Minutes of Meetings of the Board of Trustees of the State University of New York

March 17, 2020

The Board of Trustees of the State University of New York met on January 28, 2020 via conference call pursuant to a notice sent by the Office of the Secretary of the University on March 14, 2020.

March 17, at 11:00 am

Trustees Present:
Chairman Tisch, Vice Chair Perales, Trustee Corngold, Trustee Fogal, Trustee Kay, Trustee Lewin, Trustee Litow, Trustee Ostro, Trustee Belluck, Trustee Staller, Trustee Socarides, Trustee Duffy, Trustee Burke and Trustee Spiro.

Trustees Absent:
Trustee Spielvogel

Others Present:
Chancellor Johnson, Sandra Casey, and Terrance Pratt

CONVENING OF PUBLIC MEETING

Chairman Tisch convened the Public Meeting at 11:00 am, which was held via conference call. Mr. Pratt then called the roll of members, at which time Chairman Tisch declared a quorum.

Chairman Tisch turned the discussion over to Chancellor Johnson,

Chancellor Johnson provided the Board with an update on the actions taken by SUNY in response to the outbreak of COVID-19, caused by the novel coronavirus, including SUNY’s actions over the prior weeks, through the leadership and direction of Governor Cuomo, to repatriate students studying abroad and provide a safe quarantine option on SUNY campuses, as well as to move all SUNY campuses to online or remote instruction for the remainder of the Spring Semester. Chancellor Johnson also told the Board of expected needs of the SUNY hospitals, including potential testing needs and need medical supplies. She concluded by informing the Board that SUNY would imminently be issuing guidance to campuses for designations of “essential” employees as well as guidance related to refunds or credits of select items to students.

Chairman Tisch called for a motion to adjourn.

Motion made by Trustee Duffy
Seconded by Litow

Meeting adjourned 11:20 am.
March 17, at 1:16 pm

Trustees Present:
Chairman Tisch, Vice Chair Perales, Trustee Corngold, Trustee Fogal, Trustee Kay, Trustee Lewin, Trustee Litow, Trustee Ostro, Trustee Belluck, Trustee Staller, Trustee Socarides, Trustee Duffy and Trustee Spiro.

Trustees Absent:
Trustee Burke and Trustee Spielvogel

Others Present:
Chancellor Johnson, Sandra Casey, and Terrance Pratt

CONVENING OF PUBLIC MEETING

Chairman Tisch convened the Public Meeting at 1:16 pm, which was held via conference call. Mr. Pratt then called the roll of members, at which time Chairman Tisch declared a quorum. The Chairman asked for a motion to convene an executive session under the provisions of Section 1051F of the public officers law for the purpose of discussing matters relating to the appointment of particular persons and to seek legal advice pursuant to section 108 of the public officers law.

CONVENING OF EXECUTIVE SESSION

At 1:18 pm, Chairman Tisch called for an Executive Session under provisions of Section 105 of the Public Officers Law

Upon motion by Trustee Lewin

Seconded by Vice Chair Perales

It was unanimously agreed to convene Executive Session

RECONVENING OF PUBLIC MEETING

The Board returned to public session at 1:45 pm

No actions were taken in Executive Session.

March 17, at 1:45 pm

Trustees Present:
Chairman Tisch, Vice Chair Perales, Trustee Corngold, Trustee Fogal, Trustee Kay, Trustee Lewin, Trustee Litow, Trustee Ostro, Trustee Belluck, Trustee Staller, Trustee Socarides, Trustee Duffy and Trustee Spiro.
Trustees Absent:
Trustee Burke and Trustee Spielvogel

Others Present:
Chancellor Johnson, Sandra Casey, and Terrance Pratt

CONVENCING OF PUBLIC MEETING

Chancellor Johnson announces a resolution for approval.

Resolution: Designation of Joseph L. Kennedy as President Emeritus of SUNY Canton

Whereas, Dr. Joseph L. Kennedy was appointed the third President of the State University of New York College of Technology at Canton in 1993, and successfully served in that position for nearly 20 years until 2012; and

Whereas under President Kennedy’s leadership, enrollment at SUNY Canton increased by more than 100% during his tenure, from less than 2,000 students to nearly 4,000 students; and

Whereas under President Kennedy’s leadership, SUNY Canton created 21 new baccalaureate degree offerings, as well as associate degrees and certificate programs, and increased online course offerings to become the second largest online educator in New York State; and

Whereas President Kennedy oversaw the construction of many new buildings on the SUNY Canton campus, including the Richard W. Miller Campus Center, the Newell Veterinary Technology Center, the Convocation, Athletic, and Recreation Center, and the Grasse River Suites Residence Hall, which was recently renamed Kennedy Hall in honor of President Kennedy; and

Whereas President Kennedy initiated SUNY Canton’s Energy Plan and established the campus’s sustainability efforts; and

Whereas President Kennedy created a Military Advisory Committee which led to creation of a dedicated space for military veterans on the SUNY Canton campus; and

Whereas President Kennedy put into place key initiatives that led to increased enrollment and retention of students and which continue to make the college successful, including implementation of innovative block scheduling, as well as Winter and Summer session offerings; and

Whereas President Kennedy provided exceptional guidance to the Canton College Foundation, which led to the securing of millions of dollars in grant funding and investment growth; and

Whereas President Kennedy recognized the importance of the role of SUNY Canton in community economic development; and
Whereas President Kennedy maintained a significant presence in the local community, bolstering SUNY Canton’s image and forming important relationships; now, therefore, be it

Resolved that effective immediately, Dr. Joseph L. Kennedy be designated President Emeritus of the State University of New York College of Technology at Canton in recognition of his 19 years of distinguished service to SUNY Canton.

Upon motion by Trustee Staller

Seconded by Trustee Lewin

Secretary declares that the appointment is approved.

Committee Reports:

Audit Committee

Trustee Spiro gave an overview of the meeting, which included an update from Amy Montalbano on the 2019 – 2020 Audit plan, and they discussed the RFP for the Audit Services in their Executive Session.

Academic Affairs Committee

Trustee Litow recommends the following resolutions to be approved on a consent agenda:

Resolution: 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 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, appointed to the rank of Distinguished Professor at the State-operated campus indicated, effective March 17, 2020:

Professor Maria Laura Feltri, State University of New York at Buffalo;
Professor Jo L. Freudenheim, State University of New York at Buffalo;
Professor Amit Goyal, State University of New York at Buffalo;
Professor Elad I. Levy, State University of New York at Buffalo;
Professor Stephen T. Tiffany, State University of New York at Buffalo;
Professor Zhang Jie, State University College at Buffalo;
Professor Joseph Scheer, New York State College of Ceramics at Alfred University;
Professor Xian-Cheng Jiang, State University of New York Downstate Health Sciences University;
Professor Sheryl S. Smith, State University of New York Downstate Health Sciences University;
Professor Karin E. Limburg, State University of New York College of Environmental Science and Forestry;
Professor Joel H. Saltz, State University of New York at Stony Brook; and
Professor Alexander B. Zamolodchikov, State University of New York at Stony Brook.
Resolution: 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 Board of Trustees wish to extend SUNY’s highest tribute to community colleges in recognition of the extraordinary contributions and achievements of faculty in this sector; 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 Service Professor at the State-operated campus and community college indicated, effective March 17, 2020:
Professor Robert C. Schneider, State University of New York College at Brockport;
Professor Stephen A. Mackenzie, State University of New York College of Agriculture and Technology at Cobleskill;
Professor Donna M. Videto, State University College at Cortland;
Professor Alan D. Mandell, State University of New York Empire State College;
Professor Cheryl E. Drout, State University College at Fredonia;
Professor Jennifer L. Bueche, State University College at Oneonta;
Professor Leigh A. Wilson, State University of College at Oswego;
Professor Patricia Maloney-Titland, Rockland Community College; and, be it further
Resolved that the faculty member listed below, hereby is, appointed as Distinguished Service Professor as an honorific distinction at the campus indicated, effective March 18, 2020:
Professor James A. Hewlett, Finger Lakes Community College.

Resolution: 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 systemwide 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 member listed below be, and hereby is, promoted to the rank of Distinguished Teaching Professor at the State-operated campus indicated, effective March 17, 2020:
Professor Steven B. Broyles, State University College at Cortland

Resolution: Appointment of Distinguished Librarian
 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 the faculty member listed below be, and hereby is, promoted to the rank of Distinguished Librarian at the State-operated campus indicated, effective March 17, 2020:
 Ms. Rebecca L. Mugridge, State University of New York at Albany

 Secretary asks for the motion to approve the consent agenda resolutions

 Upon motion by Trustee Staller

 Seconded by Trustee Lewin

 Secretary declares that the resolutions are approved.

 Finance and Administration Committee

 Trustee Staller recommends the following resolutions to be approved on a consent agenda:

 Resolution: Tax-Exempt Leasing Program -- Upstate Medical University Hospital

 Whereas pursuant to Section 7415-b of the Unconsolidated Laws of New York, the State University of New York has the statutory authority to participate in the Dormitory Authority of the State of New York's Tax-Exempt Leasing Program ("Program") for hospitals and residential health care facilities; and

 Whereas Upstate Medical University Hospital ("Hospital") desires to participate in the Program to finance certain equipment; and

 Whereas it is desirable to finance the cost of the Hospital's equipment acquisition and installation through the Program; now, therefore, be it

 Resolved that the form and content of the proposed Master Lease and Sublease Agreement ("Agreement") between the State University and the Dormitory Authority of the State of New York (copy on file in the Office of the Secretary of the University), be, and hereby is, approved; and, be it further

 Resolved that the Chancellor, or designee, be, and hereby is authorized to execute and deliver one or more said Agreements in the name and on behalf of the State University of New York, for and on behalf of Upstate Medical University Hospital, with such changes and additions, not materially altering said Agreement, as may be found appropriate to effectuate the purposes thereof, and to provide all certifications, assurances or other documents, and to take any and all steps necessary and appropriate to enable the State University to participate in the Program for the acquisition and installation of the
Resolution: Transfer of Jurisdiction from the Office of Mental Health to the State University of Building 3 and Building 4 and adjacent land which is located on the grounds of Hutchings Psychiatric Center in Syracuse, New York.

Whereas Public Lands Law Section 3(4) authorizes a State entity, including the State University, to make application to the Commissioner of General Services, for the transfer of jurisdiction of State-owned real property from another State entity to the applying State entity, and to consent to the transfer of jurisdiction of the State-owned real property under its jurisdiction; and

Whereas the subject real property (“Site”) consists of one parcel of approximately 2.1 acres with two buildings (Building 3 is approximately 31,930 square feet and Building 4 is approximately 29,435 square feet) and is under the jurisdiction of the Office of Mental Health (“OMH”), owned by the State of New York, and located in the City of Syracuse, County of Onondaga, State of New York and currently identified as 713 Harrison Street and 618 Madison Street (the City of Syracuse has agreed to formally change the address to 719 Harrison Street as the buildings are adjacent to each other); and

Whereas SUNY Upstate Medical University (“SUNY Upstate”) seeks to acquire the Site for to allow SUNY Upstate to continue to provide out-patient psychiatric services for adults, children and adolescents, and to expand and enhance such services for the benefit of the community served; and

Whereas there is bonded debt of $2,076,606.28 (principal and interest) on the Site, which SUNY Upstate is prepared to assume; and

Whereas SUNY Upstate has completed a building assessment and an environmental assessment of Buildings 3 and 4; now, therefore, be it

Resolved that the Chancellor or designee is authorized to apply to the Commissioner of General Services for the transfer of jurisdiction of the Site from OMH to SUNY and consent to the transfer, including taking all steps necessary to execute and approve documents, notices, maps and other instruments necessary or appropriate to affect such transfer of jurisdiction.

Resolution: Amendments to 8 NYCRR Part 587: State University System Administration Vehicular and Pedestrian Traffic and Parking Regulations

Whereas NYS Education Law section 360 gives the Board of Trustees authority to regulate traffic and parking on State University property through the adoption and enforcement of rules and regulations; and
Whereas the existing provisions of 8 NYCRR Part 587 are outdated and in need of comprehensive updates; 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 Part 587 of Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York, as set forth in Attachment A of this resolution; and, be it further

Resolved that the Chancellor, or designee, be, and hereby is, authorized to adopt guidelines not inconsistent with these regulations, as adopted.

Resolution: Residence Hall Program Bonds Issue for State Fiscal Year 2020/21

Whereas pursuant to Resolution 95-181, adopted September 20, 1995, the State University of New York and the Dormitory Authority of the State of New York (“DASNY”) entered into a Lease and Agreement, dated as of September 20, 1995, in support of a financing program for State University residence halls and related facilities (“1995 Lease and Agreement”); and
Whereas pursuant to Resolution 2003-82, adopted September 16, 2003, and in connection with a restructuring of the residence hall program, DASNY and the State University entered into an Eighth Supplemental Lease and Agreement, dated as of September 24, 2003, amending andrestating in its entirety the 1995 Lease and Agreement (the “2003 Lease and Agreement”); and
Whereas pursuant to Resolution 2013-014, adopted March 19, 2013, authorizing the restructuring of the financing program for the State University in accordance with Chapter 57 of the Laws of New York 2013, Part B, the State University and DASNY executed the 2013 Lease Amendment and 2013 Financing and Development Agreement; and
Whereas DASNY and the State University intend to finance the acquisition, construction, renovation, development, and equipping of certain dormitory facilities (collectively, the “Projects”) and/or refinance prior bonds, where beneficial for the State University to do so; and
Whereas in order to refinance prior bonds, DASNY expects to issue one or more series of revenue bonds (the “Bonds”); now, therefore, be it
Resolved that the Chancellor, or designee, be and hereby is authorized to undertake and complete the refinancing of prior bonds, where beneficial, during the State fiscal year 2020/21; and, be it further
Resolved that the Chancellor, or designee, be and hereby is authorized, in the name and on behalf of the State University to negotiate, execute, deliver and/or approve the following documents, and any other documents necessary in connection with the sale and issuance of the Bonds:
   a) Preliminary Official Statement and Official Statement to be distributed in connection with the offering and sale of the Bonds;
   b) Agreement to Provide Continuing Disclosure; and
   c) any further instruments, agreements, certificates, evidence of indebtedness or other documents which may be necessary or appropriate to complete the issuance of the Bonds or to carry out the foregoing.
Secretary asks for the motion to approve the consent agenda resolutions

Upon motion by Trustee Staller

Seconded by Trustee Spiro

Secretary declares that the resolutions are approved.

Secretary asks for the motion to approve the committee reports

Upon motion by Trustee Duffy

Seconded by Trustee Spiro

Secretary declares that the reports are approved.

APPROVAL OF MINUTES

Approval of Minutes of the Board of Trustees of the State University of New York from January 28, 2020 at SUNY Downstate Medical Center, Brooklyn, NY, Secretary of the University asks the board if there are any changes or amendments to the minutes.

Secretary asks for a motion to approve

Upon motion by Trustee Duffy

Seconded by Trustee Litow

Secretary declares that the minutes are approved with amendments.

The secretary continues with Final Regulation for Approval on Consent

Resolution: Community College Rental Aid: Amendments to Section 602.8(a) of 8 NYCRR (Limitations on operating costs for purposes of State financial assistance)

Resolved that 8 NYCRR section 602.8(a) be, and hereby is, amended as set forth below (brackets denote old material to be deleted; underlining denotes new material to be added):

(a) Definitions for this section.

(1) Net operating costs, such as gross operating expenditures minus actual offsetting operating revenues (such as Federal aid) and actual operating expenditures not allowable for State aid.

(2) Net operating budget. Gross operating budget minus budgeted offsetting operating revenues (such as Federal aid) and budgeted appropriations not allowable for State aid.
(3) Rental cost for physical space. The costs of rented physical space [, excluding costs of such services as electricity, gas, heat or janitorial services where the expenses of the latter types of services are included in the rental charges] as defined by the Chancellor or designee.

Resolution: Veterans Application Fee Waiver: Amendments to 8 NYCRR Part 302: Waiver of Application Fees for Veterans and Spouses

Resolved that 8 NYCRR Part 302 be, and hereby is, amended by adding a new section 302.18 to read as follows:

§ 302.18. Waiver of application fees for military veterans and spouses. The admissions application fee shall be waived for all eligible military veterans and spouses of military veterans, as defined by the Chancellor or designee, who apply for admission to a SUNY State-operated campus.

Secretary asks for the motion to approve the consent agenda resolutions

Upon motion by Vice Chair Duffy

Seconded by Trustee Lewin

Secretary declares that the final adoptions resolutions are approved.

ADJOURNMENT

Motion by Chairman Tisch

Seconded by Trustee Lewin

The Chairman declares meeting adjourned at 1:52 p.m.