

**BOARD OF TRUSTEES  
THE CITY UNIVERSITY OF NEW YORK  
535 EAST 80TH STREET  
NEW YORK, NEW YORK 10021**

**REVISED  
C A L E N D A R**

**JANUARY 29, 2007**

**NO. 1. CHANCELLOR'S UNIVERSITY REPORT:** RESOLVED, That the Chancellor's University Report for January 29, 2007 (including Addendum and Errata Items) be approved:

EXPLANATION: The Chancellor's University Report consists of standard resolutions and actions of a non-policy nature which require approval by the Board of Trustees.

**NO. 2. APPROVAL OF MINUTES:** RESOLVED, That the minutes of the regular Board meetings and Executive Session of November 27, 2006 be approved.

**NO. 3. COMMITTEE ON ACADEMIC POLICY, PROGRAM, AND RESEARCH:** RESOLVED, That the following items be approved:

**A. GRADUATE SCHOOL AND UNIVERSITY CENTER – LETTER OF INTENT FOR A DOCTOR OF PUBLIC HEALTH (DPH):**

RESOLVED, That the letter of intent for a proposed program in Public Health leading to the Doctoral degree to be offered by the Graduate School and University Center, be approved, January 2007, subject to financial ability.

EXPLANATION: Currently, Brooklyn, Hunter and Lehman Colleges offer programs in Public Health leading to the Master's in Public Health degree and other closely related disciplines. In 2002, with the support of a CUNY Workforce Development Award, faculty from these campuses and the Graduate School convened a group of representatives from government agencies, large voluntary health organizations and research institutions, to elicit their views on workforce needs in public health. The participants who attended the meeting emphasized the difficulty of finding suitable candidates to fill senior level positions in public health, particularly urban public health, who have a deep understanding of complex health problems and a capacity to go beyond their specific (often narrow) expertise, and who can apply a variety of methodologies to a problem at hand.

In response, the faculty began to plan and develop a doctoral program to prepare graduates to fulfill a variety of needs at various levels in the public health sector. The letter of intent for a Doctoral program in Public Health evolved to meet the needs of public health professionals and researchers who have earned a Master of Public Health or related degree, have at least three years of public health related work experience, and who are interested in obtaining advanced education and skills that will enable them to become future leaders in public health.

Graduates of the proposed program are expected to meet the need for interdisciplinary public health researchers and practitioners who can work across levels of analysis, disciplines and social sectors (e.g., health, education, environment, criminal justice, etc.). Students will have the opportunity to specialize in one of four areas: Community, Society, and Health; Epidemiology; Occupational and environmental Health; or Health Policy and Management. All graduates will be prepared to serve as a resource for New York City and other urban areas on urban health issues.

**B. LEHMAN COLLEGE – TWO GRADUATE PROGRAMS IN EDUCATIONAL LEADERSHIP:**

RESOLVED, That the two programs in Educational Leadership, one leading to the Master of Science in Education degree in Educational Leadership as School Building Leader (SBL) and the other leading the Advanced Certificate in Educational Leadership as School District Leader (SDL), be approved, effective September 2007, subject to financial ability.

**EXPLANATION:** The purpose of the proposed programs is to prepare candidates for positions of school building leaders (e.g., principals, department chairs) and school district leaders (e.g., superintendents, assistant superintendents) in public school systems, with an emphasis on urban education, and to fulfill the New York State licensure requirements for School Building Leader and School District Leader. The curriculum is designed to integrate practice with theory. Extensive field-based experiences, in collaboration with schools and community agencies, will be a central component of these programs.

The basic need for these programs derives from three major factors: 1) the social, economic, and demographics of the Bronx and their correlation with education and student achievement; 2) the increasing demands for educational accountability that federal and state governments place on P-12 schools, the current need to prepare competent and committed P-12<sup>th</sup> grade principals, and region/district leaders who can manage these demands, effect positive change in urban schools, and increase learning among diverse-student populations; and 3) the contributions graduate programs in education leadership will make to Lehman College.

### **C. THE CITY UNIVERSITY OF NEW YORK – STUDENT COMPLAINT PROCEDURE:**

RESOLVED, That the procedures for handling student complaints about faculty conduct in formal academic settings be adopted, effective February 1, 2007.

**EXPLANATION:** Although the University and its Colleges have a variety of procedures for dealing with student-related issues, those procedures generally have not covered student complaints about faculty conduct in the classroom or other formal academic settings. The University respects the academic freedom of the faculty and will not interfere with it as it relates to the content or style of teaching activities. At the same time, however, the University recognizes its responsibility to establish procedures for addressing student complaints about faculty conduct that is not protected by academic freedom and not addressed in other procedures. The proposed procedures will accomplish this goal.

#### **PROCEDURES FOR HANDLING STUDENT COMPLAINTS ABOUT FACULTY CONDUCT IN ACADEMIC SETTINGS**

I. Introduction. The University and its Colleges have a variety of procedures for dealing with student-related issues, including grade appeals, academic integrity violations, student discipline, disclosure of student records, student elections, sexual harassment complaints, disability accommodations, and discrimination. One area not generally covered by other procedures concerns student complaints about faculty conduct in the classroom or other formal academic settings. The University respects the academic freedom of the faculty and will not interfere with it as it relates to the content or style of teaching activities. Indeed, academic freedom is and should be of paramount importance. At the same time the University recognizes its responsibility to provide students with a procedure for addressing complaints about faculty treatment of students that are not protected by academic freedom and are not covered by other procedures. Examples might include incompetent or inefficient service, neglect of duty, physical or mental incapacity and conduct unbecoming a member of the staff.

II. Determination of Appropriate Procedure. If students have any question about the applicable procedure to follow for a particular complaint, they should consult with the chief student affairs officer. In particular, the chief student affairs officer should advise a student if some other procedure is applicable to the type of complaint the student has.

III. Informal Resolution. Students are encouraged to attempt to resolve complaints informally with the faculty member or to seek the assistance of the department chairperson or campus ombudsman to facilitate informal resolution.

IV. Formal Complaint. If the student does not pursue informal resolution, or if informal resolution is unsuccessful, the student may file a written complaint with the department chairperson or, if the chairperson is the subject of the complaint, with the academic dean or a senior faculty member designated by the college president. (This person will be referred to below as the "Fact Finder.")

A. The complaint shall be filed within 30 calendar days of the alleged conduct unless there is good cause shown for delay, including but not limited to delay caused by an attempt at informal resolution. The complaint shall be as specific as possible in describing the conduct complained of.

B. The Fact Finder shall promptly send a copy to the faculty member about whom the complaint is made, along with a letter stating that the filing of the complaint does not imply that any wrongdoing has occurred and that a faculty member must not retaliate in any way against a student for having made a complaint. If either the student or the faculty member has reason to believe that the department chairperson may be biased or otherwise unable to deal with the complaint in a fair and objective manner, he or she may submit to the academic dean or the senior faculty member designated by the college president a written request stating the reasons for that belief; if the request appears to have merit, that person may, in his or her sole discretion, replace the department chairperson as the Fact Finder.

C. The Fact Finder shall meet with the complaining student and faculty member, either separately or together, to discuss the complaint and to try to resolve it. The Fact Finder may seek the assistance of the campus ombudsman or other appropriate person to facilitate informal resolution.

D. If resolution is not possible, and the Fact Finder concludes that the facts alleged by the student, taken as true and viewed in the light most favorable to the student, establish that the conduct complained of is clearly protected by academic freedom, he or she shall issue a written report dismissing the complaint and setting forth the reasons for dismissal and send a copy to the complaining student, the faculty member, the chief academic officer and the chief student affairs officer. Otherwise, the Fact Finder shall conduct an investigation. The Fact Finder shall separately interview the complaining student, the faculty member and other persons with relevant knowledge and information and shall also consult with the chief student affairs officer and, if appropriate, the college ombudsman. The Fact Finder shall not reveal the identity of the complaining student and the faculty member to others except to the extent necessary to conduct the investigation. If the Fact Finder believes it would be helpful, he or she may meet again with the student and faculty member after completing the investigation in an effort to resolve the matter. The complaining student and the faculty member shall have the right to have a representative (including a union representative, student government representative or attorney) present during the initial meeting, the interview and any post-investigation meeting.

E. At the end of the investigation, the Fact Finder shall issue a written report setting forth his or her findings and recommendations, with particular focus on whether the conduct in question is protected by academic freedom, and send a copy to the complaining student, the faculty member, the chief academic officer and the chief student affairs officer. In ordinary cases, it is expected that the investigation and written report should be completed within 30 calendar days of the date the complaint was filed.

V. Appeals Procedure. If either the student or the faculty member is not satisfied with the report of the Fact Finder, the student or faculty member may file a written appeal to the chief academic officer within 10 calendar days of receiving the report. The chief academic officer shall convene and serve as the chairperson of an Appeals Committee, which shall also include the chief student affairs officer, two faculty members elected annually by the faculty council or senate and one student elected annually by the student senate. The Appeals Committee shall review the findings and recommendations of the report, with particular focus on whether the conduct in question is protected by academic freedom. The Appeals Committee shall not conduct a new factual investigation or overturn any factual findings contained in the report unless they are clearly erroneous. If the Appeals Committee decides to reverse the Fact Finder in a case where there has not been an investigation because the Fact Finder erroneously found that the alleged conduct was protected by academic freedom, it may remand to the Fact Finder for further proceedings. The committee shall issue a written decision within 20 calendar days of receiving the appeal. A copy of the decision shall be sent to the student, the faculty member, the department chairperson and the president.

VI. Subsequent Action. Following the completion of these procedures, the appropriate college official shall decide the appropriate action, if any, to take. For example, the department chairperson may decide to place a report in the faculty member's personnel file or the president may bring disciplinary charges against the faculty member. Disciplinary charges may also be brought in extremely serious cases even though the college has not completed the entire investigative process described above; in that case, the bringing of disciplinary charges shall automatically suspend that process. Any action taken by a college must comply with the bylaws of the University and the collective bargaining agreement between the University and the Professional Staff Congress.

VII. Campus Implementation. Each campus shall implement these procedures and shall distribute them widely to administrators, faculty members and students and post them on the college website.

VIII. Board Review. During the spring 2009 semester, the Chancellery shall conduct a review of the experience of the colleges with these procedures, including consultation with administrators, faculty and students, and shall report the results of that review to the Board of Trustees, along with any recommended changes.

**NO. 4. COMMITTEE ON FACULTY, STAFF, AND ADMINISTRATION:** RESOLVED, That the following items be approved:

**A. BARUCH COLLEGE – ESTABLISHMENT OF THE DAVID KRELL CHAIR IN FINANCE AT THE ZICKLIN SCHOOL OF BUSINESS:**

RESOLVED, That the Board of Trustees of The City University of New York approve the establishment of the David Krell Chair in Finance at the Zicklin School of Business at Baruch College.

EXPLANATION: David Krell (MBA Class of 1971) has been a loyal alumnus, friend and supporter of Baruch College. He has served with distinction as a member of the Weissman Center for International Business Advisory Council. Mr. Krell has had a distinguished career in finance and business and is currently President and CEO of International Securities Exchange, Inc. He has provided a generous gift of \$2 million to endow a chair in finance.

Income from the endowment will assist the Zicklin School of Business in recruiting or retaining an outstanding senior faculty member of the Department of Economics and Finance.

**B. QUEENS COLLEGE – ESTABLISHMENT OF THE JERRY AND WILLIAM UNGAR PROFESSORSHIP IN JEWISH STUDIES:**

RESOLVED, That the Board of Trustees of The City University of New York approves the establishment of the Jerry and William Ungar Professorship in Jewish Studies.

EXPLANATION: William Ungar and his wife, Jerry Ungar (Queens College Class of 1982) have pledged a gift of \$500,000, payable to the Queens College Foundation, to endow this professorship. Should the Ungars not complete the gift during their lifetime, their estate will fulfill the remainder of the pledge.

Mr. Ungar, a Holocaust survivor, came to this country virtually penniless and founded the largest privately-held envelope company in the United States, National Envelope Corporation. He is the author of a number of books on the Holocaust and a member of the Queens College Center for Jewish Studies Advisory Board. In the past, Mr. and Mrs. Ungar have donated more than \$166,000 to the Queens College Center for Jewish Studies.

Funds from the endowment will support programs in the study of the Holocaust and tolerance.

**C. QUEENS COLLEGE – ESTABLISHMENT OF THE KALLINIKEION PROFESSORSHIP IN BYZANTINE HISTORY/BYZANTINE ART:**

RESOLVED, That the Board of Trustees of The City University of New York approves the establishment of the Kallinikeion Professorship in Byzantine History/Byzantine Art at Queens College of The City University of New York.

EXPLANATION: The Kallinikeion Foundation has donated \$400,000 to the Queens College Foundation towards the endowment of this professorship. While the total endowment for this Professorship is \$500,000, the Advisory Board of the Queens College Center for Byzantine and Modern Greek Studies has contributed \$100,000 to supplement the amount contributed by the Kallinikeion Foundation.

The late Alexandra Kallin, a Greek immigrant to the United States in the late 1930's, established the Kallinikeion Foundation. Ms. Kallin taught Greek both at the Greek American Institute in the Bronx and privately to the children of Greek ship owners who came to New York during World War II seeking refuge from the London bombings. One ship owner was so grateful for the education that his son received that he gave Ms. Kallin a substantial gift in 1944 which

she successfully invested in the stock market. She founded the Kallinikeion Foundation prior to her death in 2003 at the age of 97. While Ms. Kallin had no formal relationship with Queens College, her Foundation has supported the Center for Byzantine and Modern Greek Studies at Queens since she made the acquaintance of Professor Harry Psomiadis, the Center's founder and former director.

The mission of the Kallinikeion Foundation is the promotion of the study of the Greek language, both ancient and modern, and Greek and Byzantine culture.

Funds from the endowment will be used to support programs and the professorship in Byzantine History/Byzantine Art.

**D. THE CITY UNIVERSITY OF NEW YORK – POLICY ON ACCEPTABLE USE OF COMPUTER RESOURCES:**

RESOLVED, That the Policy governing the acceptable use of computer resources owned, operated, or contracted by The City University of New York be adopted, effective February 1, 2007.

**NOTE: A copy of the Policy on Acceptable Use of Computer Resources is on file in the Office of the Secretary of the Board.**

EXPLANATION: The current CUNY statement on the use of computer resources, entitled "The City University of New York Computer User Responsibilities", was last revised in 1995, before the use of e-mail and the Internet became commonplace modes of communication and information gathering. That statement was not presented to the Board for approval. The proposed policy is intended to address issues common to the various types and uses of current technology, particularly issues of privacy, confidentiality and security. The new policy also clarifies CUNY's right of access to CUNY computer resources in certain situations, as well as the limitations on that right. In addition, while the current statement prohibits all personal use of CUNY computer resources, the proposed policy permits incidental personal use under certain circumstances.

**E. COLLEGE OF STATEN ISLAND – NAMING OF THE ROTUNDA OF THE COLLEGE OF STATEN ISLAND LIBRARY, THE EDMOND L. VOLPE ROTUNDA:**

RESOLVED, That the Board of Trustees of The City University of New York approves the naming of the Rotunda of the College of Staten Island Library, the Edmond L. Volpe Rotunda.

EXPLANATION: Dr. Edmond L. Volpe, the first President of the College of Staten Island, served in that capacity from 1974 until 1994. In the early years of his tenure, Dr. Volpe presided over the complex mission of merging Staten Island Community College and Richmond College, an upper-division institution; during the later years of his presidency, he devoted much of his talent and energy to securing the site at Willowbrook where, in 1993, the College was finally unified in its present magnificent 204-acre home. The design and construction of the CSI Library, one of the campus' five new buildings, was of particular moment to Dr. Volpe, a respected scholar of American literature and, in particular, of William Faulkner. From 1954 to 1974, prior to his appointment as President, Dr. Volpe had been Professor of English at The City College of New York and, from 1964 to 1974, Chairperson of The City College English Department. The naming of the Library Rotunda is a fitting tribute to Edmond Volpe's significant and lasting contributions to the College of Staten Island and to The City University of New York.

**F. THE CITY UNIVERSITY OF NEW YORK – APPROVAL OF THE PERFORMANCE BONUS PROGRAM FOR FULL-TIME EXCLUDED INSTRUCTIONAL STAFF:**

RESOLVED, That the Board of Trustees of The City University approves the Performance Bonus Program for full-time Excluded Instructional Staff.

**NOTE: A copy of the Performance Bonus Program is on file in the Office of the Secretary of the Board.**

EXPLANATION: In an effort to recognize exceptional work in service to the University, and reward high performance of staff who are not represented by any Collective Bargaining Agent, the University proposes to introduce a bonus program which will allow eligible employees to receive lump sum, non-base bonuses subject to eligibility requirements and at the discretion of the College President.

**G. AMENDMENTS TO THE BYLAWS OF THE BOARD OF TRUSTEES:**

RESOLVED, That Articles VI and XI of the Bylaws be amended to read as follows:

**NOTE: Matter underlined is new; matter in brackets is deleted.**

## Section 6.1. INSTRUCTIONAL STAFF.

The instructional staff shall consist of the persons employed in the following titles:

Chancellor	Law school instructor
Executive vice chancellor	Law school library professor
Chief operating officer	Law school library associate professor
Senior vice chancellor	Law school library assistant professor
Vice chancellor	Law school adjunct professor
University administrator	Law school adjunct associate professor
University associate administrator	Law school adjunct assistant professor
University assistant administrator	Law school adjunct instructor
President	Law school lecturer
Vice president	Visiting professor
Assistant vice president	Visiting associate professor
University dean	Visiting assistant professor
University associate dean	Adjunct professor
University assistant dean	Adjunct associate professor
Dean	Adjunct assistant professor
Associate dean	Adjunct lecturer
Assistant dean	Lecturer (full-time)
Administrator	Lecturer (part-time)
Associate administrator	Instructor
Assistant administrator	Instructor (nursing science)
Distinguished professor	Research associate
Professor	Research assistant
Associate professor	Clinical assistant
Assistant professor	Senior registrar
Distinguished lecturer	Registrar
<u>Distinguished lecturer – medical series</u>	Associate registrar
<u>Distinguished lecturer – law school series</u>	Assistant registrar
Medical professor (basic sciences)	Registrar's assistant
Associate medical professor (basic sciences)	Chief college laboratory technician
Assistant medical professor (basic sciences)	Senior college laboratory technician
Medical lecturer	College laboratory technician
Adjunct medical professor (basic sciences)	Chief college physician
Adjunct associate medical professor (basic sciences)	College physician
Adjunct assistant medical professor (basic sciences)	Higher education officer
Adjunct medical lecturer	Higher education associate
Medical professor (clinical)	Higher education assistant
Associate medical professor (clinical)	Assistant to higher education officer
Assistant medical professor (clinical)	Business manager
Adjunct medical professor (clinical)	Assistant business manager
Adjunct associate medical professor (clinical)	Assistant to business manager
Adjunct assistant medical professor (clinical)	Placement director
Law school professor	Education and vocational counselor
Law school associate professor	Continuing education teacher
Law school assistant professor	

And in the Hunter college elementary school and  
Hunter College high school

Principal	Guidance counselor
Chairperson of department	Librarian
Teacher	College laboratory technician
Assistant teacher	Substitute teacher
Temporary teacher	<u>Occasional per diem substitute</u>
<u>teacher</u>	

And in the childhood centers

Teacher	Assistant teacher
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And in the educational opportunity centers (EOC)

Educational opportunity center adjunct lecturer  
Educational opportunity center adjunct college laboratory technician  
Educational opportunity center college laboratory technician  
Educational opportunity center higher education officer  
Educational opportunity center higher education associate  
Educational opportunity center higher education assistant  
Educational opportunity center assistant to higher education officer  
Educational opportunity center lecturer

#### Section 6.2. PERMANENT INSTRUCTIONAL STAFF-TENURE.

The permanent instructional staff shall consist of those persons who have been granted tenure under any of the provisions enumerated in subds. a, b, c, d, e, f, and g below and in section 6.3. subds. a, b, and d.

- a. (1) Appointments before September 1, 2006 – A person employed before September 1, 2006 full-time on an annual salary in the title of professor, associate professor, assistant professor, medical professor (basic sciences), associate medical professor (basic sciences), assistant medical professor (basic sciences), medical professor (clinical), associate medical professor (clinical), assistant medical professor (clinical), law school professor, law school associate professor, law school assistant professor, law school library professor, law school library associate professor, law school library assistant professor, instructor (nursing science), senior registrar, registrar, associate registrar, assistant registrar, chief college laboratory technician, senior college laboratory technician, college laboratory technician, and in the hunter college high school and hunter college elementary school (but not in the early childhood center program), principal, chairperson of department, teacher, guidance counselor, and librarian, or in any grade or position which the board in its discretion may add hereto, who after serving on an annual salary in any of the above titles for five years continuously, has been appointed or shall be appointed for a sixth full year, shall have tenure effective on the first day of September following his/her reappointment for the sixth full year.
- (2) Appointments on or after September 1, 2006 –
  - (a) A person employed on or after September 1, 2006 full-time on an annual salary in the title of professor, associate professor, assistant professor, medial professor (basic sciences), associate medical professor (basic sciences), assistant medical professor (basic sciences), medical professor (clinical), associate medical professor (clinical), assistant medical professor (clinical), law school professor, law school associate professor, law school assistant professor, law school library professor, law school library associate professor, law school library assistant professor, instructor (nursing science) or in any grade or position which the board in its discretion may add hereto, who after serving on an annual salary in any of the above titles for seven full years continuously, has been appointed or shall be appointed for an

- eighth full year, shall have tenure effective on the first day of September following his/her reappointment for the eighth full year.
- (b) A person employed on or after September 1, 2006 full-time on an annual salary in the title of senior registrar, registrar, associate registrar, assistant registrar, chief college laboratory technician, senior college laboratory technician, college laboratory technician, and in the hunter college high school and hunter college elementary school (but not in the early childhood center program), principal, chairperson of department, teacher, guidance counselor, and librarian, and in the educational opportunity centers, educational opportunity center college laboratory technician, or in any grade or position which the board in its discretion may add hereto, who after serving on an annual salary in any of the above titles for five full years continuously, has been appointed or shall be appointed for a sixth full year, shall have tenure effective on the first day of September following his/her reappointment for the sixth full year.
- b. Persons promoted to the rank of professor shall be granted tenure after not more than four years of continuous full-time service on an annual salary in positions on the instructional staff.
- c. A distinguished person of proven record appointed to the title of professor, who had tenure in another accredited institution of higher learning, may be appointed with immediate tenure by the board in its discretion.
- d. (1) Appointments before September 1, 2006 – A person appointed to the title of professor, associate professor, or assistant professor may be granted early tenure by the board in its discretion, under these bylaws, after not less than one nor more than five years of continuous satisfactory service on an annual salary basis, when such service is interrupted by the period of a fellowship deemed by the college valuable to it, when for a very substantial reason the college would be well served by such early grant of tenure or when the person has had tenure in another accredited institution of higher learning.
- (2) Appointments on or after September 1, 2006 – A person appointed to the title of professor, associate professor, or assistant professor may be granted early tenure by the board in its discretion, under these bylaws, after not less than one nor more than seven years of continuous satisfactory service on an annual salary basis, when such service is interrupted by the period of a fellowship deemed by the college valuable to it, when for a very substantial reason the college would be well served by such early grant of tenure or when the person has had tenure in another accredited institution of higher learning.
- e. A person who has attained tenure under one of the provisions of Section 6.2. or Section 6.3. of these bylaws in an educational unit under the jurisdiction of the board of trustees, and who is subsequently appointed to a comparable position on an annual salary basis in another education unit under the jurisdiction of the board, shall retain his/her tenure.
- f. The decision of the board to reappoint with tenure a person in a title for which seven years of full-time continuous service is required for achieving tenure shall be communicated in writing to the person affected not later than December first preceding the expiration of the seventh full year of service. The decision of the board to reappoint with tenure a person in a title for which five years of full-time continuous service is required for achieving tenure shall be communicated in writing to the person affected not later than December first preceding the expiration of the fifth full year of service. Where an appointee begins his/her service after September thirtieth the tenure period shall not begin until the succeeding September first, and when an appointment is made during the month of September, the appointment shall date as of September first of that year for the purposes of tenure.
- g. A person in a title on the permanent instructional staff who interrupts her service for maternity leave duly granted to her by the board shall not suffer from an interruption of the service period required for tenure. A period of creditable service immediately preceding such absence shall be counted in computing the years of service required by this section.

#### Section 6.4. ADMINISTRATIVE CERTIFICATE OF CONTINUOUS EMPLOYMENT.

- a. Persons who have been employed and have served as teachers or counselors in the title of lecturer continuously on a full-time basis for five or more years, or for ten or more semesters, and who were paid from tax levy funds, and who were reappointed effective as of September 1, 1969, for a sixth, or more, full-time continuous year, or for an eleventh, or more, full-time continuous semester, shall be granted an administrative certificate of continuous employment which shall be effective September 1, 1969.
- b. Persons who have been employed and who have served as teachers or counselors in the title of lecturer on a full-time basis for five, or more, years cumulatively since 1961 and who were employed to teach on a full-time basis in the title of lecturer effective as of September 1, 1969, may, upon their next reappointment to a teaching or counseling position in the title of lecturer (full-time), be granted an administrative certificate of continuous employment. (This provision shall be operative until September 1, 1971.)
- c. Persons who have been employed and have served as teachers or counselors for five full years and who are reappointed for a sixth full year of continuous full-time service in the title of lecturer (full-time), [or] medical lecturer, or educational opportunity center lecturer shall be granted an administrative certificate of continuous employment.

Where an appointee begins his/her service at any time after September thirtieth, the time toward the award of an administrative certificate of continuous employment shall not start to accrue until the first of September following the appointment, except that an appointment made during the month of September shall be deemed to be an appointment as of September first of that year for purposes of an administrative certificate of continuous employment.

- d. The administrative certificate of continuous employment shall be valid only in that college which issues the certification and shall carry with it the guarantee of full-time reappointment in that college subject to continued satisfactory performance, stability in academic program, sufficiency of registration, and financial ability.

#### Section 6.5. APPOINTMENTS WITHOUT TENURE.

Nothing contained in this article shall be construed as conferring or permitting tenure, or service credit toward the achievement of tenure in the positions of chancellor, executive vice chancellor, chief operating officer, sr. vice chancellor, vice chancellor, university administrator, university associate administrator, university assistant administrator, president, vice president, assistant vice president, university dean, university associate dean, university assistant dean, dean, associate dean, assistant dean, administrator, associate administrator, assistant administrator, director of campus schools, department chairperson, chief librarian, principal, supervisor, distinguished professor, distinguished lecturer, distinguished lecturer – medical series, distinguished lecturer – law school series, medical lecturer, adjunct medical professor (basic sciences), adjunct associate medical professor (basic sciences), adjunct assistant medical professor (basic sciences), adjunct medical professor (clinical), adjunct associate medical professor (clinical), adjunct assistant medical professor (clinical), adjunct medical lecturer, law school instructor, law school lecturer, law school adjunct professor, law school adjunct associate professor, law school adjunct assistant professor, law school adjunct instructor, visiting professor, visiting associate professor, visiting assistant professor, adjunct professor, adjunct associate professor, adjunct assistant professor, adjunct lecturer, higher education officer, higher education associate, higher education assistant, assistant to higher education officer, higher education intern, research associate, research assistant, clinical assistant, lecturer (full-time), lecturer (part-time), instructor appointed after October 1, 1968; business manager, assistant business manager, assistant to business manager, continuing education teacher, occasional per diem substitute teacher, educational opportunity center adjunct lecturer, educational opportunity center adjunct college laboratory technician, educational opportunity center higher education officer, educational opportunity center higher education associate, educational opportunity center higher education assistant, educational opportunity center assistant to higher education officer, educational opportunity center lecturer, all positions in the early childhood centers programs, or any other instructional positions not included on the permanent instructional staff, except that prior service as a full-time lecturer or lecturer (full-time) may be considered

toward the award of tenure to persons in a title on the permanent instructional staff. Appointment to any such non-tenure-bearing position, or removal therefrom, however, shall not deprive the person so appointed or removed of tenure in the highest position on the staff held with tenure prior to his/her appointment to such office, or conjointly with such office, nor shall such appointment or removal deprive any person of service credit toward the achievement of tenure under the provisions of this article.

Section 11.47. EDUCATIONAL OPPORTUNITY CENTER LECTURER.

A. Position Definition:

Educational opportunity center lecturers shall perform teaching and related faculty functions on a full-time basis.

B. Qualifications:

For appointment as an educational opportunity center lecturer, a person must possess a baccalaureate degree and such other qualifications as may be necessary for the satisfactory performance of his/her instructional functions.

Section 11.48. EDUCATIONAL OPPORTUNITY CENTER ASSISTANT TO HIGHER EDUCATION OFFICER.

A. Position Definition:

An educational opportunity center assistant to higher education officer shall, generally under the supervision of an educational opportunity center higher education officer or college dean, perform such administrative duties as may be assigned to him/her.

B. Qualifications:

For appointment as an educational opportunity center assistant to higher education officer, a candidate must have demonstrated satisfactory qualities of personality and character and ability to work with others for the good of the institution. He/she must show potential for significant achievement and growth. He/she must possess a baccalaureate degree.

Section 11.48. EDUCATIONAL OPPORTUNITY CENTER HIGHER EDUCATION ASSISTANT.

A. Position Definition:

The duties of an educational opportunity center higher education assistant are generally to serve as an assistant to one of the major educational officers of an educational opportunity center with responsibility for a limited area of planning, research or professional and/or administrative duties as may be assigned.

B. Qualifications:

For appointment as educational opportunity center higher education assistant, the candidate must have demonstrated satisfactory qualities of personality and character and ability to work with others for the good of the institution. He/she must have had at least four years of experience in one or more related areas and be sufficiently adaptable to apply such experience to the field in which his/her responsibility will lie. He/she must possess at least a baccalaureate degree and show definite potential for significant achievement and growth in the area to which he/she is assigned. An appropriate combination of education above the baccalaureate degree and demonstrable skills and/or years of experience may be substituted for the four years of experience in determining qualifications for the position of educational opportunity center higher education assistant.

Section 11.48. EDUCATIONAL OPPORTUNITY CENTER HIGHER EDUCATION ASSOCIATE.

A. Position Definition:

The duties of an educational opportunity center higher education associate are:

- a. To serve as deputy for an educational opportunity center higher education officer or
- b. To assume administrative responsibility, in most instances under the general supervision of an educational opportunity center higher education officer or college dean for some major area of educational opportunity center activity or
- c. To develop some major aspect of new programs.

B. Qualifications:

For appointment as an educational opportunity center higher education associate, a candidate must have demonstrated satisfactory qualities of personality and character and ability to work with others for the good of the institution. He/she must have had at least six years of related experience. He/she must be sufficiently well versed in the overall functions of the educational opportunity center to be able to serve as deputy for an educational opportunity center higher education officer, or to carry full responsibility, in most instances under the general supervision of a college dean for some major area of educational opportunity center activity. He/she must possess at least a baccalaureate degree and show evidence of exceptional achievement in his/her chosen field as well as potential for future growth. An advanced degree above the baccalaureate degree may be required as appropriate to perform the duties of a particular position. An appropriate combination of education above the baccalaureate degree and demonstrable skills and/or years of experience may be substituted for the six years of experience in determining qualifications for the position of educational opportunity center higher education associate.

Section 11.49. EDUCATIONAL OPPORTUNITY CENTER HIGHER EDUCATION OFFICER.

A. Position Definition:

The duties of an educational opportunity center higher education officer are:

- a. To assume full responsibility for the educational opportunity center activity or for a major activity thereof or
- b. To develop some major aspect of new programs.

B. Qualifications:

For appointment as educational opportunity center higher education officer, the candidate must have demonstrated satisfactory qualities of personality and character and ability to work with others for the good of the institution. He/she must have had at least eight years of related experience. He/she must be sufficiently well versed in the overall functions of an educational opportunity center to be able to assume full responsibility, answerable as a general rule to his/her college president or designee for the educational opportunity center or a major activity thereof. He/she must possess a baccalaureate degree and show evidence of exceptional achievement in his/her chosen field as well as potential for future growth. An advanced degree above the baccalaureate degree may be required as appropriate to perform the duties of a particular position. An appropriate combination of education above the baccalaureate degree and demonstrable skills and/or years of experience may be substituted for the eight years of experience in determining qualifications for the position of educational opportunity center higher education officer.

Section 11.50. EDUCATIONAL OPPORTUNITY CENTER COLLEGE LABORATORY TECHNICIAN.

A. Position Definition:

An educational opportunity center college laboratory technician shall perform laboratory functions and other technical duties of a highly skilled nature which are reasonably related to such functions but which are nevertheless non-teaching. An educational opportunity center college laboratory technician, for example, shall provide lecture support in the form of set-ups of equipment displays and demonstrations and laboratory support for experiments and for research. Each educational opportunity center shall develop a specific job description which will be related to the laboratory or technical requirements of the educational opportunity center. Where appropriate, the technician shall exercise some supervision.

B. Qualifications:

For appointment as an educational opportunity center college laboratory technician, a person, in addition to possessing knowledge and skills related to the discipline, shall be a high school graduate possessing one of the following sets of minimum additional qualifications: (a) four (4) years of work or experience appropriate to the requirements of the educational opportunity center at a level of competence comparable to that indicated by apprenticeship in the skilled trades, or (b) an associate degree and a minimum of two (2) years of experience of the type described above, or (c) a bachelor's degree in an area appropriate to the duties to be performed, or (d) an appropriate combination of at least four (4) years of education and work experience beyond high school.

The candidate shall have the personal characteristics needed to work effectively with students and staff.

Section 11.51. EDUCATIONAL OPPORTUNITY CENTER ADJUNCT LECTURER.

A. Position Definition:

A person employed as an educational opportunity center adjunct lecturer shall be assigned to teach part-time or perform related duties on a part-time basis at an educational opportunity center.

B. Qualifications:

For appointment as an educational opportunity center adjunct lecturer a person must have those qualifications or professional achievement and training comparable to those of faculty members in the rank of educational opportunity center lecturer.

Section 11.52. EDUCATIONAL OPPORTUNITY CENTER ADJUNCT COLLEGE LABORATORY TECHNICIAN.

A. Position Definition:

A person employed as an educational opportunity center adjunct college laboratory technician shall perform the duties of an educational opportunity center college laboratory technician on a part-time basis.

B. Qualifications:

For appointment as an educational opportunity center adjunct college laboratory technician a person must have the same qualifications as an educational opportunity center college laboratory technician.

**EXPLANATION:** In the 2002-2007 PSC/CUNY collective bargaining agreement, the University negotiated an enhanced opportunity for the Sophie Davis School of Biomedical Education and the CUNY Law School to use the distinguished lecturer title with salaries in line with the schools' other salary schedules. The occasional per diem substitute title provides the Hunter College Elementary School and the Hunter College High School an option for

covering occasional teacher absences. The proposed amendments incorporate these new titles into the list of instructional staff and the list of appointments without tenure.

The titles in the educational opportunity centers have been approved by the Board of Trustees in successive PSC/CUNY collective bargaining agreements since 1980. The purpose of this resolution is to incorporate the existing titles in the Bylaws with statements of the duties and qualifications for each title. An amendment to Section 6.2.a(2)(b) is proposed to recognize that educational opportunity center college laboratory technicians may achieve tenure under the terms stated therein. An amendment to Section 6.4.c. is proposed to recognize that educational opportunity center lecturers may achieve an administrative certificate of continuous employment under the terms stated therein.

#### **H. THE CITY UNIVERSITY OF NEW YORK – CONTINUATION OF MILITARY LEAVE AND EMPLOYER-PAID HEALTH AND WELFARE BENEFITS COVERAGE FOR UNIVERSITY EMPLOYEES RECALLED FROM THE RESERVES TO ACTIVE MILITARY SERVICE:**

RESOLVED, That the Board of Trustees of The City University of New York, in response to the continuing need for employees in the National Guard and Reserves to be activated for Military Service in response to the events of September 11, 2001, and in light of the wider campaign against terror, including military action in Iraq, hereby authorizes the continuation of Military Leave and Health and Welfare benefits for University employees in accordance with the following policies. These policies apply to employees of The City University of New York who are members of the National Guard, Reserve forces, or Reserve components of the armed forces of the United States.

##### **1. Supplemental Military Leave**

(a) The City University of New York will provide a temporary leave category called Supplemental Military Leave at full pay. Employees of The City University of New York who have been federally activated or activated by the Governor of New York State for military service between September 11, 2001 and December 31, 2007 will be granted Supplemental Military Leave with full pay after the exhaustion of military leave with full pay pursuant to Section 242 of the New York State Military Law. While on such Supplemental Military Leave, the eligible employee will be in full pay status for a period not exceeding 30 calendar days or 22 working days, whichever is greater, in addition to the leave that had been granted pursuant to Section 242 of the New York State Military Law.

(b) Employees shall be eligible to receive Supplemental Military Leave through December 31, 2007. Supplemental Military Leave shall not be granted for military service performed after December 31, 2007. In no event shall more than one such grant of Supplemental Military Leave be credited to any employee for activation related to the war on terror regardless of the number of times the employee is activated between September 11, 2001 and December 31, 2007.

##### **2. Military Leave At Reduced Pay**

(a) Employees shall be eligible to receive Military Leave at Reduced Pay through December 31, 2007. Military Leave at Reduced Pay status commences after the employee has exhausted Military Leave pursuant to Section 242 of the New York State Military Law, Supplemental Military Leave as set forth in paragraph 1 above, and any leave credits, other than temporary disability leave or sick leave, which the employee elects to use.

(b) Employees in Military Leave at Reduced Pay status will be paid their regular City University of New York salary (base pay) reduced by military pay (base pay plus housing and food allowances). The determination of rate of payment for the Military Leave at Reduced Pay will be based upon the employee's regular City University of New York salary as of his/her last day in full pay status and the employee's military pay on the first day of his/her activation, and shall not be subject to adjustment during the period of leave at reduced pay.

(c) Employees eligible for Military Leave at Reduced Pay will not be eligible to earn annual and temporary disability leave/sick leave accruals or to receive credit for holidays.

(d) In no event shall Military Leave at Reduced pay be granted for military service performed after December 31, 2007.

### 3. Continued Health Insurance Coverage

Covered dependents of eligible employees of The City University of New York, who are currently enrolled in a health plan with family coverage through The City University of New York and who have been federally activated or activated by the Governor of New York State for military service related to the war on terror shall continue to receive health insurance coverage with no employee contribution for a period not to exceed 12 months from the date of activation, less any period in which the employee remains in full-pay status. Contribution-free health insurance coverage will end at such time as the employee's active duty is terminated or the employee returns to City University of New York employment or December 31, 2007, whichever occurs first.

### 4. Other Provisions

The provisions of this resolution shall not apply to those employees who have voluntarily separated from City University of New York service or who are terminated for cause. Furthermore, the provisions of this resolution shall apply only for the period of time that the employee has an appointment with The City University of New York.

EXPLANATION: On October 22, 2001, November 18, 2002, March 29, 2004 and February 28, 2005 the Board of Trustees passed resolutions extending Military Leave and employer-paid health and welfare benefits coverage for University employees recalled from the Reserves to active military service in response to the events of September 11, 2001. This resolution authorizes the continuation of these benefits through December 31, 2007 in response to the need for employees to serve in the Armed Forces in light of the continuing evolution of the response to September 11, 2001 into a wider campaign against terror, including military action in Iraq.

This resolution, consistent with the policies being followed by the State of New York for its employees, authorizes, under certain conditions, the continuation of Supplemental Military Leave at full pay for the greater of 30 calendar days or 22 working days, in addition to the Military Leave provided pursuant to Section 242 of the New York State Military Law. Further, after exhaustion of the Supplemental Military Leave, this resolution authorizes a Military Leave at Reduced Pay for military service performed through December 31, 2007, whereby the employee will receive salary from The City University of New York equal to the difference between the employee's regular CUNY salary and the military pay he/she is receiving. Finally, this resolution authorizes the continuation (through December 31, 2007) of dependent health care coverage, under certain conditions, for employees recalled to active service related to the war on terrorism (less any period in which the employee remains in full-pay status).

**NO. 5. HONORARY DEGREE:** RESOLVED, That the following honorary degree, approved by the appropriate faculty body, the college president and recommended by the Chancellor, be presented at the commencement exercise as specified:

**COLLEGE**

**DEGREE**

**HUNTER COLLEGE**

Sonia Sanchez

Doctor of Humane Letters

(Awarded at the January 18, 2007 Winter Commencement Exercises, following consultation with the Board of Trustees)