

NASSAU COMMUNITY COLLEGE  
Garden City, New York

BOARD OF TRUSTEES' MINUTES

Meeting of March 28, 2012

The five hundred forty-sixth meeting of the Board of Trustees was held on Wednesday, March 28, 2012 on the eleventh floor of the Administrative Tower.

The meeting was called to order by Chair Prime at 6:50 p.m.

Present: Geoffrey N. Prime - Chair;  
John P. Donnelly - Secretary;  
Mary A. Adams, Anthony W. Cornachio,  
H. Singh, Gul Berktas, Student Trustee.

Also in attendance: President Donald P. Astrab, Kenneth Saunders, Chuck Cutolo.

**Absent:** John R. Durso, Richard M. Gutierrez, Jorge L. Gardyn

Chair Prime requested a motion that the Board go into Executive Session pursuant to Section 105 of the Open Meetings Law of the State of New York for the following purposes: 1) to discuss with the administration and counsel the status of collective negotiations with the Nassau Community College Federation of Teachers, which negotiations have involved discussion of proposals by the parties to lower personnel costs that arise from the NCCFT labor agreement currently in effect, 2) to discuss collective bargaining strategies relative to contract negotiations with the Nassau Community College Federation of Teachers and the College's Language Immersion Lecturers, and 3) to discuss the status of an investigation into the conduct of certain employees concerning alleged violations of Title VII of the Civil Rights Act and Article 15 of the New York State Executive Law. Trustee Berktas moved the motion; seconded by Trustee Cornachio. Motion carried 6-0.

Chair Prime resumed the open meeting at 8:04 p.m. followed by a salute to the flag.

Present: Geoffrey N. Prime - Chair;  
John P. Donnelly - Secretary;  
Mary A. Adams, Anthony W. Cornachio,  
Jorge L. Gardyn, H. Singh,  
Gul Berktas, Student Trustee.

Also in attendance: President Donald P. Astrab, Kenneth K. Saunders, Donna Haugen, Chuck Cutolo.

**Absent:** John R. Durso, Richard M. Gutierrez

The minutes of the meeting of February 8, 2012 were presented for approval. Motion made by Trustee Donnelly and seconded by Trustee Berktas. Motion carried 7-0.

1. Trustee Donnelly introduced the following resolution:

**RESOLVED**, THAT THE FOLLOWING EXPENDITURES BE APPROVED AND AUTHORIZED:

	<b>Department</b>	<b>Description</b>	<b>Amount</b>
a)	CIO Lawless	Continuation of network wiring upgrade project.	\$184,600.00
b)	General Counsel	Fisher Development Strategies for advocacy efforts with NYS Governor and NYS Legislature for NCC.	\$ 40,000.00
c)	VP Finance	Deloitte and Touche LLP.	\$ 95,500.00
d)	CIO	Black Box Network Services – providing 800 phones for the East Campus and 104 analog stations.	\$189,998.34
e)	CIO	SUNY Sicas Center.	\$330,385.10

Seconded by Trustee Berkta. Motion carried 7-0 EXCEPT for items (b) and (e), which was 6-1.

2. Trustee Donnelly introduced the following resolution:

**WHEREAS**, NASSAU COMMUNITY COLLEGE RECEIVED A LIPA REBATE FOR THE INSTALLATION OF THE ENERGY MANAGEMENT SYSTEM IN THE AMOUNT OF \$155,904 AND,

**WHEREAS**, THE STATE UNIVERSITY OF NEW YORK WILL MATCH PRIVATE LIPA FUNDS WITH MATCHING CAPITAL FUNDS,

**THEREFORE, BE IT RESOLVED**, THAT NASSAU COMMUNITY COLLEGE ACCEPTS FUNDS IN THE AMOUNT OF \$155,904 FROM LIPA FOR THE INSTALLATION OF THE ENERGY MANAGEMENT SYSTEM AND,

**BE IT FURTHER RESOLVED**, THAT NASSAU COMMUNITY COLLEGE WILL ESTABLISH A SEPARATE FUND TO ACCOUNT FOR ALL REVENUE AND EXPENDITURES IN CONNECTION WITH THESE LIPA FUNDS.

Seconded by Trustee Singh. Motion carried 7-0.

3. Trustee Donnelly introduced the following resolution:

**RESOLVED**, THAT THE NASSAU COMMUNITY COLLEGE BOARD OF TRUSTEES HEREBY APPROVES THE SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$215,520.

Seconded by Trustee Adams. Motion carried 6-1.

4. Trustee Donnelly introduced the following resolution:

**RESOLVED**, THAT THE RENTAL FEE BE WAIVED FOR THE USE OF THE NASSAU COMMUNITY COLLEGE MULTIPURPOSE ROOM IN THE COLLEGE CENTER BUILDING FOR THE PURPOSES OF A “JOBS/CAREER FAIR” SPONSORED BY COUNTY LEGISLATOR KEVAN ABRAHAMS ON JUNE 21, 2012 FROM 10:00 AM TO 3:00 PM. AND BE IT

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

Seconded by Trustee Berkta. Motion carried 7-0.

Trustee Donnelly made a motion under Article IV section 3(f) of the Rules to allow for the consideration of an item that does not appear on the Calendar.

Trustee Berkta seconded the motion. Motion carried 7-0.

5. Trustee Donnelly introduced the following resolution:

**RESOLVED**, THAT THE RENTAL FEE BE WAIVED FOR USE OF NASSAU COMMUNITY COLLEGE PHYSICAL EDUCATION COMPLEX FOR THE 2012 EMPIRE STATE GAMES FOR THE PHYSICALLY CHALLENGED, SCHEDULED FROM THURSDAY, MAY 31 THROUGH SATURDAY, JUNE 2, 2012 AND BE IT

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

Seconded by Trustee Singh. Motion carried 7-0.

6. Trustee Donnelly introduced the following resolution:

**RESOLVED**, THAT PURSUANT TO THE TERMS OF THE COLLECTIVE BARGAINING AGREEMENT WITH THE NASSAU COMMUNITY COLLEGE FEDERATION OF TEACHERS, AND UPON THE RECOMMENDATION OF THE COLLEGE-WIDE PROMOTION AND TENURE COMMITTEE AND THE COLLEGE ADMINISTRATION, THE FACULTY MEMBERS NAMED HEREIN ARE HEREBY GRANTED PROMOTION AND/OR TENURE AT NASSAU COMMUNITY COLLEGE EFFECTIVE SEPTEMBER 1, 2012.

**Tenure & Promotion to Assistant Professor**

<b><u>Name</u></b>	<b><u>Department</u></b>
Stella Apostolidis	English
Christopher Atwood	Engineering/Physics/Tech
Nancy N. Barker	Sociology
Susan Beganskas	Marketing/Retail/Fashion
Linda Boire	Hospitality Business
Thomas C. Bruckner	Physical Science
Denise D. Deal	Biology



**Promotion to Administrative Assistant III**

<b><u>Name</u></b>	<b><u>Department</u></b>
Theresa Williams	Admissions

**Tenure and Promotion to Technologist II**

Adam Auteri	Information Technology Services
Diana M. Forbes	Information Technology Services

**Promotion to Technologist III**

Laura Sullivan	English
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**Tenure as Laboratory Technician**

David Ferraro	Music
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**Tenure as Technical Assistant**

Patricia Goodwin	Allied Health Sciences
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**Tenure and Promotion to Technical Assistant II**

Armen Baderian	Math
Shanicqua Bynum	Hospitality Business
Albert E. Donor	Allied Health Sciences
Christopher E. Jusino	Music
Timothy W. Prohinsie	Health/Phys Ed
Caitlin Thurber	Biology
Dana A. Velez	Marketing/Retail/Fashion
Michael Wetherell	Biology

Seconded by Trustee Berkta. Motion carried 7-0.

7. Trustee Donnelly introduced the following resolution:

**WHEREAS, ON SEVERAL RECENT OCCASIONS, ONE OR MORE MEMBERS OF THIS BOARD HAVE, IN SUBSTANCE, ADMONISHED THE PUBLIC PRIOR TO THE PUBLIC COMMENTS BUSINESS PORTION OF THIS BOARD'S MEETINGS THAT THEIR ADDRESSES TO THIS BOARD WILL NOT BE ALLOWED, AND WILL BE TERMINATED, WHERE SUCH COMMENTS INCLUDE LANGUAGE THAT IS PERCEIVED AS DISCOURTEOUS, DISPARAGING, AND/OR RUDE, AND**

**WHEREAS**, ON SEVERAL RECENT OCCASIONS, SPEECHES FROM THE PUBLIC TO THE BOARD DURING THE PUBLIC COMMENT WERE CURTAILED AND TERMINATED WHERE THE CITIZENS LAWFULLY CRITICIZED ACTIONS OR NON-ACTIONS OF THE COLLEGE ADMINISTRATION AND/OR THIS BOARD, AND

**WHEREAS**, SUCH ACTIONS BY SUCH BOARD MEMBERS MIGHT BE CONSTRUED AS POLICY DETERMINATIONS BY THIS BOARD, AND

**WHEREAS**, THE AFOREMENTIONED ACTIONS BY SUCH BOARD MEMBERS CAN BE VIEWED AS A CHILLING, AND AS A VIOLATION, OF THE CONSTITUTIONAL RIGHTS TO FREE SPEECH AND TO PETITION.

**NOW, THEREFORE, BE IT RESOLVED**, THAT THIS BOARD RECOGNIZES THAT THEY ARE PUBLIC OFFICERS AND THAT SPEAKERS DURING THE PUBLIC COMMENT PORTION OF ITS MEETINGS SHALL ENJOY THE FULL MEASURE OF THE CONSTITUTIONAL RIGHTS TO FREE SPEECH AND TO PETITION, AND THAT THERE SHALL BE NO INTERFERENCE WITH THEIR EXERCISE OF SUCH RIGHTS.

Seconded by Trustee Berkta. Motion carried 6-1.

8. ALLNCC Moratorium Policy – Tabled.

Chair Prime asked for a motion to Table the ALL NCC Moratorium Policy since the ALLNCC email has been restored.

Seconded by Trustee Donnelly. Motion carried 6-1.

Dr. Astrab's report:

Congratulated the faculty who received tenure and/or promotion. Reported on the State Budget: it appears that there will be \$150 more per FTE than was proposed in the Governor's budget which translates into about \$3 million more for NCC. Dr. Astrab reported that he met with the Chairs of the Higher Education Committees of the Senate and Assembly before the Governor proposed his budget. He thanked members of the Administration, the faculty and the students who advocated to make this possible. He thanked members of the Board of Trustees, especially Mary Adams and John Durso who made the case for community colleges wherever and whenever they could. Dr. Astrab thanked Chuck Cutolo and Dan Fisher who were in constant contact with our State legislators. He also thanked the leadership of the NCCFT and the Academic Senate for their individual efforts and for their efforts in urging members of the college community to reach out to our legislators.

Dr. Astrab reported that the proposed cut of \$650,000 in aid to day care facilities at community colleges was rejected.

He also reported that the Governor's proposed budget for capital projects called for spending about \$87 million for the upcoming year for all community colleges. Of that \$87 million, Nassau Community College is slated to receive \$19.8 million or about 23%. Dr. Astrab thanked Joe Muscarella and Carol Friedman for all of their work in pushing these projects and Dan Fisher for meeting personally with Senator Skelos and other legislators to make sure that our capital requests weren't forgotten.

Dr. Astrab reported on the status of the proposal to eliminate chargeback revenues. Since meeting with the Chairs of the Higher Education Committees of the Senate Assembly and additional communications with

legislators, including one with Assemblyman McKeivitt at which Rose Berkta, the student trustee, and Luke Martinez, the student representative to the Academic Senate Executive Committee, were present, it now appears that the budget bill calls for a study by SUNY of the chargeback issue. SUNY must report its findings and any recommendations to the Legislature by September 1. He mentioned that he will continue to make sure that the legislative committees that will be looking into this know how a change in the chargeback law could be catastrophic to NCC.

Dr. Astrab reported that on February 17, the Veolia Transportation system announced proposed modifications of bus routes, which would affect the College's students, faculty and staff. These proposed modifications are supposed to take effect in April. Dr. Astrab met with the CEO of Veolia, Michael Setzer, making it clear that some of these modifications would have a detrimental effect on members of the campus community. Dr. Astrab recognized members of the faculty who attended the informational sessions creating a united voice of the college community in getting the point across. Mr. Setzer agreed to work together with the College community to see what arrangements could be made for our mutual benefit.

Dr. Astrab reported that the opening of Life Sciences Building is back on course. There had been an issue about payments from the County, but with the work of a lot of people, including – Chief Deputy County Executive Rob Walker, Joe Muscarella, Carol Friedman, Chuck Cutolo, and the chair of the nursing Department, Tom Rich, we were able to convey to all concerned how crucial it was for timely payments to be made in order to assure the building would be open in time for our students in the fall and in time for the accreditation visit scheduled for October. Dr. Astrab thanked Chief Deputy County Executive Walker for all of his help in facilitating the flow of funding.

Dr. Astrab congratulated the NCC Speech and Debate Team who after years of success on the national speech and debate circuit, the NCC Speech and Debate Team was invited to compete at the 2012 International Forensics Association World Championship Tournament which were held in Rome from March 10 through March 17. NCC was represented by Ryan Mancini of Levittown, George Morrish of Hicksville, Jennifer Pappas of Floral Park and Joseph Curran of Bethpage. NCC was also runner-up for the prestigious Global Citizenship Award presented by the U.S. Embassy in Rome, which is given to the school best exemplifying the highest standards in American education, communication and diversity and because of the team's success; NCC was granted lifetime membership in the IFA which means NCC will no longer have to go through a selection process – it wins an automatic bid to the tournament *every* year. Dr. Astrab also congratulated Professor Trent Webb, Director of the NCC Speech and Debate Team for a job well done.

Dr. Astrab congratulated the NCC Wrestling team who won the Division 3 Championship at the NJCAA National Wrestling Championships held in Rochester, Minnesota on February 24 and 25. NCC has won the Division 3 National Championship five times in the past ten years. Among all of the schools that competed in the tournament, including those that offer scholarships, NCC finished 5<sup>th</sup>. Congratulations to six members of NCC's team who earned All American honors: Anthony Abidin was National Champion, Mac Maldarelli was a NJCAA runner up; Ryan Fox placed 3<sup>rd</sup>, Yaseen Mudassar placed 6<sup>th</sup>, Joseph DeAngelo placed 7<sup>th</sup>, and Kyle Folk Freund placed 7<sup>th</sup>. Joseph, Ryan and Kyle and Jayson Kim were named as NJCAA Academic All Americans. He congratulated NCC Wrestling Head Coach Paul Schmidt and Assistant Coach Vougar Oroudjov for a job well done. , who was named Coach of the Year for Division 3. Dr. Astrab extended thanks to the students and members of the Campus community for their commitment to NCC in truly making it a place where "success starts...and continues."

### Speakers

Michael Steuer, VP, Academic Senate, spoke of his concerns regarding the faculty's confidence in President Astrab, the Board of Trustees management, the NCC Foundation's confidentiality policy and the request of scheduling a team visit from SUNY.

Natalia DeCuba, LINCC Instructor, spoke of the services LINCC instructors provide to the students and the College's mission and the status of LINCC Lecturers

Debbie DeSanto, President of NCCFT, spoke of the NCCFT's concerns regarding shared governance, finalizing the status of LINCC Lecturers, and the necessity to have a working relationship with the faculty in the decision-making process.

James Hoyt, VP/ Non- Classroom Faculty of NCCFT and a Counselor in the Transfer Office, spoke in support of finalizing the status of the LINCC lecturers.

Elizabeth Wheeler, English Department, spoke of her concerns regarding productivity and suggestions to saving money.

Jason Gorman, Art Department, spoke of his concerns regarding Academic issues and the many undertakings he and his colleagues accomplish.

Elizabeth Wood, Treasure of NCCFT, spoke of her concerns on the status of the negotiation with the LINCC lecturers.

Phyllis Kurland, Chair of the College's Sexual Harassment Education Sub-committee, reported on sexual harassment awareness week at NCC and that Trustee Berkta participated in one of the panel discussions. She informed the Board that NCC's sub-committee and affirmative action committee at the College are a model for how administration and faculty can work together and thanked Dean Anissa Moore and Affirmative Action Officer, Craig Wright, for their support. She gave the Board some literature regarding sexual harassment.

Richard Newman, English Department, spoke of his concerns regarding President Astrab's response to the concerns that have been raised about the vision statement he published in Channels.

Frank Frisenda, VP of NCCFT, spoke of his concerns regarding the negotiations of the LINCC lecturers.

Shoel Cohen, Psychology department, spoke of his concerns regarding the walls of secrecy with the NCC Foundation and asked Chair Prime and Dr. Astrab to tear down these walls.

Michael Marotta, Student, spoke of his concerns regarding the effects of the budget cuts to the students.

Thomas Jackson, Student, spoke of his concerns with regards to overcrowding in his English 102 class with Professor Barry Fruchter.

Lucy Landesburg, Reading & Basic Ed. Department, spoke of her concerns regarding the relationship between the NCC faculty and the administration, the growing disregard for free and open communication, transparency, shared governance and the NCC Foundation.

Lucas Martinez, Student, spoke of his concerns regarding the faculty's non-confidence in the president, the administration and the Board.



Carmine DeSanto, Chair of Mathematics, Computer Science & IT, spoke of his concerns regarding the development of a retention plan for at risk students and the college's early warning system which is not in effect for the spring semester.

Peter Longo, News & Opinions Editor of the Vignette, spoke of his concerns regarding the telephone call the Vignette received from a college attorney indicating that the Vignette violated FERPA by running an article about the WRITEPlacer program.

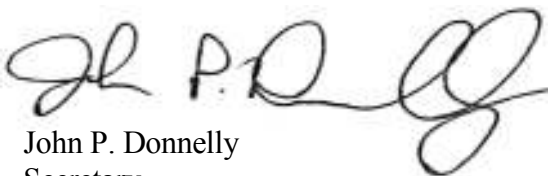
Chair Prime thanked everyone for their comments. He stated that some of the comments were unfair and inaccurate. He also commented that it seems there is a fundamental disagreement as to how to best run the College and who is best equipped to run the College. Chair Prime assured all that the students are most important and that they receive a quality education which is what every member on this Board, every member of the Administration and what every member of the faculty wants as well. He also stated that we all need to work towards the common goal of making and keeping Nassau Community College the great institution it is. Chair Prime clarified Jason Gorman's question, "Why wasn't Trustee Cornachio allowed to speak?" The Chair explained that the Board is governed under Robert's Rules and that under Robert's Rules when a motion is tabled; it is not debatable and the tabling motion takes precedence.

Chair Prime announced the next Capital/Finance Committee meeting will take place at a date and time certain in April 2012 with the specific date and time to be announced in accordance with the notice requirements of the Rules of the Board of Trustees specified in Article IV, section 4 of the Rules. The next Board meeting will take place at a date and time certain in April 2012 with the specific date and time to be announced in accordance with the notice requirements of the Rules of the Board of Trustees specified in Article IV, section 4 of the Rules.

Motion to adjourn was made by Trustee Donnelly and seconded by Trustee Berktas.  
Motion carried unanimously 7-0.

Meeting adjourned at 9:35p.m.

Respectfully submitted,



John P. Donnelly  
Secretary