

NASSAU COMMUNITY COLLEGE  
Garden City, New York

BOARD OF TRUSTEES' MINUTES

Meeting of November 15, 2016

The six hundred and second meeting of the Board of Trustees was held on Tuesday, November 15, 2016 on the eleventh floor of the Administrative Tower.

The meeting was called to order by Chair Gardyn at 6:35 p.m. followed by a salute to the flag.

Present: Jorge L. Gardyn, Chair;  
John A. DeGrace, Secretary Pro Tem;  
Anthony W. Cornachio, Linda H. Green,  
Donna M. Tuman, Michael Hilt, Student Trustee.

Absent: Arnold Drucker, Wanda H. Jackson, Edward W. Powers, Kathy Weiss

Also in attendance: President Keen

Chair Gardyn requested a motion that pursuant to Section 105 of the Open Meetings Law of the State of New York, the Board of Trustees shall enter Executive Session for the purpose of reviewing the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation. Trustee Green moved the motion; seconded by Trustee DeGrace. Motion carried 6-0.

Chair Gardyn resumed the open meeting at 7:40 p.m. followed by a salute to the flag.

Present: Jorge L. Gardyn, Chair;  
John A. DeGrace, Secretary Pro Tem;  
Anthony W. Cornachio, Linda H. Green, Edward W. Powers,  
Donna M. Tuman, Michael Hilt, Student Trustee.

Absent: Arnold Drucker, Wanda H. Jackson, Kathy Weiss

Also in attendance: President Keen

Approval of Minutes

Chair Gardyn requested a motion to approve the minutes of October 18, 2016. Trustee Green moved the motion; seconded by Trustee Tuman. Motion carried 7-0.

1. Trustee DeGrace introduced the following resolution:

**RESOLVED**, THAT THE POLICY & PLANNING COMMITTEE HERewith AFFIRMATIVELY RECOMMENDS AND REFERS THE BOARD OF TRUSTEES RULES OF PROCEDURE FOR BOARD REVIEW AND ADOPTION AT ITS MEETING TO BE HELD ON NOVEMBER 15, 2016, AND THAT THE SAME BE SUBSEQUENTLY INCORPORATED INTO THE POLICY MANUAL OF THE BOARD OF TRUSTEES OF NASSAU COMMUNITY COLLEGE.

Chair Gardyn commented that Policy 1200 and 1300 have gone through three drafts. The President has held open forums to receive comments and concerns of the faculty. The concerns of the faculty have been taken into consideration in revising the two policies and as with all such policies adopted by the Board the two under consideration at this meeting are open to reconsideration by the Board at any time.

Chair Gardyn requested a motion to consider this item. Trustee Cornachio moved the motion; seconded by Trustee DeGrace. Trustee Green then made a motion to amend the Board Rules of Procedure. Trustee Tuman seconded the motion to amend. Chair Gardyn made a request for discussion, being none; Chair Gardyn requested a motion to approve the Board Rules of Procedure as amended. Motion carried 7-0.

2. Trustee DeGrace introduced the following resolution:

**RESOLVED**, THAT THE POLICY & PLANNING COMMITTEE HEREWITH AFFIRMATIVELY RECOMMENDS AND REFERS THE POLICY TITLED FORMULATION, ADOPTION, AND AMENDMENT OF POLICIES FOR BOARD REVIEW AND ADOPTION AT ITS MEETING TO BE HELD ON NOVEMBER 15, 2016, AND THAT THE SAME BE SUBSEQUENTLY INCORPORATED INTO THE POLICY MANUAL OF THE BOARD OF TRUSTEES OF NASSAU COMMUNITY COLLEGE.

Chair Gardyn requested a motion to consider this item. Trustee Green moved the motion; seconded by Trustee Tuman. Trustee DeGrace then made a motion to amend the Formulation, Adoption, and Amendment of Policies. Trustee Tuman seconded the motion to amend. Chair Gardyn made a request for discussion; being none, Chair Gardyn requested a motion to approve the Formulation, Adoption, and Amendment of Policies as amended. Motion carried 7-0.

3. Trustee Powers introduced the following resolution:

**RESOLVED**, THAT THE PERSONNEL, LABOR RELATIONS AND AFFIRMATIVE ACTION COMMITTEE HEREWITH AFFIRMATIVELY RECOMMENDS AND REFERS TO THE BOARD OF TRUSTEES A CERTAIN SEPARATION AGREEMENT AND MUTUAL GENERAL RELEASE REGARDING THE EMPLOYMENT OF DR. KENNETH SAUNDERS, THAT HEREWITH AUTHORIZES THE PRESIDENT OF THE COLLEGE TO EXECUTE THE SAME ON BEHALF OF NASSAU COMMUNITY COLLEGE, AND

**BE IT FURTHER RESOLVED**, THAT THE PERSONNEL, LABOR RELATIONS AND AFFIRMATIVE ACTION COMMITTEE HEREWITH AFFIRMATIVELY RECOMMENDS AND REFERS TO THE BOARD OF TRUSTEES FOR APPROVAL THE RESIGNATION OF DR. SAUNDERS EFFECTIVE NOVEMBER 30, 2016.

Chair Gardyn requested a motion to consider this item. Trustee DeGrace moved the motion; seconded by Trustee Powers. Trustee Cornachio opposed the agreement since the College has an insurance policy to cover legal costs should Dr. Saunders bring legal action against the College. Motion carried 6-1 (Cornachio).

Dr. Keen reported on the following items:

1. The Monitoring Report was submitted to Middle States by November 1, 2016, which he believes portrays the significant progress made on all seven(7) of the deficient standards, he commended the 49 members of the Institutional Response Team, comprised of faculty and administration, for their dedicated work. Preparation of the report represents an explanation of the ongoing work that extends well beyond the

team. He thanked the entire campus and the Board of Trustees for the seriousness with which everyone has taken on this challenge. This demonstrated commitment is the only way we will eventually comply with the standards of accreditation and will move beyond probationary status.

2. Several members of the campus leadership have been involved in a continuing discussion about planning, with a goal of reaching consensus about a model organization in order to begin the process as soon as possible. We will survey the Board, the campus and the external business/industrial/social community on various aspects of the *College's* mission and operation as a traditional "environmental scan" that provides an important part of the basis for assembling a plan. The Board and the campus will be kept informed on a period basis about the progress to produce a new strategic plan for the *College* to present to the Board sometime during 2017.
3. At both the General Faculty Meeting and the committee meeting Vice President Inna Reznik reported to the faculty and staff on budget prospects for the next few months and next year. She reminded us where our funds come from and how they are spent. It is important to give serious attention to building a budget for fiscal year 2017-2018. The Board will be given reports at each stage of development. The County Legislature passed the NCC capital budget and the State will match that funding to enable us to make renovations essential to keep the campus in great operating condition.
4. He was pleased to announce that Assemblywoman Earlene Hooper has acquired \$125,000 from the State Legislature to be used for marketing to and recruitment of Hispanic/Latino students. Our proportion of Hispanic/Latino population stands at about 22-23% of the total enrolled students, and has been increasing over the past few years.
5. At the General Faculty meeting, five members of the faculty were presented Chancellor's awards for excellence, which are amongst the highest honors given to faculty in the State University of New York. The campus can take great pride in the recognition received by these faculty amongst the many who provide outstanding instruction: Betty Borowsky, Biology, Excellence in Teaching; Susan Maurer, Professor, History/Political Science/Geography, Excellence in Teaching; Ricardo J. Santos, Professor, English, Excellence in Scholarship and Creative Activities; Nicole A. Simon, Professor, Engineering, Physics/Technology, Excellence in Scholarship and Creative Activities; and Francis Scott Walden, Assistant Professor, Philosophy, Excellence in Scholarship and Creative Activities.

### Speakers

Evelyn Deluty, Chair of Academic Senate, stated that the 2016 Middle States Team visited a campus that they called "hostile and uncivil". She believes under Dr. Keen's leadership we have begun to rebuild trust amongst the constituencies of our College community and most importantly, Dr. Keen has reestablished the collegiality amongst the governance constituencies which respects everyone's roles, welcomes discourse and conforms to Middle States expectations. She also commented that she appreciated Dr. Gardyn's suggestion to send our concerns about Policies 1200 and 1300 to Dr. Keen, however, was disappointed that the Board voted on the final version of the Policies without publicly circulating the latest changes.

Stefan Krompiew, AFA President, thanked the Board and Dr. Keen for giving the adjunct faculty an opportunity to participate in what he calls the "Middle States Solution". Rich Erben's significant contributions in particular are emblematic of adjunct efforts throughout the College.

Frank Frisenda, NCCFT President, remarked how the Institutional Response Team reviewed the draft documents of the Monitoring Report and through transparent and open, if heated and uncomfortable, discussions generated a report. He commented that the Board has not shared the content of its training meetings. He also

mentioned that Dr. Collins, acting on concerns about shared governance communicated at meetings, distributed to various individuals a book whose very title reflects the topic. He also expressed his disappointment that the Board voted to adopt Policies 1200 & 1300 without sharing the final version with the faculty, who remain troubled by how this might affect shared governance. He expressed concern with regards to the upcoming Middle States Team visit.

Elizabeth Wheeler, ENG Professor, stated in her opinion that Middle States is correct in that the BoT is responsible for why the College's accreditation is in jeopardy.

Dianne Guarino, Admissions, expressed that, while speaking for herself, she believes that other members of the professional faculty unit of the NCCFT may be in agreement with her perception. She understands why some of her colleagues are dismayed that the Board had not shared all the documents on which it has voted, but is relieved that there has been a vote to demonstrate to Middle States that the Board has taken some action to move forward, as continued delays would have reflected poorly on our effort. She hopes that any changes generated by the open forums would eventually be made public, and she will keep an open mind that the Board will remain receptive to making amendments in the future.

Christine Tuailleon, BIO Professor, Chair of NCCFT Political and Benefit Committees, provided some statistics to emphasize the need for hiring more Full Time faculty. In 2006, there were about 750 Full Time NCCFT members; in 2011 – 690; and in 2016 – 599: a 20% decrease in ten years. She also broke down the faculty by age; retirements in the next 10 years could reduce full time faculty by 202. She stated that fewer and fewer full time faculty hires would mean that eventually there wouldn't be any faculty to be members of the Senate who help run the College. With a SUNY mandate to hire more diverse faculty, the Board should plan now for hiring for Fall 2017.

David Stern, 1<sup>st</sup> Vice Chair, Academic Senate, asked when the Board would share with the campus the versions of the Policies on which the Board voted? He stated that he is the College liaison to the Faculty Council of Community Colleges, he interacts with faculty, students and Presidents from "sister" Community Colleges in the SUNY system, and offered the following recommendations inspired by other Board guidelines for incorporation into amendments to the Policies: 1) A governance committee to monitor the effectiveness of the Board and its By-Laws; 2) An advocacy committee to advise the Board on external communications with various constituencies including media, government, community groups, business organizations, educational institutions, prospective students and the general public, since we do not hear much about how the Board supports the College; 3) Public participation before voting that allows individuals to make a request to the Chair to address concerns two days prior to a meeting; 4) The allowance of five(5) minutes to speak; and 5) The allowance of the request to speak by any participant during the meeting by majority agreement of the Board. Since September, the Senate has already acted on several Middle States requirements and recommendations, including passage of institutional learning objectives, clarifying due process of student expulsion from classes and enhancing committee diversity.

Trustee Cornachio stated that the Policies are public knowledge, and other members concurred that the Policies would be posted on the website the next day.

Paul Rosa, 2<sup>nd</sup> Vice Chair, Academic Senate, explained that he and so many of his colleagues are dismayed by the versions of the Board's Rules of Procedure and Formulation and Adoption and Amendment of Policies because these documents essentially destroy Nassau's version of shared governance, which had been lauded at our prior Middle States review. They diminish the existing diverse ecosystem of governance in higher education by effectively wresting control of policymaking from the Academic Senate, the body that gives voice to

individual faculty, administrators and students. He also commented that while serving on the Middle States Response Team, members were reminded of the importance to show progress, and not necessarily to have completed requirements.

Lynn Mazzola, Chair of Chairs, thanked Drs. Keen and Collins, all faculty and administrators for their work that has demonstrated collegiality and trust. She commented that although the Board shared the first two draft Policies to the College community, colleagues were shocked that the finalized versions were not disclosed before the Board's vote; it is a disappointing step backwards. She looks forward to reviewing it shortly once posted on the website and hopes to be pleasantly surprised by it.

Trustee Cornachio responded that forums were held, and the Board policy committee made corresponding revisions based on input from them and only presented the finalized version to the Board earlier in the evening. He maintains that the Board, mindful of the obligation to definitively answer the Middle States charges, followed proper procedure with no attempt to subvert or ignore due process.

Chair Gardyn announced the next Capital and Finance BOT Committee meeting is scheduled for Tuesday, December 13, 2016 at 5:00 p.m. followed by the Full Board meeting. The Board will open the public session between 6:15 and 6:30 p.m. and resume the public session approximately 7:30 p.m.

Chair Gardyn requested a motion to adjourn the meeting. Trustee Powers moved the motion; seconded by Trustee Hilt. Motion carried 7-0.

Meeting adjourned at 8:15 p.m.

Respectfully submitted,

John DeGrace  
Secretary Pro Tem

DRAFT