

April 18, 2023 at 3:00 PM  
Room U-219/U-220  
Meeting of College Council Volume 50 Number 3

The College Council met on Tuesday April 18, 2023 in room U-219/220. There were present:

There were in attendance:

Faculty/staff members: President Schrader; Acosta, Alley-Young, Arguelles, Beard, Borgese, Cally, Cohen, Dawson, DelPrincipe, Eaton, Franquiz, Friedman, Fruscione, Gartner, Hume, Johnson, Kalin, Kane, Lax, Levy, McKinney, Mikalopas, Mullen, Nasser, Oppenheim, Parker, Patestas, Repetti, Ricciardi, Rios, Rohr, Rothacker, Rozenboym, Russell, Segal, Shannon, Sokolova, Sokolow, Spear, Tila, Wetzal, Yarmish.

No Student members were in attendance.

President Schrader called the meeting to order at 3:10 PM.

I. The minutes of the meetings of November 15, 2022 were approved by acclamation.

II. Reports – *President’s Report* p.1-3; *V.P. Reports* p.3-7; *Instructional* p.7-8.

A. President’s Report

Good afternoon,

Sharing a few updates since my Monthly report to the college community.

First as you all know CUNY is ending COVID protocols. Effective June 16th Cleared4 will no longer be in use and students will be allowed to enroll in classes regardless of their vaccination status. By the end of June, there will be no testing on campus. I urge everyone to continue to be vigilant about their health and safety by staying up to dates with vaccines. Please be advised that mask wearing is optional.

Once again thank you to members of the Forward Committee for their diligence and commitment to the health and safety of our college community.

Many of you that Michael Valente is no longer with the College. We are in the process of securing approvals for an interim Title 9 manager who will handle matters while we do an immediate search for a CDO. Direct Title 9 matters to Shaune in the Office of Equal Opportunity & Diversity Management. We will resume the search for an Assistant Dean for DEI, after we hire a CDO, for now that filling that position takes precedence.

We continue to be mindful about our budget, spending and hiring. As you know, the University enacted mandated savings target of \$75 million for FY23. KCC’s portion of the savings target is \$1.684 million. A plan was submitted to CUNY indicating

additional resources or savings totaling the target amount. The plan consisted primarily of accrual savings from Personnel Services, OTPS savings through the pause of equipment purchases and additional resources from tuition revenue and related entity support. The FY23 savings plan was approved by CUNY. The increase in enrollment in Spring 23 over Spring 22, has helped tremendously in ensuring that the savings target is achieved.

Our current projections indicate that we will close out the fiscal year with a positive end the year balance based on a strong Spring enrollment increase of 3%, our first Spring over Spring enrollment increase in the last 5 years.

In early February, we were notified of an additional CUNY savings target of \$4.210 million for FY24. We submitted our plan in March to CUNY and are currently waiting to be notified if it was approved. Our plan included projected enrollment increases, tuition revenue above mandated University targets, support from our related entities, OTPS & personnel savings.

On Thursday, Joanne, Colleen and I will be in attendance at the ASPEN prize Award Ceremony. An invitation to the Ceremony which will be live streamed will be shared with the college community.

This month we celebrate Community College month. As part of this effort, we celebrate KCC Wave Day. Thank you to all those who showed off their school spirit by wearing their waviest orange and blues.

Finally, today's meeting is dedicated to considering and voting on the recommendations put forth by the various Governance Review Adhoc Committees. I would like to thank everyone who participated in this process.

As I indicated previously, voting today does not automatically put the recommendations that receive a positive vote in to effect. All amendments to the Governance Plan will be ultimately approved by the CUNY Board of Trustees. And even before it gets to the Board, it is reviewed by the Office of Academic Affairs, the Office of General Counsel, University Human Resources to ensure that the proposed amendments do no raise any personnel or collective bargaining issues and the BOT Educational Policy Committee. Once everything passes muster with OAA, the General Counsel and the Secretary of the Board, the resolution is voted on by the Policy committee and at its subsequent meeting the Board will vote on the final resolution.

At any point, the amended plan can be remanded back to the campus for clarification or changes.

Finally, a word about today. Over the past few months, there has been a great deal of conversation in the GRACS, in smaller groups and even between individuals about what governance at KCC should be and who should be a part of it which also means essence who should not be a part of it. There is a real power struggle undergirding some of what I have seen and heard. And if we are not careful, this power will overshadow and completely eclipse the purpose of the governance plan which ultimately is to ensure the college is governed and administered in a way that helps us to fulfill its mission:

Our mission is to respond to the needs of its diverse community by offering high quality, affordable, innovative, student-centered programs of study that prepare graduates for transfer and the workforce. The college strives for equity and seeks to provide each student with the appropriate resources and supports to foster success.

Just like we showed up for council meeting today, let keep this same energy and show up for our students at orientations, open houses, at dean's list, award ceremonies, commencement and in what we do today. Whether a recommendation is voted up or down, whether or you agree or disagree with what is being recommended, whether you are on or off Council, whether you are elected or not, whether you are chairing, or just sitting in a chair, the mission and our most important purpose- student success- is still the same. Let us try to keep that in mind today.

**B. Faculty vote on three nominees for consideration for CUNY's Common Core Course Review Committee (CCCRC) to serve from Fall 2023-Spring 2025**

By unanimous vote, the faculty nominated John Acosta (COM), Michael Barnhart (HIS), and Rick Armstrong (ENG) to be considered by CUNY to serve on the CCCRC.

**C. GRAC Proposals**

The following proposals were presented or withdrawn by their respective Governance Review Ad-hoc Committees, as they were brought to the full Council for consideration after their passage by the Legislative Committee on March 28, 2023.

**1. Parliamentary GRAC**

The committee has agreed to the recommendation that ---

**PRESENT**

*Article IV - Organization of Council - Section I --- The Council shall elect a Parliamentarian, who need not be a member of the Council. If he/she is not a member, he/she shall have all rights and privileges of Council membership, except the right to vote.*

be amended to ----

**PROPOSED** [In point-by-point format.]

*Article IV - Organization of Council - Section I - Parliamentarian ---  
[Required Clause]*

- *The Council must seat a Parliamentarian.*

*[Appointment Clause]*

- *The Parliamentarian will be elected during the college-wide delegate-at-large elections.*

- *Upon election, the Parliamentarian must join the National Association of Parliamentarians and in good faith undertake to become a NAP Registered Parliamentarian. [Fees to be paid by Council.]*
- *The Parliamentarian is a non-voting member of Council.*
- *The Parliamentarian is a non-voting member of the Steering Committee.*
- *The term of a Parliamentarian is two years.*
- *No person will be elected The Parliamentarian more than two consecutive terms.*
- *Following completion of the certification process, the Council shall consider whether compensation will be offered by the College to the Parliamentarian (in the form of reassigned time, NTA hours, or other as appropriate).*

*[Duties Clause]*

- *The Parliamentarian advises the chair and other officers, committees, and members on matters of Council procedure.*
- *The Parliamentarian's role is advisory because Council procedure gives to the chair alone the power to rule on questions of order and the members alone the power to appeal the decision of the chair.*
- *The Parliamentarian is available to the chair and other officers, committees, and members, on matters of Council procedure.*
- *During Council meetings, the Parliamentarian gives advice to the chair and members upon request.*
- *The Parliamentarian will call to the attention of the chair any error in the proceedings that may affect the substantive rights of any member or may otherwise do substantive harm.*

**PROPOSED** [Same as above, in paragraph format.]

*Article IV - Organization of Council - Section I - Parliamentarian ---*

*The Council must seat a Parliamentarian. The Parliamentarian will be elected during the college-wide elections. Upon election, the Parliamentarian must join the National Association of Parliamentarians and in good faith undertake to become a NAP Registered Parliamentarian. [Fees to be paid by Council.] The Parliamentarian is a non-voting member of Council. The Parliamentarian is a non-voting member of the Steering Committee. The term of a Parliamentarian is two years. No person will be elected The Parliamentarian more than two consecutive terms.*

*The Parliamentarian advises the chair and other officers, committees, and members on matters of Council procedure. The Parliamentarian's role is advisory because Council procedure gives to the chair alone the power to rule on questions of order and the members alone the power to appeal the decision of the chair. The Parliamentarian is available to the chair and other officers, committees, and members, on matters of Council procedure. During Council meetings, the Parliamentarian gives advice to the chair and members upon request. The*

*Parliamentarian will call to the attention of the chair any error in the proceedings that may affect the substantive rights of any member or may otherwise do substantive harm.*

**The Parliamentarian Proposal passed by a vote of 40 (yes) to 1 (no) with two abstentions.**

## **2. Facilities GRAC**

The following proposal was presented to the Council:

Charge: Facilities Committee GRAC

- *Develop a charge that focuses on the enhancement of the physical environment; outlines its role as a conduit between faculty, staff and students to the administration to provide input regarding facility issues and needs*
- *Develop criteria for membership on this committee (if needed)*

Proposal:

Mission Statement: To ensure the functionality, comfort, safety and to enhance efficiency of the physical college campus environment for the benefit of the college community, utilizing a transparent communication process.

### A. Functions of the Committee

1. To assess, consult, and recommend policy regarding the allocation of space and facilities.
2. To assess, forecast, and make recommendations for future College needs in regard to environmental sustainability, improvement, and expansion of facilities.
3. To identify and report on critical repairs, potential safety hazards, and accessibility issues.
4. To report to the Administration and College Council, at least once each Fall and Spring semester, on matters pertaining to space and facilities.
5. To survey and report to the College community, at least once a year, on matters pertaining to space and facilities.

### B. Membership of the Committee

1. The Vice President for Finance and Administration, or designee, as an ex-officio non-voting member
2. Four faculty members including at least one adjunct faculty member
3. Two representatives of staff from HEO and CLT's
4. One full-time support staff member
5. Two students
6. Committee membership shall be open to all members of the college community, who will serve as non-voting members.

After extensive discussion, many Council members asserted confusion regarding whether or not the committee was intended to be a standing committee on Council, and particulars of points B(2)-B(6).

**The Facilities Proposal was remanded to the Facilities GRAC to potentially be edited for clarity, resubmitted and reconsidered at the Council meeting of June 6, 2023.**

**3. DEI GRAC** – Proposal withdrawn to be submitted for the Council meeting of June 6, 2023.

**4. Elections GRAC**

The following proposal was presented to the Council:

Resolution on Establishing a Standing Committee on Elections on the Kingsborough College Council

WHEREAS, campus elections are integral to Kingsborough’s participatory system of shared governance; and

WHEREAS, Article III Section VI of the Kingsborough constitution establishes a “Faculty-Student Committee on Elections” which “shall be selected by the Legislative Committee”; and

WHEREAS, the Legislative Committee on College Council does double duty as the Elections Committee, in practice making the chairperson of the former the chairperson of the latter and giving members of the committee(s) two separate roles and sets of charges; and

WHEREAS, after an in-depth governance review, an AAUP-affiliated consultant recommended in her governance task force report that we establish an independent Committee on Elections, to be separated out from the Legislative Committee; and

WHEREAS, the creation of a dedicated Elections Committee will help to promote transparency and accountability in the election process;

THEREFORE, BE IT RESOLVED that the following changes be made to the Kingsborough College Council Constitution and Bylaws.

The following is to be deleted:

ARTICLE III Composition of Council | Section VI | All elections shall be supervised by the Faculty-Student Committee on Elections. This shall also apply to faculty voting under Article I, Section II and Article VI. The committee shall be selected by the Legislative Committee.

The following is to be added under ARTICLE V Powers and Duties of Committees:

Elections Committee: shall be responsible for overseeing all college-wide elections, including elections for the College Council, student government association, and University Faculty Senate, as well as departmental elections for chair, P&B, and departmental representative to College Council. The committee shall develop and implement protocols for all elections including but not limited to the nomination and election process, ballot preparation, vote counting, use of voting software, and communication with the college community. Such procedures along with a calendar of elections for the current academic year shall be made available to the college community through the College Council website. Additionally, the committee shall

~~develop and disseminate~~ **collect and communicate** policies for avoiding conflicts of interest and for training committee members on the college's voting software. The Elections Committee shall be elected by the College Council and shall provide regular reports to the College Council on its activities and progress.

**Prior to a vote, the language of Elections Proposal was amended as noted above. Other language changes were suggested, but the Question of voting on the proposal was called.**

**The Elections Proposal was defeated by Council vote of 13 (yes) – 25 (no) – 4 (abstain).**

**5. Shared Governance GRAC** – Proposal withdrawn to be submitted for the Council meeting of June 6, 2023.

**6. Constitution GRAC** –

- Proposal on Council Terms and Term Limits withdrawn to be submitted for the Council meeting of June 6, 2023.
- Proposal on the Committee on Committees withdrawn to be submitted for the Council meeting of June 6, 2023.
- Proposal on the Strategic Planning and Budget Committee withdrawn to be submitted for the Council meeting of June 6, 2023.
- Proposal on creating an Academic Freedom Committee withdrawn to be submitted for the Council meeting of June 6, 2023.

A. The following proposal was presented to Council:

Resolution to change the College Constitution to make the position of Chair of College Council an elected position.

WHEREAS, the College Council is responsible for making decisions that affect the academic and administrative affairs of the college, and the Chair of the College Council serves as a leader and facilitator of Council business; and

WHEREAS, the Chair of the College Council plays a crucial role in setting the agenda for the Council and leading its meetings; and

WHEREAS, the Chair of the College Council is currently appointed by the college administration, which may create the perception of a lack of independence and impartiality in the Council's decision-making; and

WHEREAS, ensuring that the Chair of the College Council is selected through a fair and democratic process is essential to promoting transparency, accountability, and good governance; and

WHEREAS, allowing for an elected Chair of the College Council would provide a more democratic and representative process for selecting the Chair and promoting the principles of shared governance and community engagement;

Be it resolved that the Chair of the College Council be elected by majority vote from the membership of the Council annually at the first meeting of each academic year.

Be it further resolved that a position of Vice-Chair also be established to serve in the capacity as Chair, when the current Chair is absent or otherwise unable to fulfill their duties.

***Therefore be it further resolved, that the Kingsborough College Council Constitution and Bylaws be amended as follows, with new language highlighted in red bold:***

Article III - Composition

Section I

The College Council shall be composed of

- the President of the College, who shall be Chairperson

Article IV – Organization of Council

Section 1

a. a) The President of the College shall preside as chairperson of the Council. In the President’s absence, a designee shall preside over meetings.

**New**

**a) The Chair, Vice-Chair and Secretary of the Council shall be chosen by the College Council by a majority vote of the Council. The Secretary shall also serve as Secretary of the Steering Committee.**

Section II – eliminated and subsequent sections re-numbered.

The Secretary of the Council shall be chosen by the College Council by a majority vote of the

Council. This individual shall also serve as Secretary of the Steering Committee with voting privileges only if the Secretary is also a member.

Section IV.

c). The Steering Committee shall be composed of ~~the President or a designated Dean,~~ **Chair, the Vice-Chair and** the Secretary of the College Council, and the chairpersons of the standing committees. A chairperson of a standing committee may be represented by a member of the same committee who shall enjoy the same privileges as the chairperson.

d). The ~~President~~ **Chair** of the College **Council** shall serve as the chairperson of the Steering Committee.

**After extended discussion, the Council voted: 25 (yes) – 12 (no) – 3 (abstain). Because constitutional changes require a two-thirds majority of participating voters, this proposal did not reach the required threshold of 28 voters and so it was defeated.**



B. The following proposal was presented to Council:

Resolution to create a Faculty Assembly as part of the College Council Rationale:

- Provide a forum for faculty to discuss broader issues of concern the to college community outside of the scope of individual committees.
- Provide a forum for focusing the concerns of faculty beyond the use of surveys and anecdotes.
- Create an enhanced sense of transparency, accountability, and collaboration between the faculty and the College Council, and foster a sense of shared ownership and responsibility for the governance of the college;

WHEREAS, the College Council is responsible for making decisions that affect the academic and administrative affairs of the college; and

WHEREAS, shared governance is a core principle of higher education, which involves faculty, staff, and students in the decision-making processes of the institution; and

WHEREAS, the faculty plays a crucial role in the academic mission and vision of the college, and should have a greater voice and participation in the governance of the institution; and

WHEREAS, a Faculty Assembly would provide a forum for the faculty to discuss and deliberate on matters beyond the scope of work of individual College Council committees and provide a forum to discuss general issues important to the life and future of the college; and

WHEREAS, a Faculty Assembly would enhance transparency, accountability, and collaboration between the faculty and the College Council, and foster a sense of shared ownership and responsibility for the governance of the college; and

WHEREAS, a Faculty Assembly would align the college's governance structure with democratic principles and best practices in higher education, and promote the college's academic excellence and institutional reputation;

Be it Resolved that:

- a) A Faculty Assembly be added to the structure of the KCC Constitution.
- b) that this Faculty Assembly will be made up of all faculty members duly elected through the existing procedures outlined in the Constitution. 13

- c) that this Faculty Assembly be responsible for electing, from its membership, the following officers: Chair, Vice-Chair, & Secretary,
- d) that the officers above be constituted as the Steering Committee of the Faculty Assembly for the purpose of organizing the business of the Assembly,
- e) the two additional members of the Assembly be elected from the body to also serve on the Steering Committee.
- g) that the Chair of the Faculty Assembly serve on the Steering Committee of the College Council.
- h) that the officers of the Faculty Assembly will serve 1-year terms with no person serving in the same office for more than 3 consecutive terms.
- i) that faculty membership on all College Council committees be drawn from the membership of the Faculty Assembly.
- j) that the purpose of the Faculty Assembly is not to replace or supplant the work of any committee of the College Council, but to provide a forum to exchange ideas and coordinate efforts among the faculty members of said committees and to discuss and pass resolutions if desired regarding matters of general interest related to the life and future of the college.
- k) that in addition to their participation on the Committees of the College Council, the Faculty Assembly as a body may call meetings of the Assembly, through the same procedures as established for meetings of the full Council, to deliberate on questions and issues raised by the membership of the Assembly. A petition representing 1/3 of the membership of the body being required to place an issue or item on the agenda of such meeting.

***Therefore be it further resolved, that the Kingsborough College Council Constitution and Bylaws be amended as follows, with new language highlighted in red bold:***

Article IV – Organization of Council

Section IV

***Insert New a) Current items in this section will be renumbered accordingly.***

**a) The elected faculty members of the College Council will constitute the membership of a Faculty Assembly. The membership of the Assembly will elect a Chair, Vice-Chair and Secretary from among their members annually by majority vote and the Chair of the Faculty Assembly will serve as a member of the Steering Committee of the Council.**

c). **d)** The Steering Committee shall be composed of the President or a designated Dean, **the Chair of the Faculty Assembly**, the Secretary of the College Council, and the chairpersons of the standing committees. A chairperson of a standing committee may be represented by a member of the same committee who shall enjoy the same privileges as the chairperson.

**The Council devoted extended discussion to the language, details, and advisability of adopting this proposal. A motion was made and passed to remand this proposal.**

**The Faculty Assembly Proposal was remanded to the Constitution GRAC to potentially be edited for clarity, resubmitted and reconsidered at the Council meeting of June 6, 2023.**

In the absence of New Business, the meeting adjourned at 5:06 PM.

Respectfully submitted,

*Michael Sokolow*

Michael Sokolow, Secretary