

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

**REVISED
CALENDAR**

SEPTEMBER 25, 2006

NO. 1. UNIVERSITY REPORT: RESOLVED, That the University Report for September 25, 2006 (including Addendum and Errata Items) be approved:

EXPLANATION: The University Report consists of the highlights of the personnel actions and other resolutions of a non-policy nature which require approval by the Board of Trustees.

NO. 2. CHANCELLOR'S REPORT: RESOLVED, That the Chancellor's Report for September 25, 2006 (including Addendum and Errata Items) be approved:

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

NO. 3. APPROVAL OF MINUTES: RESOLVED, That the minutes of the regular Board meetings and Executive Session of June 26, 2006 be approved.

NO. 4. COMMITTEE ON FACILITIES, PLANNING, AND MANAGEMENT: RESOLVED, That the following items be approved:

A. THE CITY UNIVERSITY OF NEW YORK – PURCHASE OF 35 WEST 67TH STREET:

Pursuant to action taken by the Board of Trustees on June 25, 1984 (Cal. No. 6.R.), approval of the following resolution was reported to the Board and certification of such approval is on file in the Office of the Secretary of the Board.

RESOLVED, That the Board of Trustees of The City University of New York authorize the University to purchase the building at 35 West 67th Street, New York, New York for use by the Honors College for an amount not to exceed \$30,875,000. The Contract to Purchase and related documents shall be subject to approval as to form by the University Office of General Counsel. The General Counsel is authorized to sign any documents necessary to effectuate the purchase.

EXPLANATION: The University has identified this building and wishes to purchase it as a headquarters for the Honors College. The sources of the funds to purchase the building are a private gift of \$30 million, for which the gift instrument will be executed prior to the University's signing of the Contract to Purchase, and state capital funds under the CUNY Capital Matching Program. It is anticipated that the gift will be made in installments not to exceed eight years, and the University will obtain commercial credit to finance the purchase of the building during that period and based on the gift commitment.

(Approved by Benno C. Schmidt, Jr. (8/23/06), Wellington Z. Chen (8/23/06), Joseph J. Lhota (8/23/06), Randy M. Mastro (8/23/06).

B. THE CITY UNIVERSITY OF NEW YORK – GUARANTEE OF LOAN FOR HONORS COLLEGE BUILDING AT 35 WEST 67TH STREET:

Pursuant to action taken by the Board of Trustees on June 25, 1984 (Cal. No. 6.R.), approval of the following resolution was reported to the Board and certification of such approval is on file in the Office of the Secretary of the Board.

RESOLVED, That the Board of Trustees of The City University of New York authorize the University to guarantee a commercial loan, to be obtained by the CUNY Honors College Foundation, for the purchase of the building at 35 West 67th Street, New York, New York for use by the Honors College in an amount not to exceed \$28,000,000 and to provide security for that guarantee in the form of a mortgage and an assignment of the Pledge Agreement between the University and William E. Macaulay. The guarantee, mortgage, assignment and related documents shall be subject to approval as to form by the University Office of General Counsel. The General Counsel is authorized to sign any documents necessary to effectuate the guarantee.

EXPLANATION: The University has entered into a contract to buy this building as a headquarters for the Honors College, pursuant to the authority provided by the Board in a Resolution adopted August 23, 2006. As provided in the explanation to that Resolution, one of the sources of the funds to purchase the building is a private gift of \$30 million. The University has since received the fully executed Pledge Agreement from the donor, William E. Macaulay. As previously noted, the gift will be paid in installments extending through January 2014. In order to finance the purchase of the building during that period, the CUNY Honors College Foundation will obtain a commercial loan in an amount not to exceed \$28,000,000, which will be guaranteed by the University. The security for that guarantee will be a mortgage on the building and an assignment of the Pledge Agreement.

(Approved by Benno C. Schmidt, Jr. (9/20/06), Wellington Z. Chen (9/20/06), Joseph J. Lhota (9/20/06), Randy M. Mastro (9/21/06).

NO. 5. COMMITTEE ON FACULTY, STAFF, AND ADMINISTRATION: RESOLVED, That the following items be approved:

A. THE CITY UNIVERSITY OF NEW YORK – AMENDMENTS TO THE BYLAWS OF THE BOARD OF TRUSTEES:

RESOLVED, That Section 6.2 of the Bylaws be amended to read as follows (Note: New wording is underlined – old wording is crossed out):

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 after June 16, 1968 before September 1, 2006 – A person employed ~~after June 16, 1968, 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 ~~any~~ 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.

(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, 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) 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, 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.

EXPLANATION: The proposed Bylaw revisions reflect changes made in New York State Education Law Section 6212. Those statutory changes in turn implement paragraph 4 of the Memorandum of Agreement for a Successor Agreement between The City University of New York and the Professional Staff Congress/CUNY ("PSC"), which agreement was executed in May 2006 and subsequently ratified by the PSC's membership and approved by the Board. The University advocated for this change because it seeks permanent faculty who are able to make significant contributions to their fields through research and scholarly writing, as well as being excellent teachers and engaging in service to their colleges. The five-year time frame, which was shorter than that at most other institutions of higher education, was often too short for faculty members to build sufficient research and publication records to support a decision to grant tenure, particularly in light of the long lead times that exist to get a book published or to have material accepted and published in leading journals and to have scientific research projects begin to yield results. In addition, the focus on publications in a short time period had often left untenured faculty with insufficient time to participate fully in the life of the college and its students, including service on departmental and college committees.

In addition, under the proposed amendments to the Bylaws, the Board will have the option in the future to create new titles and to determine whether five or seven years will be required for tenure for those titles.

B. COLLEGE OF STATEN ISLAND – NAMING OF BUILDING 2N TO JOHN J. MARCHI HALL:

RESOLVED, That the Board of Trustees of The City University of New York approve the naming of Building 2N of the College of Staten Island, which houses the History and Political Science departments, "John J. Marchi Hall."

EXPLANATION: Senator Marchi has announced his retirement from an impressive 50-year career in elected office representing Staten Island, during which he has been a pivotal advocate of the mission of public education and a particular friend of the College of Staten Island and The City University of New York. He was instrumental in the creation of the College of Staten Island through the combination of Richmond College and Staten Island Community College, and his dedicated efforts helped ensure CSI's move to its current 204-acre site.

In 1999, Senator Marchi donated his papers to The Archives and Special Collections at the College of Staten Island, a repository for the historic work of civic, community, and political leaders that was made possible by New York State Legislative Initiative Funds. The Senator has also directly secured State support of capital projects at CSI and other CUNY colleges, scholarships and teacher education at CSI, the CSI Center for the Arts, and the Institute for Macromolecular Assemblies.

Beyond CSI and CUNY, the Senator's commitment to Staten Island and its constituents over the last 50 years is well documented. He has been continuously active in the development of legislative initiatives for the improvement of public education, and has been equally influential in improving the quality of public life: as a recent example, he was the driving force behind the closure of the Fresh Kills Landfill in 2001.

This resolution is intended to recognize the extraordinary contributions Senator John J. Marchi has made to the College of Staten Island, The City University of New York, the Borough of Staten Island, and the State of New York.

C. (ADDED ITEM) THE HONORS COLLEGE – ACCEPTANCE OF GIFT; NAMING OF THE HONORS COLLEGE THE "WILLIAM E. MACAULAY HONORS COLLEGE"; NAMING OF THE BUILDING AT 35 WEST 67TH STREET, MANHATTAN THE "MACAULAY HONORS COLLEGE CENTER":

RESOLVED, That the Board of Trustees of The City University of New York accept a gift of Thirty Million (\$30,000,000.00) Dollars (and any future contributions) from William E. Macaulay to purchase a building to house the Honors College and to establish the "William E. Macaulay Honors College Endowment". The General Counsel is authorized to sign any documents necessary to effectuate the gift; and, be it further

RESOLVED, That the Board of Trustees of The City University of New York approve the naming of the Honors College the "William E. Macaulay Honors College" of The City University of New York; and, be it further

RESOLVED, That the Board of Trustees of the City University of New York approve the naming of the building to be purchased by the University located at 35 West 67th Street, Manhattan (or any alternate site in Manhattan or any successor building) the "Macaulay Honors College Center".

EXPLANATION: William E. Macaulay is a 1966 Honors graduate of The City College of New York, where he majored in Economics, and is a member of the CUNY Business Leadership Council. He holds an MBA from the Wharton School of the University of Pennsylvania and has served as a member of its Executive Board. He was with Oppenheimer and Co., Inc., from 1972 to 1982, where he served as Director of Corporate Finance with responsibility for investing Oppenheimer's capital in private equity transactions. He also served as a General Partner and member of the Management Committee of Oppenheimer & Co., as well as President of Oppenheimer Energy Corporation.

Mr. Macaulay was a co-founder of First Reserve in 1983, where he is responsible for supervision of all aspects of the firm's investment program and strategy, as well as overall management of the firm. Mr. Macaulay serves, or has served, as a director on the boards of ten of the world's 50 largest oilfield service companies with public market capitalizations in excess of \$1 billion. The CUNY Honors College is a flagship program of the University designed to raise educational standards and encourage University-wide collaboration and excellence. It has attracted students who have demonstrated scholastic strength and broad intellectual curiosity through their high school academic records, standardized test scores, extracurricular involvement and other academic criteria. The Honors College draws on the vast resources of CUNY and New York's cultural, scientific, government, and business communities to provide its students a broad-based and challenging liberal arts education.

Mr. Macaulay's gift is in part for the purchase of the Steinhardt Building, a Gothic revival structure at 35 West 67th Street, currently the home of the Makor and Daytime@ programs of the 92nd Street Y. The building will provide the Honors College with state-of-the-art classroom space, a lecture hall, seminar and meeting rooms, administrative offices, a dining hall and other common gathering space for students. The gift will also be used to create an endowment to support the programs and operations of the Honors College in perpetuity. The gift will be paid to the University in annual installments extending through January 2014 although Mr. Macaulay has the option to accelerate the payment dates.

NO. 6. COMMITTEE ON STUDENT AFFAIRS AND SPECIAL PROGRAMS: RESOLVED, That the following item be approved:

A. THE CITY UNIVERSITY OF NEW YORK – APPLICATIONS FOR ADMISSION: FRAUDULENT DOCUMENTS AND OMISSION OF INFORMATION:

RESOLVED, That the Board of Trustees approve the following amended policy concerning the submission of fraudulent documents and the omission of information in support of an application for admission (Note: New wording is underlined – old wording is crossed out):

THE CITY UNIVERSITY OF NEW YORK
POLICY ON THE SUBMISSION OF FRAUDULENT DOCUMENTS AND ON THE
OMISSION OF INFORMATION
IN SUPPORT OF AN APPLICATION FOR ADMISSION

The submission of documents in support of applications for admission such as transcripts, diplomas, test scores, references, or the applications themselves, that are forged, fraudulent, altered from the original, materially incomplete, obtained under false pretenses, or otherwise deceptive (collectively referred to as fraudulent documents) is prohibited by The City University of New York (CUNY) and may be punishable by: a bar on applying for admission, suspension, and/or expulsion. The term "applications for admission" includes transfer applications.

Materially incomplete applications include applications that fail to include all prior post-high school college level courses, regardless of whether (i) the courses were taken at a post-secondary institution in the United States or

outside the United States, (ii) the applicant received a degree at the post-secondary institution (iii) the applicant is seeking credit for such courses, or (iv) the applicant is changing majors/careers.

PROCEDURES FOR IMPOSITION OF SANCTIONS

I. Pre-Enrollment

Whenever an applicant for admission to any college of CUNY submits, as part of an admission application, a document that is found to be fraudulent before an admission decision is made or before the applicant has enrolled, the applicant shall be barred from enrolling in any college of CUNY the year of the application and for a period of five years after the year of the application that contained the fraudulent material. If done a second time, there shall be a lifetime ban on admission to any college of CUNY. In the event of the submission of fraudulent documents, CUNY will notify the applicant in writing of this prohibited act and the penalty, and advise the applicant of the opportunity to appeal the decision in writing to the Vice Chancellor for Student Development ~~and Enrollment Management~~. The applicant may then submit a written statement and evidence demonstrating that the document is not fraudulent or advancing some other defense. The Vice Chancellor may reduce or withdraw the penalty, if he or she finds the document to be authentic, that the submission of the document was not the fault of the applicant, or otherwise deems it appropriate.

II. Post-Enrollment

If, after a student has completed registration or begun classes in a CUNY college, it is found that the student had submitted a fraudulent document in support of an application for admission, the student shall be suspended from CUNY for five years. A second offense shall result in expulsion. The suspension or expulsion shall apply to all colleges of CUNY. The accused student shall be notified of such suspension or expulsion in writing and shall be entitled to appeal within 30 days of receiving notification and request a hearing pursuant to Article XV of the CUNY Bylaws, at which the college faculty-student disciplinary committee shall determine the facts, based upon which the disciplinary committee may, if persuaded that the document is authentic or that another defense is demonstrated, withdraw or a reduce the penalty. The penalty shall not take effect until after the period to appeal has expired or upon the completion of the hearing. An adverse decision of the disciplinary committee shall be appealable by the accused student to the college president and a Board committee pursuant to Article XV of the CUNY Bylaws.

III. Post-Graduation

If, after a student has graduated, it is found that the graduate submitted a fraudulent document in support of an application for admission, then he or she shall be notified in writing. The accused graduate shall be entitled to a hearing pursuant to Article XV of the CUNY Bylaws, at which the college faculty-student disciplinary committee shall determine the facts, based upon which the disciplinary committee may make a decision to impose a penalty of suspension from CUNY for five years, and may also recommend the revocation of the degree or certificate that had been awarded to the student. A second offense shall result in expulsion. The suspension or expulsion shall apply to all colleges of CUNY. An adverse decision of the disciplinary committee imposing a suspension or expulsion shall be appealable to the college president and a Board committee pursuant to Article XV of the Bylaws. In the event the disciplinary committee recommends the revocation of a degree or certificate, the degree or certificate shall be revoked upon approval by the Board of Trustees after considering the recommendation of the faculty of the college.

~~IV.~~ NOTIFICATION TO THE VICE CHANCELLOR

The Vice Chancellor for Student Development ~~and Enrollment Management~~ shall be notified of all bars from applying for admission, suspensions, and expulsions under this policy and shall implement them on a University-wide basis.

~~V.~~ DISSEMINATION

CUNY officials shall publicize this policy and its penalties. Where appropriate, CUNY officials shall share the decisions, findings and supporting evidence on specific cases with civil and criminal authorities.

Effective Date: October 1, 2006

EXPLANATION: In October 2004, the Board adopted a policy on the submission of fraudulent admissions documents in order to address the increased frequency with which officials of CUNY and its constituent campuses had been receiving fraudulent applications for admission and fraudulent documents in support of applications for admission. This policy was also intended to apply to admissions applications that were fraudulent because of the omission of material information, including information on attendance at post-secondary institutions both within and outside of the United States.

Since the policy's adoption, there have been numerous instances of applicants omitting information about post-secondary education from their applications. Therefore, the University wishes to amend the wording of its policy to make it absolutely clear that (i) the omission of information from applications, including but not limited to information about post-secondary education, is fraudulent; and (ii) the omission of information will subject the applicant to the same penalties – a five-year bar on admission to CUNY for the first offense and a lifetime bar thereafter – as the submission of fraudulent documents such as transcripts, diplomas, test scores and references.

NO. 7. HONORARY DEGREES: RESOLVED, That the following honorary degrees, approved by the appropriate faculty body, the college president and recommended by the Chancellor, be presented at the commencement exercise as specified:

COLLEGE	DEGREE
LEHMAN COLLEGE	
Tatsuo Tanaka	Doctor of Humane Letters

(Awarded at the August 31-September 3, 2006, "Building a Just and Sustainable Peace" Global Conference in Hiroshima, Japan, following consultation with the Board of Trustees)

MEDGAR EVERS COLLEGE	
Maxwell Lemuel Roach	Doctor of Music
Leonard Gaskin	Doctor of Music

(To be awarded at the December 6, 2006 Convocation Ceremony)