

NASSAU COMMUNITY COLLEGE
Garden City, New York

BOARD OF TRUSTEES' MINUTES

Meeting of November 10, 2015

The five hundred ninetieth meeting of the Board of Trustees was held on Tuesday, November 10, 2015 on the eleventh floor of the Administrative Tower.

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Wanda Jackson, Jennifer Borzym, Student Trustee.

Absent: Edward W. Powers, Donna Tuman.

Also in attendance: Interim President Dolan, EVP Saunders

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 following purposes: 1) matters relating to potential litigation with the NCCFT; 2) matters relating to negotiations with the AFA; 3) matters leading to the

Present: Jorge L. Gardyn, Chair
Kathy Weiss, Vice Chair
Arnold W. Drucker, Secretary;
Anthony W. Cornachio, John A. DeGrace,
Wanda Jackson, Jennifer Borzým, Student Trustee.

Absent: [REDACTED] ID 59000912 0iB.

4. Trustee Jackson introduced the following resolution:

RESOLVED, THAT IN RECOGNITION OF DISTINGUISHED AND MERITORIOUS SERVICE TO NASSAU COMMUNITY COLLEGE, AND UPON THE RECOMMENDATION OF THE PRESIDENT OF NASSAU COMMUNITY COLLEGE, THE FOLLOWING NAMED RETIRED FACULTY MEMBERS OF NASSAU COMMUNITY COLLEGE WHO RETIRED AFTER ATTAINING THE ACADEMIC RANK OF PROFESSOR OR ASSOCIATE PROFESSOR, ARE HEREBY GRANTED THE PERMANENT ACADEMIC TITLE OF PROFESSOR EMERITUS WITH ALL THE PRIVILEGES AND RIGHTS ACCRUING THERETO.

<u>Name</u>	<u>Title</u>	<u>Department</u>	<u>Retirement Date</u>
Sharon Abramson	Professor	Math/Computer Science/IT	9/1/15
Richard Ashker	Professor	Student Personnel Services	9/1/15
Cynthia Bayern	Professor	Psychology	9/1/15
Sammy Browne	Professor	English	9/1/15
Qiong-Ying Chen	Associate Professor	Reading/BEP	9/1/15
Lawrence Dellaquila	Professor	HPER	9/1/15
Susan Dooley	Professor	Art	9/1/15
Adam Haridopolos	Professor	English	9/1/15
Barbara Horn	Professor	English	9/1/15
Alice			

Chair Gardyn requested a motion to consider this item. Trustee DeGrace moved the motion; seconded by Trustee Drucker. Motion carried 7-0.

5. Chair Gardyn made a motion under Article IV section 3(f) of the Rules of Procedure to allow for the consideration of an item that does not appear on the Calendar. Trustee DeGrace seconded the motion. Motion carried 7-0.

Trustee Cornachio introduced the following resolution on Multiple Measures as approved by the Academic Affairs Committee meeting:

WHEREAS, THE BOARD OF TRUSTEES OF NASSAU COMMUNITY COLLEGE VOTED IN RESPONSE TO AN APPEAL FROM THE VETO RENDERED BY THE THEN ACTING PRESIDENT ON MAY 1, 2015 RESPECTING CERTAIN ACTION BY THE ACADEMIC SENATE TAKEN ON APRIL 21, 2015 REGARDING THE ISSUE OF MULTIPLE MEASURES IN STUDENT PLACEMENT TESTING, AND

think we have to cut at all lines, not just one set of lines. So yeah, I think we need to take a look at the responsibilities that fit under Mr. Cutolo, see if there are other people whom we've hired who could accept some of those responsibilities, change other people's jobs. I don't know. I'm not going to be the administrator about this, but I do think, in light of our fiscal, we need to think 100 times before we replace positions.

Mr. Cornachio: I share Dr. Weiss' thoughts.

Dr. Gardyn: Ladies and gentlemen, I am going to weigh in on what Mr. Cutolo has done. And we as an institution need to have, basically, sensors and sentries at certain positions that it will ensure our economic livelihood. It has been imperative, and it has been, basically, a God-send to have lobbyists like Dan Fisher up in the state level, who has been ensuring that the college gets its fair share of state funds. It is also imperative that we have someone in the county legislature who is involved with the intricacies of how to get things done. I'll give you the recent case in point. The fact that we have these retirements, we had expected and budgeted about 50 retirements. And at the time we did it, our answer was to be able to bond this so that we would be able to

Minutes of the Board of Trustees Meeting of November 10, 2015

interested in what you think." That's not true.

David Stern, Academic Senate 1st Vice Chair remarks as presented:

I just wanted to mention the culinary program, because you mentioned the purchase. The Senate Curriculum Committee is working hard, and approving that program as part of process. I hope you're going to approve that process as it goes through. If you noticed, I declined to speak the last couple of Board meetings. I'm speaking tonight, because I realize, in spite of recent events, I still have hope in all of you, our trustees. I believe we share a mutual interest in our mission. And you, our BOT, want us to work together to succeed in that vision. It's evident in the way you crafted the June resolutions. It was said with pride at the meeting earlier, at the Academic Affairs meeting, that you wanted us to collaborate. Now, before many of you were on the board and prior to the Astrab assembled administration, there was a mutual respect between all the Middle States governing entities. That's the BOT, the administration, and the Senate. College policy, especially in the academic area, was developed so collaboratively that it didn't even require a discussion at the BOT. The BOT trusted this system enough that they did not see a need to interfere. Every modern academic aspect of this College was created this way. In fact, Nassau Community College's reputation, which you have a responsibility to maintain and improve, has resulted in over \$15 million in chargebacks. I know that budget is an issue. \$15 million in chargebacks because of our reputation, and has put Nassau Community College as the leading community college in producing transfer-ready students, as noted by our transfer colleges. Just ask any of them. They hold Nassau above Suffolk, Westchester, any of these other colleges you want us to lower our standards to. And it's been built on a foundation of collaboration. Then came the Astrab/Saunders administration team. This team is

Prof. Merlo: And by the way, nor am I. I am not equipped to answer these questions. I'm a computer science guy. That's--

Dr. Gardyn: But, Chris, that's why in June we sent it back. Remember, we sent it back. It was done in reading. It was done in writing.

Prof. Merlo: No, no, no, no. Correct me if I'm wrong, but I think that you're misremembering what happened in June. Dr. Weiss, if I remember correctly, you thought that our math numbers were pretty much there, that the administrators and the Development Committee had come to agreement on math and reading and that it was the writing portion that you guys sent it back to us for.

Dr. Gardyn: Thank goodness we keep minutes, everything was sent back.

Prof. Merlo: Eventually, everything was sent back, but right before, if you look at the minutes, if you look at

Dr. Gardyn: What I said is; if they are able to pass the standard, they don't need to be remediated.

Prof. Merlo: Okay. But if we keep changing the standard, then what they're passing--

Dr. Gardyn: This is the first time that we changed. This is the first time.

Prof. Merlo: This is not the first time. It's really not. And again, I know Professor DeSanto can speak more about this. Professor Alfar, I don't think he's here. The standards have moved a number of times. I don't know how many. I've never—

something is not on the calendar is discussed and then voted on here. And we've seen it commonly. The multiple measures wasn't on the calendar, right? Well, we don't get a chance to speak until after you voted. So seeing as we have a time limit anyway, I'd like to suggest that you allow the public to speak before you take your votes, before your meeting, just reverse the order. So those are my four suggestions. I'd also like to discuss a few things about what was previously said. One of the things that brought up a lot of confusion to night was the Seamless Transfer Resolution that you voted on. I would like to submit this simple reason is why. When you voted on that resolution, the focus was merely on 64 credits. I would like to just remind you all that you voted on ten parts of the SUNY Seamless Transfer, and the other nine parts are what is wreaking havoc at the college now. Being an advisor, I know this. I do believe that SUNY feels that the other nine—I think that it would be a very simple thing to fix that problem. Just amend your resolution to clarify that what you were proposing was the 64-credit limit and not nine things in the SUNY Seamless Transfer, because while SUNY says they're for SUNY students, I can assure you they're not necessarily good for all students, especially those who aren't planning on transferring to a SUNY school. One of the last things that I want to propose—this is a suggestion towards transparency, and I'm bringing it up last, because I'd like to actually pose the question to you. I noticed that on tonight's calendar, one of the items that you entered into executive session was written in such a way that I could not decipher it. It was the Item Number 4, where it was basically personal matters, and it was a long list of things that you could go into executive session for. Just to jot a couple of things down, "Matters leading to the proposal"—I'm sorry, "Of reviewing medical, financial, or employment history in particular," that's very vague. The reason why you announce the executive session in the public is, of course, so the public can determine if it's appropriate to go to the executive session. So I wanted to ask you, what was the particular reason for that item that you entered into executive? In other words, there's no problem with mentioning who is the person and roughly what it's about. We're not asking for details, but we'd like to know that it was something spec` \$ o ayI ose hat question o

Dr. Dolan: Allow public to speak before votes and?

Prof. Gorman: And the third one was, for your executive sessions, j00009hehej000()10(e)14 /P 0(b)10(e)14(f)cs N?

it was faculty, administrator, students, who agreed, and we brought it back to the Dev Ed Committee. It was voted on. 15 voted yes, 2 no. And then, it was brought to the senate where it was also voted on and passed. And then, it went to Dr. Dolan, who vetoed it and I'm quite upset at that. Why?

The following discussion took place:

Trustee Cornachio: Because you felt it did not follow the sense of the Board and the sense of the administration just prior to his that looked at his carefully and made certain conclusions about what substance was passed. And he did the right thing, frankly.

Ms. Smith: Well, I respect your opinion.

Trustee Cornachio: And this is not meant personally. We think it was the right thing to do.

Ms. Smith: Well, I respectfully disagree, and I also respectfully disagree with how it's done. Before we received that veto, an alternate resolution was already on the agenda for tonight, and I think that's disrespectful. If it's already there and it hasn't even been vetoed, that disrespects our whole process, our governance process.

Trustee Cornachio: It was not disrespectful.

Ms. Smith: I'm just saying how it feels.

Trustee Cornachio: Anyone that read the transcripts of those proceedings on June 9th I think it was, it was clear what this board was looking for and what the Saunders' administration was looking for and what you came up with- it's far removed from that. How could anybody, unless they were asleep at those meetings and the six months of meetings before that--they'd have to be asleep not to realize that was going to be the reaction.

Ms. Smith: Well, if you look at the compromises that were made. I don't agree. Well, again, I believe that the Dev Ed resolution, which was one resolution, not three, was more data-driven, and it was definitely more appropriate.

Debra DeSanto, President of the NCCFT, remarks as presented:

Once again, I come before you to speak about the need to replace the full-time lines. This is not going to be a surprise to you. There are 105--my numbers are saying 106 tonight. That's fine. Faculty opted for their retirement incentive. But if you recall at last meeting, I discussed all the other lines that were not replaced since the start of the semester. By our account, the number is significant. Last week, at the Academic Affairs meeting, once again, we heard no money, as we're hearing again tonight. When Dr. Saunders was asked when chairs on the P and B would know how many lines were being replaced, they were told there were budgetary issues and that faculty can still change their minds about retiring, so these factors needed to be considered. Things weren't looking good financially. You can imagine the reactions to these statements. This incentive was well thought out at the table, and we were told somehow that the benchmark was 50 lines, and then the lines would be replaced. Yet, at recent meetings, we're hearing a different story. This was not a one-sided conversation, as I discussed at last month's meeting. We bargained in good faith on these lines that need to be replaced. Of course, there is going to be initially outlay of funds, but this was discussed at length during negotiations, and this is where I'm going off on my script here. I sat here, and I listened tonight about going to Nassau County and they didn't bond, and you thought you were going to be bonded for ten years, and we were lucky that we ended up getting two years, and I agree. Maybe we are lucky. But again, you can go back in. The bottom line here is, if you couldn't fund this retirement, then maybe your attorneys or whoever were representing the Board of Trustees and the other side should have capped this retirement incentive.

The following discussion took place:

Dr. Weiss: You said Criteria Number 6. I don't know of any criteria.

Trustee Cornachio: Oh, she's talking about Middle States?

Dr. Weiss: No, no, no. She's talking about hiring.

Dr. Dolan: Dr. Saunders can answer it. Yes, I know what criteria number 6 is. Thank you.

Dr. Saunders: I would just like to speak to that. At the last academic chairs meeting, what I did when I met with the chairs is I provided them with a list of criteria that the academic deans would be looking at and considering what lines would be replaced. We gave them a list of; I think it was about nine considerations. I also gave-- eight considerations. I also gave to the chairs a timeline within which, if there were additional considerations that they would like the academic deans to utilize in making these decisions, then we would incorporate those. I then informed them that each of the chairs would have to submit a letter requesting the number of lines that they felt they needed with a justification for it. There would be a period where their respective area dean would be

full-time line that exists. But understanding the economic realities that we all have to deal with, we understand that some lines and most likely are going to be lost. Temporarily, we hope, because we're looking for you to restore those lines and seriously consider adjunct faculty when you're looking to hire full-time faculty in the future. Secondly, at the last meeting, there was some questions and comments about the adjunct faculty and who we are. They were very good questions, and we took them to heart. We administered the survey- 600 adjuncts responded. And we had a series of questions, and the questions helped answer who we are, questions like how many of us are pure adjuncts. How many of us are pure adjuncts who work in other colleges? How many of us are pure adjuncts who work in more than one college? How many of us are adjuncts and full-timers? How many of us are adjuncts and retired full-timers? Dr. Dolan, you can slow down your pen, because I'm going to send you a copy of the survey, the results and our comments. We met with the Student Government Association, because after the meeting last time we spoke they had an interest in finding out who we are. I shared the results of the survey with them, and we had a healthy discussion, with their advisors there to help the Student Government Association understand who we are. Lastly, we all need a laugh. We all need a big laugh. The Adjunct Faculty Association is going to be holding a comedy fundraiser on December 9th at Governor's Comedy Club in Levittown for the NEST. Governor's sits about 300 people. We haven't started selling tickets yet. We have a commitment for 125 tickets already. We invite everybody to come. You will be receiving an email from us or already did and the faculty in general will receive an email, and our adjuncts are going to be receiving an email, and you're going to understand how you can purchase tickets. The headliner will be a former Nassau Community College student, a graduate. We're hoping to have two other comics who are Nassau Community College graduates. It is a fellow teaching sitting here today who is a faculty member who just told me that he's a standup comic, and he'd like to do five minutes.

Kimberley Reiser, Prof. of Biology remarks as presented:

I would like to underscore what Professor DeSanto said about the need for full-time faculty replacements. Yesterday, an AAUP called on you our trustees to act and declare a moratorium on administrative raises until full-time faculty replacement lines are issued and tuition is stabilized. I assume, because there was no mention in public session that no raises were awarded tonight. The simple fact is that the face of Nassau Community College is changing to detriment of our students. The number of full-time faculty at NCC has declined sharply, while at the same time, the number of administrators has increased dramatically. Add to the mix the fact that administrators remuneration has increased, and we can't help but wonder, "What is next?" Five years ago, there were 752 full-time faculty. As of today, we're down to 660, and when we being spring semester, our numbers will stand at 585. This is an astounding 22% loss since 2010. We're told that the college is broke, yet now we have 74 full-time administrators. 17 of these were added in the last three years, along with ten part-time administrators. In 2014, the average administrator salary was \$107,401 with the majority of these employees serving less than nine years at NCC. It takes faculty about 15 years just to make it to \$100,000. To add insult to injury, over the past six years, we've seen many administrators receive anywhere from 10% to 40% increases, either as raises or as title changes. I hope that you are no longer contemplating giving these employees a 2.25% across the board increase, and I'm heartened by Trustee Weiss' comments about the necessity of evaluating the hiring of replacement administrators. Clearly, the new normal at NCC is that faculty do more and essentially earn less. And what about our students? They are short-changed, because their full-time faculty is shrinking. Their class sizes are increasing, and the College continues to cut the types of resources and services our students genuinely need to succeed. And what about that tuition bill? All indication is that our students will be saddled with another substantial increase for fall 2016. We thought providing a high-quality; low-cost liberal arts education was our institution's primary service. It's up to you to make it so.

Dr. Dolan: I'm not sure who may have said the college is broke. The college is not broke. The college cauldrons are not empty. We do have a reserve position. Yes, there are some challenges Deb. We have a heavy

lift ahead of us but we are certainly and I wouldn't want that to appear anywhere out there. We're certainly not broke. And if anybody said that to you, please share with me who that was so that I can correct them.

Lynn Mazzola, Chair Accounting/Business department and Chair of all academic chairs, remarks as presented:

The chairs have graves concerns relating to the replacement of or lack of replacement of full-time faculty for spring of 2016 and fall of 2016. The chairs were given a timeline for Spring 2016 top line replacement new hire process by Executive Vice President Saunders last Thursday as Dr. Saunders mentioned that I will give to Anne Brandi to disseminate that states--this is a quote--"Monday, November 23rd through Monday, December 14th, area deans will discuss requests with chairs. Week of January 4, 2016, area deans will notify chairs of replacements/new hire approvals for spring 2016." Why so late? Why are chairs being informed so late about replacements, if any, of full-time faculty? All letters had to be in on the close of business on November 2, 2015. Why so late? Classes for spring 2016 start January 19th. Adjunct contracts must be signed January 13th through the 15th. If full-time faculty are to be hired, the new faculty should have offer letters prior to getting notice and resigning from other employment. This will not happen on this timeline. Are new full-time faculty supposed to leave other employment on a phone call from Nassau Community College? Would you leave your employment on a phone call? I wouldn't. Why so late? If full-time faculty are not to be hired, there is not enough time for chairs to properly plan for the spring of 2016 semester if we only find out so late. We will need to find new qualified adjunct faculty at the last minute, decide what classes will have to be canceled when new qualified adjunct faculty can't be found or are no longer available due to the lateness of the administration's decisions. Why so late? Finding out so late is a disservice to our students. They are entitled to have a well-thought-out and timely decisions as to the course offerings and faculty in the classroom. This process is not well-thought-out and definitely is not timely. Why so late? When I asked Executive Vice President Saunders at the academic affairs meeting if the timeline could be moved up from the week of January 4th to the end of the fall 2015 semester, he stated, no, that could not happen, as we had to wait until after December 31st in case a full-time faculty member changed their mind and didn't want to leave. All the letters that I and the other chairs received from full-time faculty retiring under the incentives stated, and I quote, "The irrevocable election for the early retirement incentive, it is our understanding from Executive Vice President Saunders that approximately of the 100 of the 105 or 106 retiring full-time faculty took this incentive. In addition, there are approximately 25 to 30"--

The following discussion took place:

Dr. Dolan: I would like to speak briefly, and, Lynn, I'm going to go back and look at some of this other stuff. I read every one of the letters that I received on my watch and responded to all of them. And very few of them had the phrase irrevocable in it. I'm going to go back and look, because I discussed this with Deb. It is a concern that we have that if resignation is not irrevocable, a person--heaven help all of us--could change their mind if the market were to suddenly become problematic. We would be very hard-pressed to hire somebody on December 15th and then have to call them up and say, "The person who we thought was leaving is not leaving." Even if it was just a phone call, we wouldn't be able to honor the promise that we made, and we've been operating under the assumption that these are not irrevocable. And to be honest, every other retirement incentive I've ever seen requires that it be irrevocable, which is why I looked to that phrase so frequently in the letters and was disappointed to find it so infrequently.

Prof. Mazzola: information on that, the letters I personally received in my department--that was December and two for August- we were told by HR this is what we had to write in the letters.

Dr. Dolan: Go back and look.

Carmine DeSanto, Chair of Math, Computer Science, and Information Technology, remarks as presented:

I was going to read the statement that I had partially read at the subcommittee meeting before people were shaking their heads. So I don't want to bore you. I could leave it for the record. Would that be okay?

Now, you're probably going to ask me; why do I have the minutes of the Board of Trustees meeting of June 9, 2015, Page 52 on my iPad. I don't know, but I'd like to read some of these comments here. It says:

&KDLU *DUG\Q 0DWK DQG UHD On that, I am reading it to you. K DW
,W V 510?WR

Trustee Weiss: Depending on the test.

Chair Gardyn: Depending on tests only. And 50KH\UH VSRW RQ 20KH UH 2Q
RXW RI WKUHH WKH\UH ULJKW WKHUH 7KH RQO\ RQH W
*X\V QRW IRU DQ\WKLQJ ZK\ GRQ\W \RX MXVW VD\ WRQ

Trustee Cornachio: That's how I remember it.

the mathematics placement exam is the last time a student took a math course. Thus, the sub-committee recommended at least a score of 85 on the NY State Regents Integrated Algebra exam to be exempt from both the Algebra and Arithmetic Placement exams provided the exam was taken within the previous four years.

(3) NY STATE REGENTS ALGEBRA 2/TRIGONOMETRY EXAM POLICY (not Common Core):

Using the conversion chart for the January 2015 Regents, a NY State Regents Algebra 2/ Trigonometry exam score of at least 80 will exempt incoming students from both the Algebra and Arithmetic Placement exams provided the exam was taken within the previous four years. To score an 80 on this Regents (the sub-committee's recommendation), a student needs to earn 62 points out of a total of 88 points. This is equivalent to an understanding of 70.5% of the material tested. The Administration's proposal did not include this exemption option but the Math Sub-Committee wanted to include additional measures for exemption. It is important to note that if a student does **not** meet any of these exemptions, the student is not placed into a remedial mathematics course. The student will be required to take the Accuplacer Math Placement exam. I also agreed to permit a student an opportunity to retest if the student falls within 15 points of passing the placement exam. It was previously only 5 points of passing the placement exam. To help you understand how to interpret this retest information, every student starts the math placement exam with a score of 20 (not zero) and needs to achieve only 45 points out of 100 to reach the minimum cutoff score of 65. In closing, it is imperative that I reiterate again - at the Developmental Education Committee meeting, when the final vote was taken every academic department representative and the student representative voted for the Math Sub-Committee's recommendations!

Prof. Frank Frisenda, Vice President NCCFT, remarks as presented:

So I just want to say that it's irrevocable retirement. I went to human resources at 4:35 last Monday to hand in my resignation, and they wouldn't accept it because it was late. So now I'm going to be here for 5 more years. So this is just I'm just writing. So it's a stream of consciousness. So anytime you want to yell at me, go right ahead. So it was really funny the difference in your attitude between when you're trying to find a consensus for a new chair versus a consensus with the senate and administration.

The following discussion took place:

Trustee Cornachio: Because they're wrong Frank. When you get everything in the Board united on something, we fight on everything else. On this one, we're united. Doesn't that tell you something?

Prof. Frisenda: It absolutely does. So in one breath you say we're the experts, and yet when you do not agree with one or two administrators or a board member, you yield to them. You didn't consider any of Professor DeSanto's data. As a matter of fact, speaking on the subcommittee meeting, you looked at the deans and said, "Look, they're shaking their heads," which is a lot more data, I guess, than Dr. DeSanto had. But speaking of them-- Speaking, we have a lot of acting administrators. Okay? We have an acting president. We have well, interim, I know. We changed the titles. We have acting deans. We have acting vice presidents. The thing is, I think that the term acting or interim seems to apply a short period, and something's going to happen. Okay? And it seems that, I'm on the Dean Search Committee. Okay? About several years ago, we had a search, and we couldn't find enough candidates to submit. So they said, "We're going to reopen the search," and we were almost delayed for that to happen.

Dr. Gardyn: Frank, which dean was that?

Prof. Frisenda: The dean of math and science. Oh, math and science. Okay. Anyway, by tonight's action, with respect to the multiple measures, etcetera, you've established a whole new paradigm on the meaning of shared governance. We now have a consensus statement versus a college statement, whereby the terms senate and

Consensus Statement respecting placement testing for Reading and English

The Academic Senate and the Administration jointly recommend that the following multiple measures will exempt students from the Writing Placement Exam, and that those students will be placed in ENG 101:

NYS English Language Arts Regents score of 85+, within four years of application; OR, 540+ on the SAT Writing Exam; OR 23+ on the ACT English section; OR 3+ on the AP Exam in English Literature and Composition or English Language and Composition; OR

College Statement respecting placement testing for Mathematics

ONE of the following will exempt a student from the Accuplacer test in Math:

A score of 80 or better on the Integrated Algebra Regents,

OR,

a SAT Math score of 500 or better;

OR

an ACT Math score of 21 or above;