

The College of New Jersey
Board of Trustees
October 6, 2009
3:00 p.m.
201 Loser Hall/106 Paul Loser Hall

Minutes

Present: Susanne Svizeny, Chair; Christopher Gibson, Vice Chair; Bradley Brewster, Secretary; Poonam Alaigh; Robert Altman; Jorge Caballero; Eleanor Horne; Rosie Hymerling; Anne McHugh; Barbara Pelson; Jumana Jaloudi, Student Trustee; Thomas Little, Alternate Student Trustee; Orlando Hernandez, Faculty Representative; John Allison, Faculty Representative; Lisa McCarthy, Staff Representative; Richard Kroth, Staff Representative

Not Present: Gayle Matthei-Meredith, James McAndrew, Miles Powell

I. Announcement of Compliance

Ms. Svizeny announced that the requirements of the Open Public Meetings Act concerning public notice of this meeting had been met.

II. Motion to go into closed session

It is moved by Mr. Caballero, seconded by Mr. Altman, that the Board go into closed session to discuss personnel actions including presidential evaluation, Faculty Appointments, Staff New Appointments, New Appointments (temporary), Change in Status, Resignations, One-Year Reappointments, Four-Year Reappointments, Retroactive Five-Year Reappointments, Five-Year Reappointments; all pending litigation including *Fiocco v. TCNJ*, *Schockley, Evans and Harris v. TCNJ, et al.*, *Cseplo v. TCNJ*, *William Rogers v. TCNJ* and *William Rudeau, Syska & Hennessy v. TCNJ*, *Travelers Insurance v. TCNJ*, and anticipated litigation; items exempt under the Open Public Meetings Act.

III. Closed Session

IV. Resumption of Public Session/Pledge of Allegiance

V. Swearing in of New Trustees

General Counsel Thomas Mahoney swore in Trustees Eleanor Horne, Student Trustee Jumana Jaloudi, and Alternate Student Trustee Thomas Little.

VI. Approval of the Minutes of the July 7, 2009 Public Meeting

It was moved by Mr. Gibson, seconded by Ms. McHugh, that the minutes be approved. The motion carried unanimously.

VII. Approval of the Minutes of the September 8, 2009 Public Meeting

It was moved by Mr. Gibson, seconded by Ms. McHugh, that the minutes be approved. The motion carried unanimously.

VIII. Report of the President

Dr. Gitenstein gave her report.

IX. Report of the Board Officers

A. Election of Board Officers

Dr. Altman reported for the committee and announced the following slate of officers for 2009 – 2010:

Susanne Svizeny, Chair
Christopher Gibson, Vice Chair
Bradley Brewster, Secretary

It was moved by Mr. Altman, seconded by Mr. Caballero that the slate of officers be approved. The motion carried unanimously.

X. Report of the Trustee member of the TSC Corporation

No report given.

XI. Report of the Trustee member of the TCNJ Foundation

No report given.

XII. Report of the Trustee Liaison to the New Jersey Association of State Colleges and Universities

No report given.

XIII. New Business

A. Executive Committee

Susanne Svizeny reported for the committee.

1. Faculty Actions – Attachment A

It was moved by Mr. Gibson, seconded by Mr. Brewster, that the resolution be approved. The motion carried unanimously.

2. Staff Actions – Attachment B

It was moved by Mr. Gibson, seconded by Mr. Brewster, that the resolution be approved. The motion carried unanimously.

3. Resolution Appointing a Member to the Board of Directors of the Trenton State College Corporation – Attachment C

It was moved by Mr. Gibson, seconded by Mr. Brewster, that the resolution be approved. The motion carried unanimously.

B. Academic Affairs

Dr. Alaigh reported for the committee.

C. Finance and Investments

Mr. Caballero reported for the committee.

1. Resolution of the Board of Trustees Approving the Financing of the New Education Building, Site Work, and Utilities Upgrades - Attachment D

It was moved by Mr. Brewster, seconded by Mr. Altman, that the resolution be approved. The motion carried unanimously.

2. Resolution Approving Waivers of Advertising for College Business Purposes – Attachment E

It was moved by Mr. Brewster, seconded by Ms. McHugh, that the resolution be approved. The motion carried unanimously.

D. Audit Risk Management and Compliance

Ms. McHugh reported for the committee.

1. The College of New Jersey Board of Trustees Resolution Accepting Audited Fiscal Year 2009 Financial Statements – Attachment F

It was moved by Mr. Brewster, seconded by Mr. Gibson, that the resolution be approved. The motion carried unanimously.

E. Building and Grounds

Mr. Gibson reported for the committee.

1. Resolution Concerning the Submission of the Fiscal Year 2011 Capital Budget Request Totaling \$81,938,000 – Attachment G

It was moved by Mr. Brewster, seconded by Mr. Caballero, that the resolution be approved. The motion carried unanimously.

2. Resolution Approving Waivers of Advertising for College Business Purposes – Attachment H

It was moved by Mr. Brewster, seconded by Mr. Caballero, that the resolution be approved. The motion carried unanimously.

F. College Advancement

Mr. Brewster reported for the committee.

G. Student Life and Enrollment Management

Mr. Altman reported for the committee.

1. Resolution Approving Amendment of the Policy on Involuntary Health or Safety Withdrawal – Attachment I

It was moved by Mr. Brewster, seconded by Ms. Hymerling, that the resolution be approved. The motion carried unanimously.

XIV. Adjournment

Be It

Resolved: That the next public meeting of The College of New Jersey Board of Trustees, will be held on Tuesday, December 8, 2009 at a time and location to be announced.

Be It

Further

Resolved: That this meeting be adjourned.

Respectfully submitted,



Brad Brewster
Secretary

Faculty – Appointments

Stefan Abrams	Art Assistant Professor Temporary Effective: August 25, 2009 – June 30, 2010
Federica Anichini	Modern Languages Assistant Professor Temporary Effective: August 25, 2009 – June 30, 2010
George Balog	Music Assistant Professor Temporary Effective: August 25, 2009 – June 30, 2010
Joanne Billmers	Chemistry Assistant Professor Temporary Effective: August 25, 2009 – June 30, 2010
Lisa Bilsky	Modern Languages Assistant Professor Temporary Effective: August 25, 2009 – June 30, 2010
Linda Burroughs	Elementary & Early Childhood Education Assistant Professor Temporary Effective: August 25, 2009 – June 30, 2010
Juleen Buser	Counselor Education Assistant Professor Temporary Effective: October 15, 2009 – June 30, 2010
Roy Clouser	Philosophy & Religion Instructor Temporary Effective: August 25, 2009 – January 15, 2010
Dolores Dzubyat	Nursing Instructor Part-time Effective: August 25, 2009 – June 30, 2010

Irene Ey	Library Librarian 2 Part-time Effective: July 1, 2009 – June 30, 2010
Lillian Farhat	Modern Languages Instructor Temporary Effective: August 25, 2009 – June 30, 2010
Harlene Galen	Elementary & Early Childhood Education Instructor Temporary Effective: August 25, 2009 – June 30, 2010
Trina Gipson-Jones	Nursing Assistant Professor Tenure Track Effective: August 25, 2009 – June 30, 2012
Karen Gordon	Educational Administration Assistant Professor Temporary Effective: August 25, 2009 – June 30, 2010
Magdalena Grabowska	Women & Gender Studies Assistant Professor Temporary Effective: August 25, 2009 – June 30, 2010
Peter Gruen	Philosophy and Religion Assistant Professor Temporary Effective: August 25, 2009 – June 30, 2010
Eileen Heddy	Elementary & Early Childhood Education Instructor Temporary Effective: August 25, 2009 – June 30, 2010
Elizabeth Johnson	Mathematics & Statistics Assistant Professor Temporary Effective: August 25, 2009 – June 30, 2010
Hetty Joyce	Art Assistant Professor Temporary Effective: August 25, 2009 – June 30, 2010

Michael Kabbash	Art Assistant Professor Temporary Effective: August 25, 2009 – June 30, 2010
Michael Kavic	Physics Assistant Professor Temporary Effective: August 25, 2009 – June 30, 2010
Isabel Kentengian	Modern Languages Instructor Temporary Effective: August 25, 2009 – June 30, 2010
Rita King	Biology Assistant Professor Temporary Effective: August 25, 2009 – June 30, 2010
James Kisthardt	Library Librarian 3 Part-time Effective: August 25, 2009 – June 30, 2010
Mirela Krichten	Chemistry Assistant Professor Temporary Effective: August 25, 2009 – June 30, 2010
Dustin London	Assistant Professor Art Temporary Effective: August 25, 2009 – June 30, 2010
John McDonnell	Assistant Professor Music Temporary Effective: August 25, 2009 – June 30, 2010
Linda McMahon	Instructor Nursing Part-time Effective: August 25, 2009 – June 30, 2010
Donka Mirtcheva	Assistant Professor School of Business Temporary Effective: August 25, 2009 – June 30, 2010

Amy Pacini	Instructor Nursing Part-time Effective: August 25, 2009 – June 30, 2010
Martin Paulsson	Assistant Professor History Temporary Effective: August 25, 2009 – June 30, 2010
Anne Peavy	Assistant Professor Special Education, Temporary Effective: August 25, 2009 – June 30, 2010
Karen Prince	Assistant Professor Elementary & Early Temporary Effective: August 25, 2009 – June 30, 2010
Nina Ringer	Instructor English Temporary Effective: August 25, 2009 – June 30, 2010
Lisa Roe	Librarian 3 The College of New Jersey Part-time Effective: August 25, 2009 – June 30, 2010
Nicole Rook	Instructor Nursing Part-time Effective: August 25, 2009 – June 30, 2010
Ellen Seradarian	Instructor Modern Languages Temporary Effective: August 25, 2009 – June 30, 2010
Miriam Shakow	Assistant Professor Sociology & Anthropology Temporary Effective: August 25, 2009 – June 30, 2010
Elizabeth Solberg	Assistant Professor Elementary & Early Temporary Effective: August 25, 2009 – June 30, 2010

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Michelle Stecker	Assistant Professor Women & Gender Studies Temporary Effective: August 25, 2009 – June 30, 2010
Diane Steinberg	Assistant Professor English Temporary Effective: August 25, 2009 – June 30, 2010
Anthony Uzwiak	Associate Professor Biology Temporary Effective: August 25, 2009 – June 30, 2010
Mary Jane Vinch	Instructor Nursing Temporary Effective: August 25, 2009 – June 30, 2010
Ann Warner Ault	Assistant Professor Modern Languages Temporary Effective: August 25, 2009 – June 30, 2010

New Appointments – Staff

Bryan Dunphy-Culp	Residential Education & Housing Assistant Director Effective: August 29, 2009
Mark Gola	Public Relations & Communications Director Effective: August 10, 2009
Timothy Grant	Campus Police Services Associate Director Effective: July 13, 2009
Jeffrey Lail	Brower Student Center Program Assistant-10 months Effective: August 1, 2009
Yakima Melton	Brower Student Center Program Assistant Effective: July 1, 2009
Jon Stauff	International & Off-Campus Programs Director Effective: September 1, 2009
Kyle Williams	Residential Education & Housing Professional Services Specialist 4-10 months Effective: August 15, 2009

New Appointments – Staff - Temporary

Angela Lauer Chong	Student Affairs Associate Dean Effective: September 12, 2009 End date: September 10, 2010
Ashleigh Esteves	Student Affairs Assistant Director Effective: September 12, 2009 End date: December 31, 2009

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New Appointments – Staff – Temporary – (continued)

Jason Neely
Enterprise Applications
Project Specialist
Effective: September 12, 2009
End date: September 10, 2010

Change of Status – Staff

Katie Caperna
Records & Registration
From: Program Assistant
To: Professional Services Specialist 4
Effective: September 26, 2009

Mark Kiselica
Academic Affairs
From: Professor (Faculty)
To: Vice Provost
Effective: September 1, 2009

Nicole Maldonado
School of Education
Professional Services Specialist 4
From: Temporary status
To: Permanent status
Effective: August 1, 2009

Sergiusz Monasterski
Athletics & Recreation
From: Professional Services Specialist 3-10 months
To: Professional Services Specialist 3
Effective: July 18, 2009

Ashwani Mukheja
Student Financial Services
From: Associate Director
To: Professional Services Specialist 3
Effective: September 12, 2009

Nancy Scott
TCNJ Clinic
Director
From: Temporary status
To: Permanent status
Effective: September 12, 2009

Jennifer Sizoo
Records & Registration
Professional Services Specialist 4
From: Temporary status
To: Permanent status
Effective: July 1, 2009

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Resignations - Staff

Janis Blayne-Paul	Community Relations & Special Campus Events Assistant Director 2 Effective: June 2, 2009
Melanie Hinds	Residential Education & Housing Professional Services Specialist 4-10 months Effective: September 4, 2009
Jason Neely	Residential Education & Housing Professional Services Specialist 4 Effective: September 11, 2009
Vaishali Shinde	Enterprise Applications Professional Services Specialist 2(C) Effective: August 11, 2009

One Year Reappointments (Effective July 1, 2009 - June 30, 2010) - Non-Unit Staff

David Jurkin	Campus Construction Project Specialist
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Four Year Reappointments (Effective July 1, 2010 - June 30, 2014) - AFT Staff

Ann Fallon	Nursing Project Specialist U22
Erica Kalinowski	School of Business Professional Services Specialist 3
Lisa Panella	Student Financial Services Program Assistant

Retroactive Five Year Reappointments (Effective July 1, 2009 - June 30, 2014) - AFT Staff

Deborah Simpson	Athletics Professional Services Specialist 2
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Five Year Reappointments (Effective July 1, 2010 - June 30, 2015) - AFT Staff

Carol Evangelisto	Psychological Counseling Services Professional Services Specialist 2-10 months
David Icenhower	Athletics & Recreation Associate Director
Joanne Popowski	School of Science Assistant Director 1
Richard Rose	User Support Services Professional Services Specialist 3

**Resolution Appointing A Member to the Board of Directors of
the Trenton State College Corporation**

Whereas: The College of New Jersey Board of Trustees approves and appoints the members of the Board of Directors of the Trenton State College Corporation, which shall be composed of one member of The College of New Jersey Board of Trustees, the President of The College of New Jersey, the President of the Corporation, one current member from The College of New Jersey faculty, and five citizens, two of whom shall be currently enrolled, full-time students of the College.

**Therefore,
Be It**

Resolved: That the following individual be appointed by The College of New Jersey Board of Trustees to the Board of Directors of the Trenton State College Corporation:

Mr. Corey Dwyer, student, to a director term for the Corporation effective 10/6/09 through 6/30/11.

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Resolution of The Board of Trustees of The College of New Jersey approving the financing of a new Education Building, Site Work, and Utilities Upgrades as approved by the Conceptual Campus Facilities Master Plan; Approving the form of and authorizing the execution and delivery of the Lease Agreement and all other necessary documents; and authorizing Officers of The College of New Jersey to do all other things deemed necessary or desirable in connection with the issuance by The New Jersey Educational Facilities Authority of its revenue bonds, The College of New Jersey Issue, and the loan of the proceeds thereof to The College of New Jersey

Whereas: the Board of Trustees (the "Board") of The College of New Jersey (the "Public College") desires to approve the construction of a New Education Building, Sitework, and Utilities Upgrades, (the "Project"), as presented and submitted in the Public College's Conceptual Campus Facilities Master Plan (the "Master Plan"); and

Whereas: the Public College has determined that the Project will assist in serving the needs of its students and in the operation of the Public College; and

Whereas: the Board of the Public College desires to approve the financing in the amount necessary to finance the Project and costs of issuance (the "Project Costs") in an amount not to exceed \$44,500,000; and

Whereas: the Public College has further determined that the financing for the Project should be accomplished by the issuance by the New Jersey Educational Facilities Authority (the "Authority") of tax-exempt bonds, Build America Bonds or a combination thereof (the "Bonds") secured by a lease agreement and desires to authorize the officers of the Public College to take all action necessary to accomplish the financing of the Project and all costs related thereto; and

Whereas: the Board wishes to authorize the conveyance of land upon which the Project is to be situated that is not already owned by the Authority; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE COLLEGE OF NEW JERSEY AS FOLLOWS:

SECTION 1. The Board hereby approves the Project as presented in the Master Plan and the financing of the Project Costs through the issuance of the Bonds by the Authority in an amount not to exceed \$44,500,000. The Board hereby authorizes the President and Treasurer in conjunction with the Authority and its financial advisors to determine the structure of the financing including whether the Bonds shall consist of tax-exempt bonds, Build America Bonds or a combination thereof based on the structure most financially advantageous to the College.

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- SECTION 2. The Board hereby approves its submission to the Legislature for approval of the non-revenue producing portion of the Project and the financing thereof pursuant to N.J.S.A. 18A:72A-27.3 and authorizes the Authorized Officers (as defined herein) to take all actions necessary to effect such submission.
- SECTION 3. In order to finance the cost of the Project, the Board hereby authorizes that the Public College is authorized to enter into a Lease and/or Amended Lease Agreement between the Authority and the Public College (the "Agreement") and such Agreement shall secure repayment of the Bonds to be issued by the Authority to finance the Project.
- SECTION 4. The Agreement, in substantially the form entered into by the Public College and the Authority in the past, with such changes, omissions, insertions and revisions as shall be approved by the Authority and the hereinafter-authorized officers of the Public College is hereby approved. The Chairperson, the Secretary of the Board, the President, the Treasurer and the Associate Treasurer (hereinafter the "Authorized Officers") are hereby authorized and directed to execute the Agreement in the name of and on behalf of the Public College, in as many counterparts as may be necessary, and to affix or impress the official seal of the Public College thereon and to attest the same. Such execution and attestation to be conclusive evidence of the approval of the form and content of such Agreement.
- SECTION 5. The Authorized Officers of the Public College, be and the same, are hereby authorized and directed to execute, deliver and approve any and all such other agreements, documents, certificates, directions and notices and to do and perform such acts and to take such actions as may be necessary or required or which the Authority may deem to be appropriate to implement the purposes of this resolution, to consummate the Project and the financing of the Project and all the costs related thereto by the Authority, and to effectuate the execution and delivery of the Agreement, a deed to the property on which the Project will be located, if applicable, and any other documentation necessary to effectuate the Project or the financing of the Project by the Authority. Any Authorized Officer of the Public College is hereby authorized and directed, for and on behalf of and in the name of the Public College to attest and deliver said documentation and to affix the seal of the Public College to said documentation. Such execution and attestation to be conclusive evidence of the approval of the form and content of such documentation.
- SECTION 6. The Board hereby approves the conveyance of land upon which the Project is to be situated that is not already owed by the Authority.
- SECTION 7. All resolutions, orders and other actions of the Public College in conflict with the provisions of this resolution to the extent of such conflict are hereby superseded, repealed or revoked.
- SECTION 8. This Resolution shall take effect immediately.

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**Resolution Approving Waivers
Of Advertising
For College Business Purposes
(Finance and Investments Committee)**

Whereas: State College Contracts Law permits waivers of advertising for specified purchases in excess of \$28,300, and

Whereas: The Law provides that such waivers shall be approved by The College of New Jersey Board of Trustees, and

Whereas: Waiver requests have been reviewed and are recommended by the Finance and Investments Committee, a subcommittee of The College of New Jersey Board of Trustees,

Therefore,
Be It

Resolved: The College of New Jersey Board of Trustees approves waivers to the following vendors for purposes as designated herein:

VENDOR	PURPOSE	FUNDING SOURCE
Bruker \$305,000.00	Scientific instrumentation for the Chemistry Department (Diffractometers)	College Operating – 15% Grant - 85%
EBSCO \$60,000.00	Reallocation of funds for the Library's materials and electronic journals	College Operating
Blackbaud \$60,000.00	Fundraising hardware, upgrades and membership services	College Operating – 75% Reserves - 25%
Casa de Brasil \$51,060.00	Sumer study tour in Madrid, Spain (Student residences & classroom facilities)	Self Funded Revenue
Forocio Travel Agency \$41,400.00	Summer study tour in Madrid, Spain (Student excursions & ground transportation)	Self Funded Revenue
Hellenic Education & Research Center \$69,300.00	Summer study tour in Athens, Greece	Self Funded Revenue
Harlaxton College \$85,646.00	Summer study tour in England	Self Funded Revenue
Harmelin Media \$195,500.00	Media planning and buying contract consultant	College Operating
Sovereign Bank Arena \$250,000.	Celebration of the Arts	Student Finance Board College Operating Ticket Sales

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**The College of New Jersey Board of Trustees
Resolution Accepting Audited Fiscal Year 2009 Financial Statements**

Whereas: The Board of Trustees is authorized by statute (N.J.S.A. 18A:64-1 *et seq.*) and the By-laws (Section 2.r) to have prepared an annual independent financial audit of the College, and

Whereas: Pursuant to resolution of the Board of Trustees at its April 28, 2009 meeting, the College engaged the independent audit firm KPMG LLP to perform an independent audit of the College's financial statements for fiscal year 2009, and

Whereas: KPMG LLP has completed its audit of the College's financial statements for fiscal year 2009; and

Whereas: Management and KPMG LLP have presented the College's audited financial statements for fiscal year 2009 to the Audit, Risk Management and Compliance Committee and the Finance and Investment Committee at a joint meeting of those committees of the Board; and

Whereas: The Audit, Risk Management and Compliance Committee and the Finance and Investment Committee have reviewed and duly considered the College's audited financial statements for fiscal year 2009 and the Audit, Risk Management and Compliance Committee has recommended, with the concurrence of the Finance and Investment Committee, approval of those audited financial statements by the Board; and

Whereas: Copies of the College's audited financial statements for fiscal year 2009 that have been approved by the Board of Trustees are required to be submitted to the State Treasurer by October 31, 2009.

Therefore,
Be It

Resolved: That the Board of Trustees hereby accepts the audited financial statements for fiscal year 2009.

**Resolution Concerning Submission of the
FY 2011 Capital Budget Request
Totaling \$81,938,000**

Whereas: Under the P.L. 1994, C.48, The College of New Jersey Board of Trustees has the power and duty to “Submit a request for state support to the Division of Budget and Accounting in the Department of Treasury and to the Commission in accordance with the provisions of the law;” and

Whereas: This budget request must be submitted in accordance with planning guidelines promulgated by the Division of Budget and Accounting; and

Whereas: The FY 2011 – 2017 capital budget request prepared in accordance with the FY 2011 – 2017 Division of Budget and Accounting planning guidelines has been reviewed with the Buildings and Grounds Committee of The College of New Jersey Board of Trustees; and

Whereas: The Buildings and Grounds Committee of the Board has recommended its approval;

Therefore, Be
It Resolved: That the Board of Trustees approves the Capital Budget Request totaling \$81,938,000 for fiscal year 2011 and \$292,580,000 for the seven year term of 2011 – 2017.

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**THE COLLEGE OF NEW JERSEY
FY 2011 CAPITAL BUDGET REQUEST**

Project Title	Project Number	FY2011	FY 2012	FY 2013	FY 2014- 2017	Total
Facilities Renewal - Comm on Higher Education	001	\$ 4,037	\$ 4,037	\$ 4,037	\$ 19,682	\$ 31,793
Preservation, Utilities	003	\$ 2,000	\$ 2,000	\$ 2,000	\$ 3,068	\$ 9,068
Preservation, Power House	004	\$ 1,347	\$ 1,226	\$ -	\$ -	\$ 2,573
Roscoe West Library Renovation and Renewal	006	\$ 20,840	\$ -	\$ -	\$ -	\$ 20,840
Compliance ADA, Various Buildings	007	\$ 515	\$ 515	\$ 515	\$ 2,060	\$ 3,605
Asbestos Compliance, Various Buildings	008	\$ 563	\$ 563	\$ 563	\$ 2,066	\$ 3,755
Fire/safety compliance, Various Buildings	009	\$ 3,579	\$ 1,193	\$ 325	\$ 325	\$ 5,422
Infrastructure - Roads	015	\$ 550	\$ 550	\$ 550	\$ 311	\$ 1,961
Construction New, Maintenance Building	023	\$ -	\$ -	\$ 3,547	\$ -	\$ 3,547
Demolition Holman Hall	034	\$ -	\$ -	\$ 3,030	\$ -	\$ 3,030
New Education Building	035	\$ 40,106	\$ -	\$ -	\$ -	\$ 40,106
Infrastructure - Well Activation	360	\$ -	\$ 613	\$ -	\$ -	\$ 613
Acquisition - Telecommunications	370	\$ 88	\$ 2	\$ 1,364	\$ 456	\$ 1,910
Infrastructure - Data	371	\$ 1,100	\$ 1,000	\$ 1,353	\$ -	\$ 3,453
Infrastructure - Cogeneration	372	\$ -	\$ -	\$ -	\$ 6,126	\$ 6,126
Acquisition, Capital Equipment	373	\$ 1,500	\$ 1,500	\$ 1,500	\$ 5,915	\$ 10,415
Construction Renovation, Green Farm House	374	\$ 1,838	\$ -	\$ -	\$ -	\$ 1,838
Quimby's Prairie Renewal	677	\$ -	\$ -	\$ -	\$ 1,769	\$ 1,769
Jogging Trail	679	\$ -	\$ -	\$ -	\$ 1,114	\$ 1,114
Asset Renewal-Academic and Administrative	680	\$ 3,875	\$ 5,902	\$ 5,401	\$ 23,057	\$ 38,235
68 Library Demolition	735	\$ -	\$ -	\$ 4,831	\$ -	\$ 4,831
Forcina Hall Swing Space	736	\$ -	\$ 2,069	\$ -	\$ -	\$ 2,069
Loser Hall Swing Space	737	\$ -	\$ 348	\$ -	\$ -	\$ 348
New Academic Building	738	\$ -	\$ 27,895	\$ -	\$ -	\$ 27,895
Science Lab Renovation	739	\$ -	\$ 8,462	\$ -	\$ -	\$ 8,462
New Nursing Building	977	\$ -	\$ -	\$ -	\$ 46,533	\$ 46,533
Site Work - Nursing Building	978	\$ -	\$ -	\$ -	\$ 2,505	\$ 2,505
Loser Hall Renovation	1004	\$ -	\$ -	\$ -	\$ 8,764	\$ 8,764
		\$ 81,938	\$ 57,875	\$ 29,016	\$ 123,751	\$ 292,580

**Resolution Approving Waivers
Of Advertising
(Building and Grounds)**

Whereas: State College Contracts Law permits waivers of advertising for specified purchases in excess of \$30,100, and

Whereas: The Law provides that such waivers shall be approved by The College of New Jersey Board of Trustees, and

Whereas: Waiver requests have been reviewed and are recommended by the Building and Grounds Committee, a subcommittee of The College of New Jersey Board of Trustees,

Therefore,
Be It
Resolved: The College of New Jersey Board of Trustees approves waivers to the following vendors for purposes as designated herein:

VENDOR	PURPOSE	FUNDING SOURCE
Corporate Security Services \$32,580	Campus security camera planning study	College Operating – 50% Housing Operating – 50%
State of New Jersey, Department of Community Affairs \$296,500	Plan review and permitting fees	E&G Capital Asset Renewal Reserves – 62% Housing Capital Asset Renewal Reserves – 38%
Comm Solutions \$250,000	Wireless network product equipment and installation for Phelps and Hausdoerffer Halls, Art and Interactive Multimedia Building and 68 Swing Space Renovation	2008 Bond – 90% E&G Capital Reserves – 10%
Johnson Controls \$69,500	Repair of #2 chiller	College Operating – 55% BSC Operating – 9% Housing Operating – 36%
Trefz Engineering, Inc. \$60,874	Design services related to utility infrastructure replacement	E&G Capital Asset Renewal Reserves
Windels Marx Lane & Mittendorf, LLP \$50,000	Legal services related to the Higher Education Partnership Act and public/private development	Capital Reserves

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**The College of New Jersey
Resolution of the Board of Trustees to Amend the
Involuntary Health or Safety Withdrawal Policy**

- Whereas: The College of New Jersey is committed to maintain a safe and secure learning environment for our campus community; and
- Whereas: In furtherance of that commitment The College of New Jersey Board of Trustees on July 8, 2008 passed a resolution adopting the Involuntary Health or Safety Withdrawal Policy (the "2008 Policy"); and
- Whereas: The Board of Trustees, in approving the resolution, directed the President to submit the 2008 Policy to the College's Steering Committee for consideration by the College's Committee on Student and Campus Community (the designated governance body), and requested that the President report any recommendations for amendment of that policy to the Board prior to the 2009-2010 academic year; and
- Whereas: The College's Committee on Student and Campus Community reviewed the 2008 Policy as directed, fulfilling all attendant governance responsibilities in this process, and forwarded recommendations for proposed policy amendments to the College's Steering Committee; and
- Whereas: The College's Steering Committee concurred in the recommendations of the College's Committee on Student and Campus Community and forwarded recommendations for proposed policy amendments to the President; and
- Whereas: The President concurred in the recommendations of the College's Steering Committee and recommends the Board's adoption of the proposed policy amendments; and
- Whereas: The Student Life and Enrollment Management Committee of the Board concurred in the recommendations of the President and recommends the Board's adoption of the proposed policy amendments.
- Therefore,
Be It
Resolved: That the Board of Trustees of The College of New Jersey hereby approves the attached amended Involuntary Health or Safety Withdrawal Policy, which is effective immediately.

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Involuntary Health or Safety Withdrawal Policy

I. INTRODUCTION

The purpose of this policy is to describe the criteria and process for an involuntary health or safety withdrawal of a student from The College of New Jersey.

II. DEFINITIONS

Intentionally omitted.

III. POLICY

In accordance with College policy and applicable federal and state laws, a student who meets the criteria for involuntary health or safety withdrawal may be subject to involuntary health or safety withdrawal by the College.

A. Criteria for Involuntary Health or Safety Withdrawal

1. The criteria for involuntary health or safety withdrawal of a student are met if there is a substantial risk of either of the following:

- a) Significant harm to the health or safety of the student or others (“Harm”); or
- b) Unreasonable impediment to lawful educational process or activity for apparent medical or mental health reason of the student (“Impediment”).

2. A student should not be subject to involuntary health or safety withdrawal under these procedures when disciplinary, academic, or other administrative responses are available and the student’s circumstances can best be addressed through those responses. When practicable and appropriate, efforts should be made to persuade a student to withdraw voluntarily under applicable procedures with conditions for readmission before initiating the involuntary health or safety withdrawal process.

3. In evaluating whether a student meets the criteria for involuntary health or safety withdrawal, an individualized and objective assessment will be made of the student taking into consideration the following: (i) the nature, duration and severity of the risk of Harm or Impediment, (ii) the probability that the Harm or Impediment will actually occur, and (iii) whether accommodations requested by the student (if any) are reasonable and can be provided by the College to reliably and satisfactorily reduce the risk of Harm or Impediment.

B. Behavioral Assessment and Response Team

The College has established the Behavioral Assessment and Response Team (“BART”) whose duties include assisting in evaluating whether students meet the criteria for

involuntary health or safety withdrawal. BART includes representatives from the Office of the Dean of Students, Health Services, Counseling and Psychological Services, Residential Education and Housing, Campus Police, and Academic Affairs. Other members may be added at the discretion of the Vice President for Student Affairs. The members of BART selected to review a particular case will depend upon the specific circumstances; however, an appropriate health professional and representatives of the Office of the Dean of Students and the Office of Academic Affairs must participate in any review.

C. Involuntary Health or Safety Withdrawal Process

1. Procedure Initiation

Any member of the College community who has reason to believe that a student may meet the criteria for involuntary health or safety withdrawal may contact the Dean of Students to request an informal review.

2. Preliminary Determination by Dean of Students

a) During the informal review the Dean of Students shall preliminarily determine whether reasonable support for application of this policy for consideration of possible involuntary health or safety withdrawal has been received. In making that determination, the Dean of Students will consider whether (i) the information received is not inherently not credible, (ii) the information received (along with other information that the Dean of Students could reasonably anticipate receiving through the Involuntary Health or Safety Withdrawal process set forth below) could meet the requirements for involuntary health or safety withdrawal and (iii) disciplinary, academic, or other administrative responses are not available or the student's circumstances cannot best be addressed through those responses.

b) If the Dean of Students has so found reasonable support for application of this policy, the Dean of Students, before determining whether to proceed further with the process for an involuntary health or safety withdrawal must determine whether the procedures for interim involuntary health or safety withdrawal or involuntary health or safety withdrawal (non-interim) should be applied. Upon making that determination, the Dean of Students shall proceed with the appropriate procedures as outlined below.

3. Interim Involuntary Health or Safety Withdrawal

a) If health or safety is an immediate concern, the College may take interim action to protect the well being of the student and/or other members of the College community. By interim involuntary health or safety withdrawal, the College may remove a student from any or all College premises and programs when the Dean of Students, after considering reasonably available professional and other information determines in his/her judgment that a substantial risk of Harm exists and emergency interim withdrawal under these procedures is appropriate.

b) If during the involuntary health or safety withdrawal (non-interim) process the student refuses to meet with the Dean of Students, and/or refuses to undergo assessment or to keep a scheduled appointment, the Dean of Students may require interim removal without a meeting

and/or assessment if the Dean of Students concludes on the basis of the available evidence that the student meets the criteria for involuntary health or safety withdrawal.

c) Interim involuntary health or safety withdrawal is a preliminary action taken to protect the health and safety of the student withdrawn, or of others, and is not a penalty. Students subject to interim involuntary health or safety withdrawal immediately proceed to the involuntary health or safety withdrawal process.

4. Involuntary Health or Safety Withdrawal (Non-Interim)

a) Having found reasonable support for application of this policy for consideration of possible involuntary health or safety withdrawal, but having determined that the procedures for interim involuntary health or safety withdrawal are not necessary (either because interim involuntary health or safety withdrawal is already in effect or because health or safety is no longer of immediate concern), the Dean of Students, before determining whether to proceed further with the process for an involuntary health or safety withdrawal, shall take the following steps:

- 1) Exercise all reasonable efforts to meet with the student.
- 2) If warranted, offer the student the opportunity to be evaluated, at the College's expense, by a qualified, licensed medical or mental health professional selected by the College. The professional shall assess, among other things, whether the student might meet the criteria for involuntary health or safety withdrawal. The professional shall present his or her findings to the Dean of Students. The assessment will be provided to BART and other administrators involved under this policy and the student will sign any documents deemed necessary to authorize the release of records and disclosure of information and consultation between the professional and the Dean of Students, BART and other administrators involved under this policy. A student who refuses to undergo an assessment or to sign such documents may be subject to interim involuntary health or safety withdrawal and/or the drawing of negative inferences against the student in the process for involuntary health or safety withdrawal (interim or non-interim).

b) The Dean of Students may, at his/her discretion, permit a student who, upon the available evidence, meets the criteria for involuntary health and safety withdrawal to remain enrolled on a probationary basis under specified conditions which may include, but are not limited to, participation in an ongoing treatment program, acceptance of and compliance with a behavioral contract, a housing relocation, a lighter academic course load, or any combination thereof. When making a determination of appropriate probationary conditions, the Dean of Students (i) may consult on an informal basis with BART, faculty, Residence Education, and other College staff and (ii) will consider the risk of Harm or Impediment and the probability that the specified conditions will reliably and satisfactorily reduce the risk of Harm or Impediment.

c) Upon review of a student who, upon the available evidence, meets the criteria for involuntary health and safety withdrawal, the Dean of Students, after consultation with BART, may (i) promptly proceed with a hearing as set forth below or (ii) recommend to the

student that the student voluntarily withdraw for health or safety reasons. If the student does not agree to withdraw voluntarily, the Dean of Students shall promptly proceed with a hearing as set forth below.

5. Hearing

The College shall afford the student an opportunity for an informal hearing on the matter as set forth below.

- a) The Dean of Students shall conduct the hearing.
- b) Representatives of BART shall attend the hearing.
- c) At the hearing, evidence relevant to whether the student is subject to involuntary health or safety withdrawal under the criteria for involuntary health or safety withdrawal will be presented. Admissible evidence may include witnesses, written reports, documents or written statements, and a medical or mental health professional's written assessment. Formal legal rules of evidence will not apply at the hearing. However, the Dean of Students may exclude evidence that s/he deems cumulative or not relevant.
- d) The student's rights at the informal hearing shall include the following.
 - 1) The right to be present, unless the student disrupts the hearing.
 - 2) The right to present relevant witnesses, evidence and statements.
 - 3) The right to question all witnesses at the hearing and to comment upon all documents presented.
 - 4) The right to be accompanied by an appropriate advisor at the student's expense. The advisor may be a spouse or parent/guardian, a health professional of the student's choice, a faculty or staff member, or an attorney. The advisor may advise the student, but, unless the student is incapacitated, the advisor may not actively participate in the hearing (e.g., question witnesses or present evidence).
- e) The Dean of Students and members of BART may also ask questions of any the student or any witness.
- f) The hearing will be closed to the public and the testimony and other evidence presented will be kept confidential.
- g) The hearing will be audio recorded and the recording will be made available to BART, the student (upon written request), and to any decision-maker involved in an appeal.

6. Decision

- a) The Dean of Students shall render a decision based on evidence presented at the hearing, with due consideration given to the input received from BART. If the Dean of Students concludes that the student does not meet the criteria for involuntary health or safety withdrawal, the Dean of Students will so inform the student and BART in writing, and the procedure shall terminate. If the Dean of Students concludes that the student does meet the criteria for involuntary health and safety withdrawal, the Dean of Students shall so state in a written decision that will include the reasons for this conclusion. This written decision will be provided to the student and BART within two (2) business days after the conclusion of the hearing.

b) If the decision is made to withdraw the student, the College, upon the issuance of a notice of determination of involuntary withdrawal by the Dean of Students, will involuntarily withdraw the student. Conditions for readmission will be specified in writing. An involuntary withdrawal would be effective immediately upon issuance of the Dean of Students' notice of determination or such later date as may be specified in the notice and the withdrawal shall remain in effect throughout the pendency of any appeal process.

7. Appeal of Involuntary Health or Safety Withdrawal

a) A student who is involuntarily withdrawn under this policy may submit a written request to the Vice President for Student Affairs for a review of the decision. To be timely, any such appeal must be received by the Vice President for Student Affairs within seven (7) business days of the notification of the Dean of Students to involuntarily withdraw the student. The student may request that the Office of Records & Registration notify the student's instructors of the student's absence from classes. The Vice President for Student Affairs shall review the written appeal within seven (7) business days of receipt of the written appeal.

b) At the conclusion of the review, the Vice President for Student Affairs shall determine whether to (i) require that a new hearing be conducted by the Dean of Students or other administrator designated by the Vice President for Student Affairs; (ii) uphold the withdrawal; or (iii) reinstate the student. The Vice President for Student Affairs may also modify the conditions of readmission. The decision of the Vice President for Student Affairs shall be final.

8. Readmission

a) A student who has been withdrawn under this procedure (voluntarily or involuntarily) and who wishes to be considered for readmission must contact the Dean of Students and provide appropriate documentation to comply with the conditions of readmission.

b) The Dean of Students will review the request for readmission as follows:
1) review and investigate compliance with the conditions of readmission;
2) consult with appropriate members of BART; and
3) meet with the student.

c) The Dean of Students will recommend to the Office of Admissions whether, in the judgment of the Dean of Students, the student should be readmitted.

d) The Office of Admissions will make the final decision regarding readmission.

9. Miscellaneous

a) Reasonable deviations from these procedures by the College will not invalidate a decision or proceeding unless significant prejudice to a student is caused by such deviation.

- b) Failure of a student to take the opportunity to respond at the time and in the manner provided by the College shall not invalidate or delay any decision made or action taken under this Policy.
- c) Whenever an action may be or is required to be taken under this policy by the Dean of Students or Vice President for Student Affairs, the action may be taken respectively by the Dean or Vice President's designee.
- d) During the Involuntary Health or Safety Withdrawal process, a representative of the College may contact the student's parents or legal guardians, if deemed appropriate.