keep working for the students. You have our pledge on that, but we need your help, and we need the help by replacing as many of these faculty members as we possibly can. And we understand the situation, but, from the same token, let's really think about this and where we can put them, as many as we can put. I wish you a happy holiday, and good luck to all of you. Thank you.

Trustee Drucker: To you as well.

Chair Gardyn: I just want to have a couple comments. Frank, just to address something from you, I can assure you that you have a lot of members of the Board who are doing a lot of different things to try to improve the financial status of this institution. It's done behind the scenes. It's done so as to have the greatest impact on the College. It is being done. Debbie, I'd like to reach out to you, and on behalf of myself and the Board of Trustees, in my tenure here it has always been a pleasure to work with you, to discuss with you. I think that we've collegial respect. We don't always agree 100% with each other, and that's okay, but I want you to know that I have respected the role that you have played and what you have done for this College because--not just as the President of the NCCFT, but as a teacher at this institution for many years. So on behalf of the Board of Trustees, I'd like to say "bon voyage" and may all be well for you.

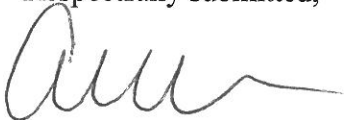
Chair Gardyn: To the rest of the faculty and the administration, I'd like to wish all a very safe and blessed holiday this season. May you all enjoy the love and comfort of your families, and may we work together with ensuing wisdom to try to move the College forward. I have faith in the Presidential search committee to be able to come back and try to get us a new recommendation for the next President of the College, and hopefully that'll be a process that will be completed in the first few months of next year.

Chair Gardyn announced the next Capital and Finance BOT Committee meeting is scheduled for Tuesday, January 12, 2016 at 5:00 p.m. followed by the Full Board meeting. The Board will open the public session between 6:15 and 6:30 p.m. and resume the public session approximately 7:30 p.m.

Chair Gardyn requested a motion to adjourn the meeting. Trustee Powers moved the motion; seconded by Trustee Jackson. Motion carried 9-0.

Meeting adjourned at 8:50 p.m.

Respectfully submitted,



Arnold Drucker
Secretary