Minutes of Meetings of the Board of Trustees of the State University of New York
March 19-20, 2019

The Board of Trustees of the State University of New York met on March 19 and 20, 2019 at SUNY Plaza, Albany, New York, pursuant to a notice sent by the Office of the Secretary of the University on March 5, 2019.

March 19, 2019
1:30 p.m.

Trustees Present: Chairman McCall, Mr. Corngold, Mr. Duffy (via phone) Dr. Kay, Dr. Fatta (via video), Mrs. Lewin, Mr. Litow, Mr. Spielvogel, Mr. Spiro, Mr. Staller, Ms. Tamrowski and Dr. Tisch.

Trustees Absent: Mr. Belluck, Mr. Braun, Ms. Burke, and Mr. Socarides.

Others Present: Chancellor Johnson, Dr. Azziz, Ms. Duncan-Poitier, Mr. Haelen, Ms. Garvey, Dr. Laursen, Mr. Megna, Ms. Miller, Mr. Patton and Mr. Porter.

1. CONVENING OF PUBLIC MEETING

Chairman McCall convened the Public Meeting at 1:33 p.m., which was held at the SUNY Plaza, Albany, New York. It was noted there were thirteen members participating, including two non-voting members in person, and one trustee who joined by video from Buffalo. Ms. Garvey then called the roll of members, at which time Chairman McCall declared a quorum.

Chairman McCall highlighted Mr. Terrance Pratt's credentials and presented the resolution for the appointment of Mr. Pratt as Secretary of the University. Chairman McCall asked Ms. Garvey to read the resolution.

Appointment of Terrance N. Pratt as Secretary of the University

Resolved that Terrance N. Pratt be, and hereby is, appointed Secretary of the State University of New York at an annual salary of $180,000, effective immediately.

(2019-09)

Upon motion by Trustee Spielvogel, seconded by Trustee Litow, the foregoing resolution was approved by affirmative votes from all present.
2. **CONVENING OF EXECUTIVE SESSION**

At 1:36 p.m., Chairman McCall called for an Executive Session under provisions of Section 105 of the Public Officers Law, to:

“Discuss matters relating to the appointment and employment of particular persons and to receive legal advice.”

Upon motion of Trustee Lewin, seconded by Trustee Spiro, it was unanimously agreed to convene an Executive Session for the purposes specified by Chairman McCall.

3. **RECONVENING OF PUBLIC MEETING**

Chairman McCall reconvened the public meeting at 4:17 p.m. and noted that there was no action taken during executive session. There being no further business, upon motion of Trustee Lewin, seconded by Trustee Spiro, the meeting was adjourned.

**March 20, 2019**

**2:05 p.m.**

**Trustees Present:** Chairman McCall, Mr. Corngold, Mr. Duffy, Dr. Kay, Mrs. Lewin, Mr. Litow, Mr. Spielvogel, Mr. Spiro, Mr. Staller, Ms. Tamrowski and Dr. Tisch.

**Trustees Absent:** Mr. Belluck, Mr. Braun, Ms. Burke, Dr. Fatta and Mr. Socarides.

**Others Present:** Chancellor Johnson, Dr. Azziz, Ms. Duncan-Poitier, Ms. Garvey, Mr. Haelen, Dr. Laursen, Ms. McLoughlin, Mr. Megna, Ms. Miller, Mr. Patton, Mr. Porter, Mr. Pratt and Dr. Wang.

1. **CONVENING OF PUBLIC MEETING**

Chairman McCall convened the Public Meeting at 2:05 p.m., which was held at the SUNY Plaza, Albany, New York. It was noted there were twelve members participating, including two non-voting members in person. Secretary Pratt called the roll of members, at which time Chairman McCall declared a quorum.

Chairman McCall began by recognizing the advocates from the graduate school employees unions at University at Albany, Stony Brook University, and University at Buffalo. The advocate representative addressed the trustees and noted issues graduate student workers are facing, such as mandatory graduate student fees and the low salaries. The representative petitioned for an end to mandatory fees and a living stipend for all of the graduate student workers.
Chairman McCall thanked the graduate students’ advocates for informing the board of the issues they are facing. He then asked Secretary Pratt to introduce the minutes for approval.

2. APPROVAL OF MINUTES

Approval of Minutes of the Board of Trustees Meetings Held on January 15-16, 2019

Upon motion by Trustee Spielvogel, seconded by Trustee Litow, the proposed minutes were approved by affirmative votes from all present as the official minutes of the meetings held.

Chairman McCall expressed gratitude to Mr. Pratt for taking on the role as Secretary of the University; he also thanked Senior Managing Counsel, Ms. Ravitz, for her efforts and great work while managing the Board Office as the interim secretary of the university over the past year.

Chairman McCall invited Chancellor Johnson to provide her report.

3. CANDIDATES FOR PRESIDENTIAL APPOINTMENTS

Chancellor Johnson started her report by recommending the appointment for the new president of Corning Community College. She described Corning Community College wonderful history before highlighting Dr. William P. Mullaney’s credentials.

Chairman McCall noted that the Board met with Dr. Mullaney and was very impressed with his commitment to higher education and experience. He then asked Secretary Pratt to read the resolution:

Appointment of William P. Mullaney as President of Corning Community College

Resolved that the appointment of William P. Mullaney as President of Corning Community College, by the Corning Community College Board of Trustees, at a salary of $180,000, effective July 1, 2019, be, and hereby is, approved.

(2019-10)

Upon motion by Trustee Litow, seconded by Trustee Duffy, the foregoing resolution was approved by affirmative votes from all present.

Chairman McCall invited Mr. Carl H. Blowers, Chairman of the Corning Community College Board of Trustees, to say a few words. Mr. Blowers talked about the search process and noted that Dr. Mullaney uniquely fits the college mission. Mr. Blowers was pleased to
introduce Dr. Mullaney to the Board for the presidential appointment of Corning Community College.

Chairman McCall also invited Dr. Mullaney to say a few words. Dr. Mullaney expressed gratitude for the opportunity and thanked Chairman McCall, Vice Chairman Tisch, Chancellor Johnson, Mr. Blowers, Ms. Nancy Whiteman and those involved in the search process for the opportunity.

Chairman McCall invited Chancellor Johnson to present the next appointment.

Chancellor Johnson began by noting she was pleased to present the appointment for the new president of Nassau Community College. She pointed out the unique qualities and wonderful history of the college. Chancellor Johnson noted that she was pleased to recommend Dr. Jermaine F. Williams after a vetting process by the Nassau Community College Board of Trustees as the next president of Nassau Community College. She highlighted Dr. Williams’ credentials and accomplished background in higher education.

Chairman McCall indicated that the Board had the opportunity to interview Dr. Williams and they agreed with Chancellor Johnson’s assessment about his qualifications for the position.

Chairman McCall asked Secretary Pratt to read the resolution:

Appointment of Jermaine F. Williams as President of Nassau Community College

Resolved that the appointment of Jermaine F. Williams as President of Nassau Community College, by the Nassau Community College Board of Trustees, effective July 1, 2019, at a salary to be determined at a later date, be, and hereby is, approved.

(2019-11)

Upon motion by Trustee Duffy, seconded by Trustee Lewin, the foregoing resolution was approved by affirmative votes from all present.

Chairman McCall invited Dr. Jorge Gardyn, Chairman of the Nassau Community College Board of Trustees, to say a few words. Dr. Gardyn thanked former President Keen for leading the institution for the last three years. Dr. Gardyn noted he was pleased to introduce Nassau Community College’s new President Jermaine F. Williams.

Dr. Williams was invited to the podium to say a few words. Dr. Williams expressed gratitude for the level of confidence bestowed upon him and for the opportunity to lead Nassau Community College.
4. COMMITTEE PRESENTATIONS AND RESOLUTIONS

Chairman McCall indicated that they had committee meetings and invited the chairs of the committees to present their reports and resolutions. He first invited the chair of the Academic Affairs Committee, Trustee Litow.

**Academic Affairs**

Trustee Litow began by providing an update on PRODiG, a new program designed to increase diversity among SUNY faculty. In addition, he gave a brief overview of the SUNY’s 2015 Diversity Policy, which mission is for SUNY to be the most inclusive university system in the country. Trustee Litow indicated that although SUNY campuses are moving in the right direction in terms of diversity, there is much work to be done with respect to diversifying the faculty. He stated that SUNY Provost Laursen and Senior Vice Chancellor and Chief Diversity Officer Teresa Miller will lead PRODiG. Trustee Litow noted that there is data that demonstrates that a focus on diversity and inclusion for students and faculty improves the academic result of the institution; therefore, this initiative is essential to the future of SUNY. During their discussion, Vice Chancellor Miller noted that Governor Cuomo announced and endorsed PRODiG earlier that week. Ms. Miller detailed both campus and system administration responsibilities. Campuses will develop a strategic faculty diversity plan and SUNY System will provide salary support for faculty hires over three years with specific support for cluster hires, startup packages for women, especially STEM faculty hires, support for a system wide recruitment consortium and grants to support campus plans where improvement has been shown.

Trustee Litow noted that the committee members unanimously approved five resolutions, which included the final rule making regarding the University Faculty Senate Bylaws, appointment to the rank of distinguished professor, distinguished service professor and distinguished teaching professor and an initial honorary degree action.

Trustee Litow asked Secretary Pratt to read the resolutions:

**Amendment to 8 NYCRR Part 331.9 (University Faculty Senate)**

Resolved that commencing with publication of a Notice of Final Adoption in the State Register, part 331.9 of Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York, being Article VII, Title C of the Policies of...
the Board of Trustees, be and hereby are, amended to read as follows (brackets denote old material to be deleted):

331.9 Vice-president/secretary. Before July 1st of each even-numbered year, the senate shall elect one of its elected members to serve as vice-president/secretary for a term of two years. Upon election as vice-president/secretary, the elected member shall vacate the position as representative of his or her unit in the senate and shall serve as a [non]voting member of the senate. The vice-president/secretary shall take and keep minutes of the senate and shall exercise such other powers and duties as the senate shall provide in its bylaws. The vice-president/secretary shall serve as president of the senate during that officer's absence or inability to act.

The vice-president/secretary of the senate may be reelected for a second term, but may not thereafter be eligible for a successive term provided however that a vice-president/secretary initially elected to fill less than half of a term arising from a vacancy is eligible to serve two additional successive full terms.

Upon motion by Trustee Litow, seconded by Trustee Duffy, the foregoing resolution was approved by affirmative votes from all present.

Appointment of Distinguished Professors

Whereas the Board of Trustees has proudly established a historic tradition of acknowledging and honoring extraordinary faculty achievement through appointment to the Distinguished Faculty Rank; and

Whereas the appointment to the Distinguished Faculty Rank at the State-operated campuses is both a system-wide distinction and a promotion in rank; and

Whereas the Board of Trustees has the authority to bestow system-wide distinctions; now, therefore, be it

Resolved that each faculty member listed below be, and hereby is, appointed to the rank of Distinguished Professor at the State University of New York campus indicated, effective March 20, 2019:

Professor Anthony A. Campagnari, State University of New York at Buffalo;
Professor Gary A. Giovino, State University of New York at Buffalo;
Professor Yusuf A. Hannun, State University of New York at Stony Brook;
Professor David J. Kieber, State University of New York College of Environmental Science and Forestry;
Professor Julio Licinio, State University of New York Health Science Center at Syracuse;
Professor William W. Lytton, State University of New York Health Science Center at Brooklyn;
Professor Lawrence J. Maheady, State University College at Buffalo;
Professor Lisa Jean Moore, State University College at Purchase;
Professor Nkiru Nzegwu, State University of New York at Binghamton;
Professor John P. Richard, State University of New York at Buffalo;
Professor Louis H. Roper, State University of New College at New Paltz;
Professor Peter J. Tonge, State University of New York at Stony Brook;
Professor Minghua Zhang, State University of New York at Stony Brook; and
Professor Tiantian Zheng, State University College at Cortland.

(2019-13)

Upon motion by Trustee Litow, seconded by Trustee Duffy, the foregoing resolution was approved by affirmative votes from all present.

Appointment of Distinguished Service Professors

Whereas the Board of Trustees has proudly established a historic tradition of acknowledging and honoring extraordinary faculty achievement through appointment to the Distinguished Faculty Rank; and

Whereas the appointment to the Distinguished Faculty Rank at the State-operated campuses is both a system-wide distinction and a promotion in rank; and

Whereas the SUNY Board of Trustees has the authority to bestow system-wide distinctions; now, therefore, be it

Resolved that the faculty members listed below be, and hereby are, promoted to the rank of Distinguished Service Professor at the State-operated campus indicated, effective March 20, 2019:

Professor Daniel M. Rosenbaum, State University of New York Health Science Center at Brooklyn (SUNY Downstate Medical Center); and

Professor Margaret A. Turk, State University of New York Health Science Center at Syracuse (Upstate Medical University).
Upon motion by Trustee Litow, seconded by Trustee Duffy, the foregoing resolution was approved by affirmative votes from all present.

Appointment of Distinguished Teaching Professors

Whereas the Board of Trustees has proudly established a historic tradition of acknowledging and honoring extraordinary faculty achievement through appointment to the Distinguished Faculty Rank; and

Whereas the appointment to the Distinguished Faculty Rank at the State-operated campuses is both a system-wide distinction and a promotion in rank; and

Whereas the SUNY Board of Trustees has the authority to bestow system-wide distinctions; now, therefore, be it

Resolved that each faculty member listed below be, and hereby is, promoted to the rank of Distinguished Teaching Professor at the State-operated campus indicated, effective March 20, 2019:

Professor Subimal Chatterjee, State University of New York at Binghamton; and

Professor Jason M. Lazar, State University of New York Health Science Center at Brooklyn.

Upon motion by Trustee Litow, seconded by Trustee Duffy, the foregoing resolution was approved by affirmative votes from all present.

Initial Approval 2018-19 Honorary Degree Nominees

Resolved that the campus president who has submitted a candidate for honorary degree for consideration by the University-wide Honorary Degree Committee ("Committee") and has had that recommendation accepted by the Committee and supported by the Chancellor, as set forth in a document on file with the Office of the Secretary of the University, be, and hereby is, authorized to extend an invitation to the named individual for receipt of an honorary degree in accordance with the Guidelines for the Awarding of Honorary Degrees, as amended June 2018.

Upon motion by Trustee Litow, seconded by Trustee Duffy, the foregoing resolution was approved by affirmative votes from all present.
Mr. Litow concluded his report. Chairman McCall called upon Trustee Staller, Chairman of the Finance and Administration Committee, to give his report.

**Finance and Administration**

Trustee Staller began his report by noting that Financial Officer and Senior Vice Chancellor Eileen McLoughlin reported on statutory college tuition rate, update on outstanding loans, tuition rate working group update and initial benchmarking. She also gave an update on the progress toward an enacted 2019-20 state budget. Trustee Staller noted that the committee approved five resolutions. He briefly described and presented the first resolution entitled Update to the University Reserve Borrowing Policy. Trustee Staller asked Secretary Pratt to read the resolution:

**Update to the University Reserve Borrowing Policy**

*Whereas* at the November 15, 2017 meeting of the State University of New York Board of Trustees, it was resolved that the University Reserve Borrowing Policy be expanded to allow for the borrowing of funds from the collected cash balances in certain of SUNY’s self-supporting accounts in order to carry out their core mission, maintain program quality and staffing levels, and simultaneously develop long term plans to resolve fiscal issues; and

*Whereas* since that time, a working group of System Administration professionals and State-operated campus chief financial officers have been engaged in finalizing certain operational details for the approval of the Senior Vice Chancellor for Finance and Chief Financial Officer (SUNY CFO), particularly the establishment of an indirect cost recovery rate to be included in the loaned value; and

*Whereas* the working group has finalized its work and made recommendations to the SUNY CFO; and

*Whereas* at the January 31, 2019 State of the University System Address, the Chancellor Johnson announced the creation of a Green Revolving Loan Fund, which is intended to aid in the financing of investments in energy conservation, efficiency, and renewables with investments repaid through energy cost savings across the SUNY system, including at the community colleges; and

*Whereas* this Green Revolving Loan Fund would be most expeditiously effectuated within the confines of the existing University Reserve Borrowing Policy, with certain adjustments made to accommodate the intent of the Green Revolving Loan Fund such as the expansion of the payback period and allowing for loans to be made to the community colleges in such cases as these loans are supported by funds originally appropriated for community college use, the loan is approved by the sponsor or sponsors of the community college in question, and the Senior Vice Chancellor for Finance and Chief Financial Officer of SUNY, or designee, has
approved such loan on the basis of a review of the financial viability of the institution; and

Whereas the overall balances in SUNY’s self-supporting accounts and in the System Reserve accounts are, and continue to be, positive; now, therefore, be it

Resolved that the University Reserve Borrowing Policy be updated to comply with the intent of the updated “Income Fund Reimbursable Leveraging Model” policy attached to this Resolution and that loans to be made to the community colleges operating under the program of the State University of New York be only allowable in such cases as the funds supporting the loans are supported by funds originally appropriated for community college use, the loan is approved by the sponsor or sponsors of the community college in question, and the Senior Vice Chancellor for Finance and Chief Financial Officer of SUNY, or designee, has approved such loan on the basis of a review of the financial viability of the institution.

(2019-17)

Upon motion by Trustee Staller, seconded by Trustee Spielvogel, the foregoing resolution was approved by affirmative votes from all present.

Trustee Staller continued by introducing the second resolution that formalized the rulemaking process to revise provisions of the universities regulations and policies. He asked Secretary Pratt to read the resolution:

Amendments to 8 NYCRR Sections 335.4(d), 335.8(c), 337.2, 337.7, 337.13 and 337.30 (Appointment of Employees and Leave of Absence for Employees in the Professional Service)

Whereas the State of New York and the United University Professions have reached a collective bargaining agreement for 2016-2022 for members of the professional services negotiating unit; and

Whereas revisions of certain provisions of Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York and corresponding provisions of the Policies of the Board of Trustees must be effected to comport with provisions of the collective bargaining agreement; now, therefore, be it

Resolved that the Chancellor, or designee, be, and hereby is, authorized and directed to prepare, in accordance with the provisions of the State Administrative Procedure Act, a Notice of Proposed Rulemaking with respect to amendments to section 335.4(d) and 335.8(c) of Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York, regarding service credit; and, sections 337.2(b)(2)(iii)(b), 337.7(b)(4)(ii), 337.13(d), 337.30(a) and (b), and 337.36 of Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York, regarding leaves of absence for employees in the professional service to read as follows (brackets denote old material to be deleted; underling denotes new material to be added):

8 NYCRR Part 335. Appointment of Employees
335.4 Eligibility.

(d) Service credit. (1) In determining eligibility for continuing appointment under subdivision (b) of this section, satisfactory full-time prior service in academic rank at any other accredited academic institution of higher education may, at the request of the appointee and in the discretion of the Chancellor of designee, be credited as service, up to a maximum of three years, at the time of appointment at a college. Waiver of all or part of this service credit shall be granted upon written request of the employee to the chief administrative officer not later than six months after the date of initial appointment. (2) In computing consecutive years of service for the purposes of appointment or reappointment to the academic staff, periods of leave of absence at full salary shall be included; periods of leave of absence at partial salary or without salary and periods of part-time service shall not be included, but shall not be deemed an interruption of otherwise consecutive service. (3) A temporary cessation of service credit toward continuing appointment shall be provided, at the employee's request, commencing with the birth/adoption/foster care placement of a child. Such written request by an academic employee with an academic year obligation shall be approved for the time requested, one semester or two semesters. Such written request by an academic employee with a calendar year obligation shall be approved for the time requested, six months or one year.

335.8 Eligibility for initial permanent appointment.

(c) Service credit. (1) In determining eligibility for permanent appointment under this section, satisfactory full-time prior service in a professional title at any one college of the university may, at the request of the professional employee and in the discretion of the chancellor or designee, be credited as service, up to a maximum of three years, at the time of appointment at another college. Waiver of all or part of this service credit shall be granted upon written request of the employee to the chief administrative officer not later than six months after the date of appointment at that college. (2) In computing consecutive years of service for the purposes of appointment or reappointment of professional employees, periods of leave of absence at full salary and periods of full-time service in probationary and temporary appointments granted pursuant to this Title shall be included; periods of leave of absence at partial salary or without salary and periods of part-time service shall not be included, but shall not be deemed an interruption of consecutive service for other purposes. (3) A temporary cessation of service credit toward permanent appointment shall be provided, at the employee's request, commencing with the birth/adoption/foster care placement of a child. Such written request by a professional employee shall be approved for the time requested up to the duration of their approved family leave.
337.2 Accrual of vacation leave.

(a) Employees not in the Professional Services Negotiating Unit.
(1) Full-time calendar year and college year employees shall be eligible to accrue credits for vacation leave at the rate of one and three-quarters days a month for each month or major fraction thereof during the term of their professional obligation. Part-time calendar year and college year employees shall be eligible to accrue such credits on a pro rata basis. On January 2nd of each year, one vacation day shall be added to the accrual balance of all employees eligible to accrue vacation leave.
(2) To accrue credits for vacation leave during each month, eligible full-time employees must be in full-pay status for such month or major fraction thereof; eligible part-time employees must be in pay status consistent with their part-time service for such month or major fraction thereof.

(b) Employees in the Professional Services Negotiating Unit.
(1) Employees hired prior to July 1, 1982:
   (i) Full-time calendar year and college year employees shall be eligible to accrue credits for vacation leave at the rate of one and three-quarters days a month for each month or major fraction thereof during the term of their professional obligation. On January 2nd of each year of the agreement, one vacation day shall be added to the accrual balance of all employees eligible to accrue vacation leave.
   (ii) To accrue credits for vacation leave during each month, eligible full-time employees must be in full-pay status for such month, for major fraction thereof.
(2) Employees hired on or after July 1, 1982:
   (i) Commencing December 1, 1982 calendar year and college year employees who serve on a full-time basis and are appointed effective on or after July 1, 1982, shall be eligible to accrue credits for vacation leave for each month or major fraction thereof during the term of their professional obligation according to the following schedule. On January 2nd of each year of the agreement, one vacation day shall be added to the accrual balance of all employees eligible to accrue vacation leave.
   (The specific chart detailing the years of service and vacation accrual rates is included within the resolution).

337.7 Accrual.

(a) Employees not in the Professional Services Negotiating Unit.
Full-time employees shall be eligible to accrue credits for sick leave at the rate of one and three-quarters days a month for each month, or major fraction thereof, during the term of their professional obligation. Part-time employees shall be eligible to accrue such credits on a pro rata basis. To accrue credit for sick leave during each month, full-time employees must be in full-pay status for such month or major fraction thereof; eligible part-time employees must be in pay status consistent with their part-time service for such month or fraction thereof.

(b) Employees in the Professional Services Negotiating Unit.
(1) Employees hired prior to July 1, 1982. Full-time employees shall be eligible to accrue credits for sick leave at the rate of one and three-quarters days a month for each month, or major fraction thereof, during the term of their professional obligation. To accrue credit for sick leave during each month, full-time employees must be in full-pay status for such month or major fraction thereof.
(2) Employees hired on or after July 1, 1982. Commencing December 1, 1982, employees who serve on a full-time basis and are appointed effective on or after July 1, 1982, shall be eligible to accrue credits for sick leave for each month, or major fraction thereof, during the term of their professional obligation.

(The specific chart detailing the years of service and sick accrual rate is included within the resolution).

337.13 Holiday leave.

(a) A calendar year or college year employee shall be eligible to observe the following days prescribed by law as holidays: New Year's Day, Martin Luther King Day, Lincoln's Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Election Day, Veterans' Day, Thanksgiving Day and Christmas Day. The college chief administrative officer may designate two holidays as floating holidays in lieu of the holidays set forth above. The college chief administrative officer may designate an alternate date on which one of the holidays is to be observed. If a second holiday is designated the employee may select a date on which to observe the second holiday, with the approval of the employee's supervisor and consistent with the operating needs of the campus. The employee must observe such second holiday before the beginning of the next academic year. The college chief administrative officer's designation shall be announced following consultation with the certified representative of employees in the professional service in September of the academic year.

(b) An employee who is eligible to observe holidays shall be granted a compensatory day off when any holiday specified in subdivision (a) of this section falls on a Saturday, a Sunday, or a pass day.

(c) An employee who is eligible to observe holidays who is required to work on a holiday shall be granted a compensatory day off. An employee who is eligible to observe Thanksgiving or Christmas, and who is required to work on such holiday, shall be granted one and one-half compensatory days off.

(d) For employees in the professional services bargaining unit, effective July 1, 2019, an employee who is eligible to observe holidays who is required to work on New Year's Day shall be granted a compensatory day off or, at the employee's election, additional compensation at the rate of 1/10 of the employee’s bi-weekly rate for each such full day worked in lieu of the compensatory day off. An employee who is eligible to observe Thanksgiving or Christmas, and who is required to work on such holiday, shall be granted one and one-half compensatory days off or, at the employee's election, additional compensation at the rate of 3/20 of the employee’s bi-weekly rate for each such full day worked in lieu of compensatory time off.

(1) Compensatory time or additional compensation shall be pro-rated for less than a full day of work. Compensatory time or additional compensation shall be pro-rated for regularly scheduled work in excess of the standard workday worked on a holiday. The additional compensation rate shall include all payments normally included in bi-weekly gross salary.

([d]e) Compensatory days off shall be scheduled at times mutually convenient to the employee and the university and used within one year of accrual or forfeited.

337.30 Disability leave.
(a) Upon being discontinued from service in accordance with provisions of the State University Group Disability Insurance Program, an employee shall be granted a leave without pay for disability and shall be continued on such leave without pay until the disability ceases, the disability benefits would cease under the terms outlined in the Group Long Term Disability Insurance Certificate, regardless of eligibility, [the employee reaches age 65,] or death, whichever event occurs first. Notwithstanding the foregoing, after five calendar years on such leave, an employee shall not have any right or entitlement to be restored to regular employment status. For purposes of the State University Group Disability Insurance Program, the chief administrative officer may require an employee to be examined by a physician selected by the college at its expense. Determination that a disability exists may be made by the chief administrative officer upon the advice of the college’s examining physician. Notwithstanding the failure of an employee to cooperate with the college’s examining physician, a determination that a disability exists may be made by the chief administrative officer upon advice of the college’s examining physician that there are reasonable grounds to assume that a disability benefit would be payable in accordance with the State University Group Disability Insurance Program. If the chief administrative officer determines, in accordance with the provisions of this section, that a disability exists, the employee must apply for disability benefits under the State University Group Disability Insurance Program. In the event the employee does not apply for disability benefits, the employee shall be placed on disability leave without pay. If, upon a finding that an employee is not disabled, the disability insurance carrier disapproves an employee’s application for benefits, the employee shall be restored to regular employment status.

(b) Discontinuation from service of employees not covered by the State University Group Disability Insurance Program.

Upon being discontinued from service as a result of a disability which prevents performance of the employee’s duties, an employee shall be granted a leave without pay until the disability ceases, the disability benefits would cease under the terms outlined in the Group Long Term Disability Insurance Certificate, regardless of eligibility, [the employee reaches age 65,] or death, whichever event occurs first. Notwithstanding the foregoing, after five calendar years on such leave, an employee shall not have any right or entitlement to be restored to regular employment status. For purposes of determining the existence of such a disability, the chief administrative officer may require an employee to be examined by a physician selected by the college at its expense. Determination that a disability exists may be made by the chief administrative officer upon the advice of the college’s examining physician. Notwithstanding the failure of an employee to cooperate with the college’s examining physician, a determination that a disability exists may be made by the chief administrative officer upon advice of the college’s examining physician that there are reasonable grounds to assume that a disability exists which would prevent an employee from performing the employee’s duties. If the chief administrative officer determines, in accordance with the provisions of this section, that such a disability exists, the employee shall be placed on a disability leave without pay. Where appropriate, the chief administrative officer, after consulting with the college’s examining physician, may refer the employee to an employee assistance program or to other service agencies. The employee, however, shall be permitted to use any and all sick leave credits which have been accumulated pursuant to sections 337.7 and 337.8 of this Part and may request additional sick leave pursuant to section 337.11 of this Part. An employee who has been placed on disability leave without pay pursuant to this section may subsequently request to be restored to regular employment status. Such request must be submitted in writing to the chief administrative officer.
officer accompanied by suitable medical evidence from the employee's physician that the employee no longer has a disability which would prevent performance of the employee's duties. Following receipt of such submissions, the chief administrative officer may require the employee to be examined by a physician selected by the college at its expense prior to making a determination whether to restore the employee to regular employment status. Upon a finding by the college's examining physician that the employee no longer has a disability which would prevent performance of the employee's duties, the employee shall be restored to regular employment status. Upon a finding by the college's examining physician that the employee continues to have a disability which prevents performance of the employee's duties, the chief administrative officer may require the employee to be examined by a physician from the New York State Department of Civil Service Employee Health Service at the college's expense prior to making a determination whether to restore the employee to regular employment status. The determination of whether to restore the employment status may be made by the chief administrative officer upon the advice of the physician from the employee health service concerning the existence of a disability which would prevent the employee from performing the employee's duties.

Title H—Study Leaves for the Chancellor and Chief Administrative Officers

337.31 Third year of service.

The board of trustees may grant the chancellor and the chief administrative officer of each college a two-month study leave at full salary during every third year of service subsequent to the date of initial appointment or the date of the last leave taken pursuant to this Title. Vacation leave accrued for the third year of service shall be credited toward the study leave. Such leave shall be for the specific purpose of improving the administrative and academic performance of the chancellor and of the chief administrative officer.

337.32 Five years of service.

The board of trustees may grant the chancellor and the chief administrative officer of each college a one-semester study leave or equivalent at full salary at the end of a period of five years of service subsequent to the date of initial appointment or the date of the last leave taken pursuant to this Title. Vacation leave accrued during the fifth year of service shall be credited toward the study leave. Such leave shall be for the specific purpose of improving the administrative and academic performance of the chancellor and of the chief administrative officer.

Title I—Attendance Records

337.33 Attendance records.

Employees shall be required to certify their presence and record any absences on forms to be provided by the State. Employees shall also be required to record on such forms any charges to or accruals of vacation or sick leave credits. Such forms shall be submitted to the chief administrative officer, or designee, for review on a monthly basis.

Title J—Other Absences

337.34 Unauthorized absence.
(a) Any employee absent from work without authorization shall be placed on leave without pay. In the event an employee’s unauthorized absence continues for 10 consecutive workdays and the employee has not provided a written explanation for such absence to the chief administrative officer by the close of business of the 10th workday following the commencement of such unauthorized absence, the employee’s leave-without-pay status shall continue for the remainder of the semester in effect on the 10th consecutive workday of absence where the college has hired a replacement for the employee.

(b) If the unauthorized absence without written explanation continues for a total of 30 consecutive workdays, the employee shall be deemed to have resigned.

(c) If, prior to being deemed to have resigned, an employee provides suitable medical evidence in accordance with section 337.10(c) of this Part which substantiates a claim of temporary disability, the employee may be placed on sick leave. Any sick leave under this subdivision shall commence upon substantiation of a claim of temporary disability by suitable medical evidence.

337.35 Absence—extraordinary circumstances.

An employee who has reported for work and, because of extraordinary circumstances beyond the employee’s control, e.g., extreme weather conditions or physical plant breakdown, is directed by the chief administrative officer, or designee, to leave work, shall not be required to charge such directed absence during such day against leave accruals. Any such release of employees shall not create any right to equivalent time off by employees who are not directed to leave work.

Title K—Limitations

337.36 Term appointments.

Nothing contained herein shall be deemed to extend the term of appointment of employees, and all leaves of absence shall, in any event, terminate upon the expiration of such appointment.

(2019-18)

Upon motion by Trustee Staller, seconded by Trustee Duffy, the foregoing resolution was approved by affirmative votes from all present.

Trustee Staller continued with his report by describing the third resolution entitled Acquisition of Real Property by Gift-Clinton Community College.

Trustee Staller asked Secretary Pratt to read the resolution.

Acquisition of Real Property by Gift-Clinton Community College

Whereas New York State Education Law §6306(4) provides that a community college may acquire real property suitable for carrying out the programs and purposes of the college; and

Whereas the regulations of the State University of New York, set forth in section 603.5(a) of Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York, provide that real property may be acquired for community
college facilities by gift only after the State University Board of Trustees has approved the selection of the site; and

Whereas, NYS Education Law §6306(4) provides that the use of real property given to the board of trustees of a community college to provide any part of the local sponsor’s share of capital or operating costs shall be subject to the consent of the State University of New York Board of Trustees; and

Whereas, NYS Education Law §6304(1)(c) provides that where the local sponsor provides all or a portion of its share of capital or operating costs in real property, the valuation of such property for the purpose of determining the amount of state aid shall be made by the State University Board of Trustees; and

Whereas, the 2015/16 New York State Capital Projects Budget (L. 2015, Ch. 54) included an appropriation for athletic facilities renovation at Clinton County Community College, authorizing an estimated state share of up to $150,000; and

Whereas, the Clinton Community College Board of Trustees (“CCC Trustees”) seeks to acquire property by gift from Maureen Dade and to renovate such property to construct a regulation-sized soccer field; and

Whereas, the Clinton County Legislature, acting on behalf of the local sponsor Clinton County, has acknowledged the gift of the subject real property for the County’s contribution for the College’s capital projects, which is to be matched dollar for dollar by the state; and

Whereas, the subject real property (the “site”) consists of one parcel of approximately 2.6 acres located on Bellamine Drive in the town of Plattsburgh, New York; and

Whereas, the CCC Trustees seek approval of the use of such site for its athletic facilities renovation; and

Whereas, the CCC Trustees seek consent that the site be considered the local sponsor’s contribution for the capital project under section 6306(4) and a determination of the value of such site for state aid purposes under section 6304(1)(c); and

Whereas, two appraisals of the site were obtained by Clinton Community College; now, therefore, be it

Resolved that the selection of the site be, and hereby is, approved; and, be it further

Resolved that the use of the site by the local sponsor for its capital contribution to be matched with state aid be, and hereby is, approved; and, be it further
Resolved that based upon the two appraisals provided by Clinton Community College, the value of the site for purposes of section 6304(1)(c) is determined to be seven thousand dollars ($7,000).

(2019-19)

Upon motion by Trustee Staller, seconded by Trustee Spielvogel, the foregoing resolution was approved by affirmative votes from all present.

Trustee Staller continued by describing the fourth resolution entitled North Country Community College Sale of Real Property. He asked Secretary Pratt to read the resolution:

North Country Community College-Sale of Real Property

Whereas North Country Community College ("NCCC" or "the College") owns real property located at Winona Avenue, Village of Saranac Lake, County of Essex, New York, consisting of approximately 8.1 acres ("the Property"); and

Whereas the College seeks to sell the Property; and

Whereas the Property has been appraised at a minimum market value of $13,400; and

Whereas by resolution dated January 25, 2019, the North Country Community College Board of Trustees determined that the Property was no longer useful or required for college purposes; and

Whereas the Essex County Legislature and the Franklin County Legislature, by resolutions dated June 5, 2018 and May 17, 2018, respectively, consented to and authorized the sale of the Property to the State of New York Department of Environmental Conservation for the sale price of $13,400, with the sale proceeds to be transferred to the College for use in the capital improvement of campus facilities; and

Whereas the regulations of the State University of New York, section 603.5(d) of Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York, require that the State University of New York Board of Trustees determine that the Property is no longer useful or required for college purposes and approve the Property’s appraised minimum market value before the Property may be sold; now, therefore, be it

Resolved that the Property be, and hereby is, declared no longer useful or required for college purposes; and, be it further

Resolved that the appraised, minimum market value of the Property of $13,400 be, and hereby is, approved.

(2019-20)
Upon motion by Trustee Staller, seconded by Trustee Duffy, the foregoing resolution was approved by affirmative votes from all present.

Trustee Staller introduced the fifth resolution entitled Renaming Buildings at the State University of New York College at New Paltz. He invited SUNY New Paltz President, Dr. Christian, to say a few words. President Christian noted that SUNY New Paltz took a year to review the names on five residence halls and a dining hall on the campus that have a direct linkage to slavery in New Paltz. He described the history of the previous building names and highlighted the importance of the name changes to the campus and its community. Trustee Spielvogel congratulated President Christian for the exceptional process and great result.

Trustee Staller asked Secretary Pratt to read the resolution:

Renaming Buildings at the State University of New York College at New Paltz

Whereas at its February 21, 2019 meeting, the SUNY New Paltz College Council voted to remove the existing names from the Hasbrouck Residential Complex, including the buildings currently named Bevier Hall, Crispell Hall, Deyo Hall, DuBois Hall, Hasbrouck Dining Hall, and Lefevre Hall; and

Whereas at its March 6, 2019 meeting, the SUNY New Paltz College Council voted unanimously to rename the Hasbrouck Dining Hall as Peregrine Dining Hall, and to authorize the President to assign the remaining five buildings the names Mohonk Hall, Minnewaska Hall, Awosting Hall, Shawangunk Hall, and Ashokan Hall; and

Whereas pursuant to NYS Education Law §356, the SUNY New Paltz College Council has the authority to name buildings and grounds subject to the general management, supervision and control of the Board of Trustees; now, therefore, be it

Resolved that the actions taken by the SUNY New Paltz College Council at its February 21, 2019 and March 6, 2019 meetings, respectively, to remove the names of Huguenot patentees from the Hasbrouck Residential Complex and to replace such names with alternate names with local meaning and geographical significance be, and hereby are, approved.

(2019-21)

Upon motion by Trustee Staller, seconded by Trustee Lewin, the foregoing resolution was approved by affirmative votes from all present.

Trustee Staller concluded his report. Chairman McCall thanked Trustee Staller for his report and invited Trustee Corngold to give his report on the Academic Medical Centers and Hospitals Committee.
Academic Medical Centers and Hospitals

Trustee Corngold began his report by stating that the committee received updates on federal landscape and tobacco free SUNY initiative. They also had a brief executive session to discuss legal and personnel issues. No action was taken during executive session.

Trustee Corngold concluded his report.

Chairman McCall thanked Trustee Corngold for his report and invited Trustee Duffy, Chairman of the Community Colleges Committee, to give his report.

Community Colleges

Trustee Duffy began his report by noting that Senior Vice Chancellor for Community Colleges and the Education Pipeline provided an update on SUNY Apprenticeship Program and other student success initiatives. In addition, Mohawk Community College President Randy Van Wagner spoke about their efforts to lead apprenticeships in the advanced manufactory sector. President Moono and Vice President McGuire from SUNY Schenectady County Community College updated the board on the emerging sector of healthcare apprenticeships.

Trustee Duffy concluded his report.

Chairman McCall thanked Trustee Duffy for his report and invited Trustee Spiro, Chairman of the Audit Committee, to provide his report.

Audit

Trustee Spiro started his report by noting that the committee received an update from independent accountants KPMG concerning their planning strategy for the 2019 SUNY financial audit. In addition, university Auditor Amy Montalbano provided the committee with an update on the 2018 conflict of interest reporting for campus related foundations.

Trustee Spiro concluded his report.

Chairman McCall thanked Trustee Spiro for his report and invited Chancellor Johnson to provide her report.

5. CHANCELLOR’S REPORT

Chancellor Johnson began by providing a brief update on the activities she has been involved since the last Board meeting. The events she highlighted included the State University System Address, the Faculty Senate Winter Plenary at SUNY Cobleskill, the budget hearing on higher education, the breakfast for new legislative members and the Women’s History month reception. In addition, Chancellor Johnson thanked the communications team for their efforts in
effectively addressing SUNY’s message to the media and social media. She also introduced the new staff who joined SUNY System.

Chancellor Johnson highlighted several of the campus visits including SUNY Cortland, Cayuga Community College, SUNY Ulster, North Country Community College, SUNY Sullivan and SUNY Orange Community College. She concluded her report by noting some of SUNY’s successes throughout the campuses including Downstate Medical Center being ranked fourth in the country for educating top doctors and congratulated the president of Downstate Medical Center, Dr. Riley, and Chief Officer for Academic Health and Hospitals, Dr. Azziz, and those involved in the medical profession for the achievement. She also indicated that the Empire State Development Corporation has earmarked thirty million dollars for the completion of the Decker's School of Nursing at Binghamton’s Health Sciences campus; funding comes from the Upstate Revitalization Initiative. In addition, Chancellor Johnson was pleased to announce the new partnership between IBM and SUNY Polytechnic Institute where IBM has invested two billion dollars for a new ecosystem center in artificial intelligence hardware.

6. CHAIRMAN’S REPORT

Chairman McCall began his report with an update on the progress of the current capital program and the role of the State University of New York Construction Fund. He noted that in addition to being the chairperson of the SUNY Board of Trustees, he is also the chairman of the SUNY Construction Fund. Chairman McCall stated that SUNY’s physical footprint is vast and requires a significant amount of investment to keep campus buildings and infrastructure in a state of good repair. He noted that SUNY Construction Fund is the stewards of eighty one thousand eight hundred fifty state owned academic buildings covering nearly 62 million square feet and 26 hospital buildings. Chairman McCall indicated that half of SUNY’s buildings were constructed in 1965 through 1975 and many of these building have not had a major renovation since originally built. Chairman McCall detailed the history of the Construction Fund and noted that after the GI Bill of Rights in 1954 and the demand for higher education, it became clear that the infrastructure of SUNY colleges needed to improve; therefore, in 1962 Governor Nelson Rockefeller created the State University Construction Fund. Chairman McCall also highlighted the capital investments currently taking place on SUNY state-operated campuses.

Chairman McCall invited Karen Ryan, President of the New York Community College Trustees (NYCCT), to provide her report.
7. **OBSERVER UPDATE**

Ms. Ryan began her report by thanking the Board, Chairman McCall, Vice Chairman Tisch, and Chancellor Johnson for the opportunity to update them on recent activities. She described the 2018 annual conference held in September where Chairman McCall and Chancellor Johnson addressed NYCCT. During the conference, they had discussions on how to enhance enrollment, student success, middle state accreditations and other issues facing the community colleges. She noted that over the last several months NYCCT has been working with the community colleges campus presidents, Senior Vice Chancellor Duncan-Poitier and SUNY System government relations team on a coordinated effort to advocate for financial support for SUNY community colleges. In addition, Ms. Ryan addressed the importance of community colleges.

Before concluding her report, Ms. Ryan commended a remarkable student attending one of the SUNY community colleges. Chairman McCall thanked Ms. Ryan for her report.

8. **ADJOURNMENT**

There being no further business, upon motion of Trustee Staller, seconded by Chairman McCall, the meeting was adjourned at 3:21 p.m.