

NASSAU COMMUNITY COLLEGE
Garden City, New York

BOARD OF TRUSTEES' MINUTES

Meeting of October 18, 2016

The six hundred and first meeting of the Board of Trustees was held on Tuesday, October 18, 2016 on the eleventh floor of the Administrative Tower. The meeting was called to order by Chair Gardyn at 6:30 p.m. followed by a salute to the flag.

Present: Jorge L. Gardyn, Chair
Kathy Weiss, Vice Chair
Arnold W. Drucker, Secretary;
John A. DeGrace, Linda H. Green
Wanda H. Jackson, Donna M. Tuman, Michael Hilt, Student Trustee.

Absent: Anthony W. Cornachio, Edward W. Powers

Also in attendance: President Keen

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 negotiations involving the Ungraded Administrators of NCC; 2) to discuss matters relating to negotiations involving the NCCFT; 3) to discuss litigation regarding Gorman et al. and 4) 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. Trustee Drucker moved the motion; seconded by Trustee Green. Motion carried 8-0.

Chair Gardyn resumed the open meeting at 7:31 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, Linda H. Green
Wanda H. Jackson, Edward W. Powers, Donna M. Tuman, Michael Hilt, Student Trustee.

Also in attendance: President Keen

Approval of Minutes

Chair Gardyn requested a motion to approve the minutes of September 13, 2016. Trustee Weiss moved the motion; seconded by Trustee Tuman. Motion carried 10-0.

1. Trustee Weiss introduced the following resolution:

RESOLVED, THAT THE NASSAU COMMUNITY COLLEGE BOARD OF TRUSTEES APPROVES THE PENDING COLLEGE PROCUREMENT AGREEMENT WITH BEST CLIMATE CORPORATION IN THE AMOUNT OF \$500,000.00 AS REQUESTED BY THE VICE PRESIDENT OF FACILITIES MANAGEMENT IS APPROVED BY THE NASSAU COMMUNITY COLLEGE BOARD OF TRUSTEES FINANCE AND CAPITAL COMMITTEE AND WILL BE RECOMMENDED TO THE

FULL BOARD OF TRUSTEES FOR APPROVAL. (FUNDING SOURCE: OPERATING BUDGET)

Chair Gardyn requested a motion to consider this item. Trustee Cornachio moved the motion; seconded by Trustee Green. Motion carried 10-0.

2. Trustee Hilt introduced the following resolution:

BE IT RESOLVED, THAT THE NASSAU COMMUNITY COLLEGE BOARD OF TRUSTEES ACCEPTS THE DONATION OF 200 YARDS OF ASSORTED PRINT AND SOLID KNITTED FABRICS FROM SCARLETT DRESS COMPANY.

Chair Gardyn requested a motion to consider this item. Trustee Weiss moved the motion; seconded by Trustee Tuman. Motion carried 10-0.

3. Trustee Powers introduced the following resolution:

BE IT RESOLVED THAT THE NASSAU COMMUNITY COLLEGE BOARD OF TRUSTEES AFFIRMS THE ACCEPTANCE OF 14 HAWORTH MODEL 3 DRAWER FILING CABINETS FROM UBM LLC.

Chair Gardyn requested a motion to consider this item. Trustee Drucker moved the motion; seconded by Trustee Weiss. Motion carried 10-0.

Chair Gardyn made a motion under Article IV section 3(f) of the Rules of Procedure to allow for the consideration of two items that did not appear on the Calendar. Trustee Green seconded the motion. Motion carried 10-0.

4. Trustee DeGrace introduced the following resolution:

WHEREAS, THE NASSAU COMMUNITY COLLEGE BOARD OF TRUSTEES RECOGNIZES THAT THE COLLEGE PREVIOUSLY RECEIVED A \$250,000 MEDICAL TECHNOLOGY GRANT FROM THE NEW YORK STATE SENATE, AND

WHEREAS, THE COLLEGE APPLIED FOR, AND WAS GRANTED MATCHING FUNDS IN THE AMOUNT OF \$250,000 FROM THE NEW YORK STATE DORMITORY AUTHORITY IN THE 2016 NYS CAPITAL BUDGET;

WHEREAS, NASSAU COUNTY HAS APPROVED AND ESTABLISHED THIS AS A CAPITAL PROJECT BY INCLUDING IT IN THE 2016 COUNTY CAPITAL PLAN, AND

WHEREAS, THESE STATE FUNDS MUST BE UTILIZED FOR CAMPUS CAPITAL IMPROVEMENTS, AND

THEREFORE, BE IT RESOLVED, THE NASSAU COMMUNITY COLLEGE BOARD OF TRUSTEES APPROVES THAT AN APPROPRIATION BE ESTABLISHED IN THE AMOUNT OF \$250,000 IN EQUAL REVENUE AND EXPENSES IN SUPPORT OF THIS PROJECT.

Chair Gardyn requested a motion to consider this item. Trustee Cornachio moved the motion; seconded by Trustee Tuman. Motion carried 10-0.

5. Trustee Jackson introduced the following resolution:

WHEREAS, THE NASSAU COMMUNITY COLLEGE BOARD OF TRUSTEES RECOGNIZES THAT THE COLLEGE PREVIOUSLY RECEIVED A \$250,000 FEDERAL GRANT FROM THE PERKINS GRANT PROGRAM, AND

WHEREAS, THE COLLEGE APPLIED FOR, AND WAS GRANTED MATCHING FUNDS IN THE AMOUNT OF \$250,000 FROM THE NEW YORK STATE DORMITORY AUTHORITY IN THE 2016 NYS CAPITAL BUDGET;

WHEREAS, NASSAU COUNTY HAS APPROVED AND ESTABLISHED THIS AS A CAPITAL PROJECT BY INCLUDING IT IN THE 2016 COUNTY CAPITAL PLAN, AND

WHEREAS, THESE STATE FUNDS MUST BE UTILIZED FOR CAMPUS CAPITAL IMPROVEMENTS, AND

THEREFORE, BE IT RESOLVED, THE NASSAU COMMUNITY COLLEGE BOARD OF TRUSTEES APPROVES THAT AN APPROPRIATION BE ESTABLISHED IN THE AMOUNT OF \$250,000 IN EQUAL REVENUE AND EXPENSES IN SUPPORT OF THIS PROJECT.

Chair Gardyn requested a motion to consider this item. Trustee Weiss moved the motion; seconded by Trustee Tuman. Motion carried 10-0.

6. Trustee Cornachio introduced the following resolution:

RESOLVED, THE NASSAU COMMUNITY COLLEGE BOARD OF TRUSTEES APPROVES AND ADOPTS THE 2016/17 CAPITAL PLAN.

Chair Gardyn requested a motion to consider this item. Trustee Green moved the motion; seconded by Trustee Tuman. Motion carried 10-0.

The Board of Trustees of Nassau Community College conducted a vote for election of Vice Chair during the public session. Trustee Weiss was elected as Vice Chair by a vote of 10-0.

Dr. Keen reported on the following items:

1. Middle States:

a. Commended the Board for its work on drafting Rules of Procedure and Formulation, Adoption and Amendment of Policies documents in response to the Middle States Commission's report of June 23, 2016 which are intended to be adopted at the November Board Meeting. These documents will become a reference manual that should well serve future operations. Those who are deeply involved in the work to address the deficiencies in the Standards identified by the Middle States Commission have been striving for a balance in the description of the challenges between emphasizing the importance of the endeavor while at the same time not raising alarm of the negative consequences were the Visiting Team in November to give a poor review. Achieving compliance with the accreditation standards and recommendations to reaffirm them will be difficult, but the College will realize its goal.

b. The Monitoring Report currently being prepared is critical in convincing the Visiting Team, and

ultimately the Middle States Commission, which will not meet until March 2017, of our commitment. The Team's findings will be shared shortly after its November visit. Our response is the first step in a longer process that will continue for up to two years in order to receive Middle States clearance that the College has addressed the deficient standards. The most serious deficiency concerns governance, which involves the Board, the administration and faculty. The essential outcome is that we must address these governance issues while preserving the cherished practice of shared governance in a higher education community. The Board is taking an important step in assembling and revising its policies. Even after we have followed the formal dictates of State Education law and rules and regulations that govern us, we still must do the hard work of building relationships within the community.

- c. The next challenges we face are in planning and internal governance structures. The strategic plan that is in place lapses with this academic year, and although it apparently has not been followed closely, the College needs a guide for its effective development within the existing environment. Planning is so intimately tied to the future of the College that it must engage the full campus community from the onset of devising the organizational structure. We also must devise a realistic plan, if one that largely takes place outside the experience of the Board.
2. The College must reexamine the development of the SUNY Performance Improvement Plan (PIP) directed by the SUNY Board of Trustees. PIP is not on record with SUNY and therefore the College is rendered ineligible to apply for certain funds provided within the context of PIP. The seventeen (17) elements of PIP are important not as a separate issue but in how they will be integrated into the development of the College plan.
3. It is also necessary in good faith to reform the internal governance structures that served the College and its Board, administration and faculty well for many years, but would no longer function effectively into the future in their current form. A rough draft of the response prepared by VP Collins and staff will be posted within a few days for feedback by the campus community. Any complete consideration of the internal governance structures would not be successful before the submittal of the Middle States response.
4. Although the report is not complete, enrollment, which has great implications to our functioning, has dropped just under 7%. After drops in enrollment for the two previous terms and the loss of over 100 professors during last academic year, with the replacement of only a few of the senior faculty, the impact of this decrease will not be easy to absorb during formulation of the next Spring budget.
5. He has been impressed by the academic vigor, social responsibility and full range of faculty and staff involvement in daily campus activities.
6. Acknowledged the approval of our capital bonding authority by the County Legislature, which will provide \$18M each from the County and State, and recognized Kate Murray for her persistent efforts in securing this funding.
7. Commended the NCC Foundation on its Men Who Cook event that raised money for the Foundation, and congratulated Stefan Krompfer and Joe Muscarella for their successful showings.
8. His attendance at a Student Government Association Senate meeting, and praised the outstanding student leaders.
9. Recognized the support of New York State Assembly Deputy Speaker Earlene Hooper from whom the College has received approval for a \$125,000 grant earmarked primarily for student recruitment, especially Latinos, who comprise a growing proportion of our student population.

10. The Association of Community College Trustees (ACCT) consultant from a prior training will be conducting another workshop on November 1, 2016.

Speakers

Evelyn Deluty, Chair of Academic Senate, expressed how a year ago last October she articulated concern for the integrity of the College's Middle States' self-study, which included statements about fiscal soundness that were contradicted by a dire financial state. The report's factual inaccuracies and misrepresentations of the Academic Senate, combined with a climate of secrecy, culminated in failure of half the Middle States Standards. Her optimism that the College will effectively resolve the failed seven Standards is largely owed to the leadership of Dr. Keen, who has taken steps to revive transparency and open communication. She stressed that the demonstration of progress on restoring Integrity applies beyond Standard 6, as, per Middle States, it "can manifest itself through the institution's conduct within each of the other Standards". As much as Dr. Keen's efforts in addressing the Middle States requirements are valued, premature passage of the Board policies would threaten this new collegial decision-making model that facilitates the governance channels among the Academic Senate, administration, President and Board of Trustees. She appealed for more time for the faculty to fulfill its Middle States charge of a formal review of roles and responsibilities and authorities of all constituencies in a thoughtful, deliberative, collaborative fashion and to allow the President to carry out his governance role to navigate this process. Anything less will not sustain the transparency and open communication Middle States requires for integrity in compliance with all Standards.

Trustee Cornachio stated that the Middle States November 1st deadline requires a demonstration of progress.

Dr. Deluty responded that progress should not be equated with passage of these policies by the November 1st date, as their passage without discussion would contradict the necessity to exhibit collegial collaboration and thus would not be a desired outcome. The Middle States Team would not expect the job to be completed by November 1st. At the August 3rd visit, the Team's overall message was that it wants evidence, and working together demonstrates clear progress.

Trustee Cornachio asked whether there has been progress by the faculty?

Dr. Deluty remarked that forums to discuss the Board of Trustees policies have been scheduled.

Dr. Keen added: 1) most of these policies, with a few exceptions, have existed for decades, and have simply been brought into focus as a consequence of Middle States scrutiny, leading to more serious consideration of their impact; 2) these policies were introduced at the September Board meeting, so, although delayed, there will be discussion into November; 3) these policies do not exceed in any way the education law and regulations of the State, the strictures in which the Board must operate; and 4) three upcoming public sessions have been scheduled to discuss the impact of these policies on the internal governance structure of the College.

Dr. Deluty replied that while the documents, since revised, may have previously existed, they had not been widely circulated. The faculty just learned of them six weeks ago, and had no access to them in September. Respect for statutes does not preclude the need for open discussion. She is asking to hold off on passage until the community has come together in agreement in the effort to build a collaborative process in order to avoid a negative reaction.

Chair Gardyn encouraged the faculty to bring specific items of concern to the scheduled public sessions and that those concerns will be brought to the Board's attention.

Dr. Deluty asserted that faculty members are working vigorously on the enormous undertaking of the Middle States report.

Trustee Cornachio reiterated that there is a compelling need for the Middle States Team to see concrete progress.

Frank Frisenda, NCCFT President, supported Dr. Deluty's remarks. He praised Dr. Keen for having scheduled and already conducted meetings with faculty, with several more planned for the future, and is grateful for the upcoming sessions on the Board policies. Underscoring that issues must be vetted, he expressed concern that the appearance of the Board forcing changes at a fragile time would not serve a constructive purpose. Everyone understands the sense of urgency, but engaged discussion with faculty leaders should be perceived by the Middle States Team as evidence of progress. While he appreciates the need for Policies 1200 and 1300, their enactment without appropriate evaluation would produce disenfranchisement. Let the faculty have the opportunity for its interpretation of these policies; let us not allow the attorneys and courts to decide for the College. He also thanked Drs. Keen and Collins for their competence, energy and honesty, and expressed hope that all groups will work together rather than at cross purposes. He offered Trustee Drucker best wishes in his prospective new legislative role in Mineola.

Chair Gardyn conveyed confidence that Trustee Drucker will become the new legislative representative for Plainview in the upcoming November election, praised his unparalleled integrity, energy, enthusiasm and oversight of the difficult Presidential search process as committee co-chair with Trustee Jackson, and extended a debt of gratitude for his service to the Board.

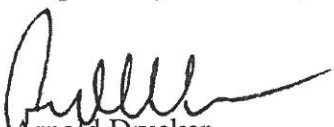
Trustee Drucker proffered that if fortunate to win the vote, he looks forward to his new challenge, which he would handle with the same commitment and passion that he brought to his Trustee role, but his election would be bittersweet, as he would feel sadness in leaving the College. Despite some contentiousness over the last four years, he has enjoyed his time serving the College immensely, has made lifetime friends, holds great respect for the faculty and administration, and thanked all for their support and friendship.

Chair Gardyn announced the next Capital and Finance BOT Committee meeting is scheduled for Tuesday, November 15, 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 Drucker moved the motion; seconded by Trustee Weiss. Motion carried 10-0.

Meeting adjourned at 8:10 p.m.

Respectfully submitted,


Arnold Drucker
Secretary