

NASSAU COMMUNITY COLLEGE  
Garden City, New York 11530

**Board of Trustees Policy & Planning Committee Meeting Minutes**

September 12, 2017

The meeting of the Policy & Planning Committee of the Board of Trustees was held on the eleventh floor of the Administrative Tower. The meeting was called to order by Chair DeGrace at 5:50 p.m.

Committee Members Present: John DeGrace, Chair  
Donna Tuman  
Kathy Weiss  
Thérèse Russell  
Jorge Gardyn (ex-officio)

Also in Attendance: Linda Green  
President Keen  
Interim VP Valerie Collins, VP Muscarella, VP Reznik

Chair DeGrace requested a motion to approve the minutes of June 27, 2017. Trustee Weiss moved the motion. Trustee Tuman seconded the motion. Motion carried 4-0.

1. Chair DeGrace introduced the following resolution:

**WHEREAS**, on June 27, 2017 the Board of Trustees adopted a resolution containing the following decretal paragraphs:

***NOW THEREFORE BE IT RESOLVED***, that the Board directs the President of the College as described in Nassau Community College Board of Trustees Rules of Procedure (Policy 1200) and in New York State Regulations (8NYCCR 604.3), to undertake the establishment of a system of shared governance, with due consideration of the important role of the faculty in the administration and advancement of the College, while recognizing the genesis of the College's Academic Senate contained in Article 20 of the labor agreement between the College and the Nassau Community College Federation of Teachers, and

***BE IT FURTHER RESOLVED*** that upon identifying best practices in shared governance, the President shall establish a system of internal governance ensuring faculty participation in governance required by 8 NYCCR 605.1 that shall fully comport with the aforementioned Middle States Commission's Standards 4 and 5, and

***BE IT FURTHER RESOLVED*** that the Board declares that the Academic Senate Bylaws are not legally binding on the Board and the Board possesses authority to promulgate alternate procedures and mechanisms to ensure appropriate faculty participation in governance, as required by law, Board policy, and regulation, and

***BE IT FURTHER RESOLVED*** that the President is directed to present to the Board on or before September 1, 2017 the aforesaid system of internal governance for the purpose of consultation with faculty on those aspects of institutional functioning as required by state statute, regulation and Board policy, and in accord with the advisory role of the

*faculty to the extent described in Section 20 of the labor agreement between the College and the Nassau Community College Federation of Teachers, and*

**WHEREAS**, the Nassau Community College Federation of Teachers (NCCFT), having been previously placed on notice that it was the intention of the Board of Trustees to adopt the aforesaid resolution on June 27, 2017, informed the COLLEGE that it was seriously considering instituting litigation against the College asserting that the aforesaid action of the Board of Trustees of the COLLEGE was arbitrary, capricious and/or unreasonable, specifically contesting by way of a CPLR Article 78 proceeding the authority of the BOARD OF TRUSTEES to vitiate the bylaws of the Senate by replacing the same with a structure in compliance with 8 NYCRR 605.1, and the directives of the Middle States Commission, and substantive changes made by the structure to be promulgated by the President in compliance with 8 NYCRR 605.1, and the directives of the Middle States Commission, and

**WHEREAS**, on June 23, 2017, the College and the NCCFT executed an Agreement to Arbitrate, wherein the parties agreed to resort to binding arbitration to resolve their differences rather than resort to litigation - motivated by the mutual desire and need to resolve the subject issues prior to the commencement of the ensuing academic year to ensure compliance with pending Middle States Commission directives respecting the COLLEGE'S accreditation, and

**WHEREAS**, following the aforesaid resolution Dr. Keen prepared a draft set of bylaws in consultation with the Governance Review Task Force (GRTF) that he had previously convened, consisting of Chair of the Academic Senate, Anissa Moore, the Student Government Association Academic Senate representative, Wayne Meng, the President of the Nassau Community College Federation of Teachers, Frank Frisenda, the President of the Nassau Community College Adjunct Faculty Association, Stefan Krompiewski, Noreen Lowey, Chair of Academic Dept. Chairs, Lynn Mazzola, Former Chair of Academic Dept. Chairs, and the 2<sup>nd</sup> Vice President of the Nassau Community College Administrators Association, Sandra Friedman, and other faculty participating in some meetings, and

**WHEREAS**, the GRTF met on several occasions to review and discuss with President Keen the aforesaid bylaws, and

**WHEREAS**, on or about August 11, 2017 the GRTF reached a favorable consensus regarding the substance of the proposed bylaws except for two issues, leading the President to issue the proposed bylaws to the NCCFT, and simultaneously to the arbitrator designated in the aforesaid Agreement to Arbitrate to resolve any issues between the parties, and

**WHEREAS**, a hearing was held before the aforesaid arbitrator on August 24, 2017 and his Decision and Award was issued on August 30, 2017 determining the Board of Trustees had the authority to have adopted the aforesaid June 27, 2017 resolution and to approve said bylaws, and determining the substance of the two bylaw provisions at issue, to wit, regarding future amendment of the bylaws and the appointment of administrator senators, which Award is hereinafter excerpted:

**AWARD**

*The Bylaws prepared by the President and the Governance Review Task Force dated August 11, 2017 shall be proposed to the Board of Trustees except that Paragraph XIV(c), p. 46 shall be modified as follows:*

*Section XIV(c) (p. 46) of the proposed bylaws adopted on August 11, 2017 (Amendments) shall be modified by adding this paragraph at the end of Section XIV(c):*

*The President's determination will be based upon his/her finding (s) that the Amendment violates, or does not violate a Middle States Commission standard(s), the Regulations contained in 8 NYCRR 600, et. seq., law; or that the Amendment is or is not in the best interest of the College. The President shall render his determination by the next following session of the Academic Senate, or within 30 days of the date he/she received the proposed amendment, whichever occurs later.*

*The Academic Senate shall have the right to appeal to an arbitrator the determination of the President upon the grounds that his/her determination is arbitrary, capricious, or unreasonable.*

*The parties (Academic Senate and College) shall select an arbitrator to hear and decide this matter. Should the parties (Academic Senate and College) fail to agree upon an arbitrator, he/she shall be selected pursuant to the procedures of the American Arbitration Association Rules for Voluntary Labor Arbitration. The determination of the arbitrator shall be final and binding.*

*Section III(A)(2),p.6 re: membership composition shall be amended by providing that: Ten per cent (10%) of the Academic Senate shall be administrators appointed by the President.*

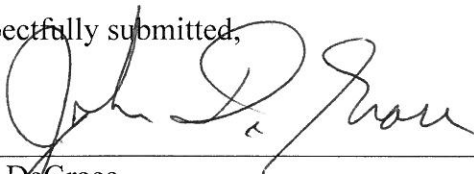
**NOW THEREFORE BE IT RESOLVED**, that the Board of Trustees herewith approves in its entirety the bylaws of the Academic Senate dated August 11, 2017 prepared by the President of the College in consultation with the GRTF, as modified by the Arbitrator to the extent set forth in the foregoing Award and,

**BE IT FURTHER RESOLVED**, that the Board directs the immediate implementation of said bylaws.

Chair DeGrace requested a motion to approve the resolution for Full Board approval. Trustee Weiss made the motion; seconded by Trustee Tuman. Chair DeGrace asked if there were any comments. Trustee Weiss commented that the Board was provided both the redline version which showed all the iterations and the final Bylaws. Trustee Weiss commended Dr. Keen and the people who worked with him through this very long and arduous process and she believes that the Bylaws now in place will move the College forward and maintain the integrity of the curriculum as well as all of the decision making processes. Motion carried 4-0.

Chair DeGrace asked if there were any other items for the Committee to consider. There being none, the meeting adjourned at 6:07 p.m.

Respectfully submitted,



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John DeGrace  
Chair, Policy & Planning Committee