To: Mr. Howard Zemsky, NYS Commissioner of Economic Development
From: York College of The City University of New York
Re: York College Campus Plan for Designation of Tax-Free Area(s)

The City University of New York ("CUNY"), on behalf of York College (the "College"), hereby certifies the following as of the date hereof:

a.) the College has provided a copy of the enclosed Campus Plan for Designation of Tax-Free NY Area, to the municipality or municipalities in which the proposed Tax-Free NY Area is located, a local economic development entity representing the area in which the proposed Tax-Free NY Area is located, the applicable faculty senate, union representatives, and campus student government at least 30 days prior to submitting the plan to you and attached evidence of submission herewith; and

b.) the College intends to comply with the Commissioner's rules and guidelines on anticompetitive behavior (NY EDL, art. 21, sect. 440); and

c.) the College is aware of the non-governmental use limitations associated with state issued tax exempt bonds and if its proposed Tax-Free NY Area was financed with tax exempt bonds, the College will: 1.) make potential businesses aware of these limitations when marketing property; and 2.) take appropriate steps to ensure that non-governmental use of property funded with tax-exempt bonds will not jeopardize the tax exempt status of state issued bonds; and

d.) the College has not relocated or eliminated any academic programs, any administrative programs, offices, housing facilities, dining facilities, athletic facilities, or any other facility, space or program that actively serves students, faculty or staff in order to create vacant land or space to be designated as a Tax-Free NY Area; and

e.) the information contained in the enclosed application is to the maximum extent possible accurate and complete.

The City University of New York
on behalf of York College

By: _____
Name: Marcia V. Keizs
Title: President
Date: 11-28-16

Attachments/Enclosures:

1) Excel spreadsheet containing list of properties
2) Digital maps of proposed tax-free area on a scaled campus map and/or campus map shaded to indicate building containing proposed tax-free space with floor plans of proposed tax-free space(s)
3) CUNY Overview of Selection of Participating Businesses
4) Applicable CUNY Conflict of Interest Policies
5) Evidence of submission of Tax-Free Area Plan to the municipality or municipalities in which the proposed Tax-Free NY Area is located, a local economic development entity representing the area in which the proposed Tax-Free NY Area is located, the applicable faculty senate, union representatives, and campus student government

## START-UP NY CAMPUS PLAN FOR DESIGNATION OF TAX-FREE AREA(S)

| | |
|---|---|
| Campus Name: | York College |
| Campus Contact Name: | Oslene Carrington |
| Campus Contact Title: | Executive Director of Economic and Workforce Development |
| Campus Contact E-mail: | ocarrington1@york.cuny.edu |
| Campus Contact Phone: | (718) 262-2391 |

***THE TAX-FREE NY AREA PLAN SHALL BE DEVELOPED BY THE CAMPUS TEAM AND PROVIDE THE FOLLOWING REQUIRED INFORMATION:***

1) **Specification or identification of space or land proposed for designation as a Tax-Free NY Area identifying the following:**

   i. Refer to excel spreadsheet for the address(es) and other information associated with the space or land proposed for designation as a Tax-Free NY Area. See Attachment 1

   ii. Provide a pdf image of the campus perimeter, with shading of the parcels of land being proposed as tax free zones. Each parcel will need a unique identifier listed in the excel spreadsheet and labeled on the map to allow for cross referencing. See Attachment 2

   iii. Provide building floor plans shaded with the spaces that will be part of the designated zone supplemented by the excel spreadsheet template with detail for each building zone being considered with unique identifiers that tie back to the building drawings. See Attachment 2

York College is contributing to the program the following spaces at 132-02 98th Ave., in space affiliated with the College through a Memorandum of Understanding with the not-for-profit Greater Jamaica Development Corporation:
CU-100-2-B-10030-001 which is a 3,000 SF suite
CU-100-2-B-10030-002 which is a 350 SF office
CU-100-2-B-10030-003 which is a 230 SF office
CU-100-2-B-10030-004 which is a 230 SF office
CU-100-2-B-10030-005 which is a 230 SF office
CU-100-2-B-10030-006 which is a 265 SF office
CU-100-2-B-10030-007 which is a 565 SF office
CU-100-2-B-10030-008 which is a 545 SF office
CU-100-2-B-10030-009 which is a 545 SF office
CU-100-2-B-10030-010 which is a 520 SF office
CU-100-2-B-10030-011 which is a 375 SF office
CU-100-2-B-10030-012 which is a 520 SF office
CU-100-2-B-10030-013 which is a 200 SF office
CU-100-2-B-10030-014 which is a 200 SF office

2) **The total square footage of the space or acreage of land proposed for designation as a Tax-Free NY Area**

| |
|---|
| 7,775 SF on campus |

3) **Provide a description of the type of business or businesses that may locate on the area to be designated.**

For the Start-Up NY program, York College is seeking high-tech companies and businesses in the formative stages of development that align with the College's leading academic programs and the innovative research being conducted at York, specifically in the areas of: (1) Pharmaceutical Research and Manufacturing; (2) Medical Device Research and Manufacturing; (3) Water Resource Management and Purification; (4) Supply Chain Logistics and Aviation; (5) Wireless Technology, (6) Energy and Energy Related Technologies; and (7) Food Science Research and Manufacturing. York's cutting edge research in these areas provide opportunities for partnerships with businesses to transform innovative research to innovative products and services that can be potential game-changers in their respective industries.

York College is a particularly attractive location for firms seeking to capitalize on the benefits provided by Start-Up NY. The Northeast Regional Laboratory of the U.S. Food and Drug Administration ("FDA") is located on the campus as well as The City University of New York ("CUNY") Aviation Institute-partnership with the Port Authority of New York and New Jersey. The CUNY Aviation Institute recently launched a baccalaureate degree in Aviation Management, capitalizing on the many job opportunities available at Kennedy Airport and other local and national airports.

In 2010, the FDA launched its Regulatory Sciences Initiative to transform the way medical products are developed, manufactured and evaluated. The Strategic Plan for this initiative calls for collaboration between government, academia and the private sector. Entrepreneurs working collaboratively with faculty at the college could engage in research jointly. Possible areas of collaboration include:

- The development of computer models of cells, organs, and systems to better predict product safety and efficacy;
- The monitoring of new developments in personalized medicine as they pertain to regulated medical products;
- The investigation of the feasibility and value of using emerging and improved analytical technologies like NMR (Nuclear Magnetic Resonance), mass spectrometry, or near infrared or Raman spectroscopy for evaluating the product quality of pharmaceutical agents, and the evaluation of whether these technologies should replace existing methods;
- Improving the quality and level of health literacy of FDA communications about FDA-regulated products; and
- The development of methods to identify and track public understanding, perceptions, and attitudes towards product-related information.

Partnerships in Jamaica would extend beyond the FDA. Jamaica Hospital Medical Center (JHMC), located only three subway stops away from the York College campus, is a 425-bed, fully accredited teaching hospital, with a network of community ambulatory care centers. JHMC is the primary health care facility in Jamaica and is a significant driver of economic activity in Southeast Queens.

4) **Provide a description of the academic mission of the Sponsor and how the anticipated businesses will align or further the academic mission of the university or college.**

"York College enriches lives and enables students to grow as passionate, engaged learners with the confidence to realize their intellectual and human potential as individuals and global citizens." Using the institution's mission statement as the guiding principle, York College educates more than 8,500 students and is the only public institution of higher education located in the ethnically diverse community of southeast Queens. York College's strength is its faculty, which win numerous peer-reviewed, federally funded research awards annually. For almost thirty years the college has assisted the owners of local small businesses secure start up or business expansion loans through its Small Business Development Center and has worked with local development agencies and business trade groups to help revitalize Downtown Jamaica.

The businesses listed in Section 3 will support specific academic programs at York per the following:

Pharmaceutical Research and Manufacturing

Dr. Adam Profit studies protein Kinase Inhibitors with a focus on amyloid formation and protein aggregation; as well as on protein kinase inhibitors. His work shows promise for developing drug treatments for Alzheimer's disease as well as Type 2 Diabetes.

Dr. Francisco Villegas, Associate Professor in the Department of Behavioral Sciences, uses adult stem cell (neurospheres) transplantation and recovery of cognitive functions in a rat model of Alzheimer's disease. The study presents an innovative strategy for exploring more permanent treatments for neurodegenerative disorders.

Dr. Robert Duncan's primary research interests are (1) to study the physiological mechanisms of visually guided behavior in healthy individuals and (2) to develop novel functional magnetic resonance imaging (fMRI) techniques to quantify neuronal, vascular, and metabolic contributions to neurodegenerative visual disorders. This work provides opportunities to develop treatments to address visual degeneration related to aging and illness.

Dr. Yolanda Small, Assistant Professor in the Department of Chemistry, works at the interface of biology, chemistry and condensed matter physics that will have an impact on the design of pharmaceuticals for a variety of diseases.

Medical Device Research and Manufacturing

Dr. Ivica Arsov, Associate Professor in the Department of Biology, works with genetically modified mice to determine the role of Beclin1, a gene implicated in autophagy and apoptosis in inthrathymic T-cell development. Dr. Arsov's goal is to develop a mouse model in which the Beclin 1 gene will be inactivated in lymphoid cells. This improved experimental animal could create unique, patentable genetic material and prove marketable to researchers engaged in similar work.

Dr. Emmanuel Chang, Associate Professor in the Department of Chemistry, explores the biological applications of mass spectrometry. Applications include the development of novel therapeutic agents and patentable processes that can support the regional research and manufacturing enterprise.

Water Resource Management and Purification

Dr. Ratan Dhar explores predictions of metal(loid) transport processes in natural system are a critical aspect of decision-making in risk assessment, and remediation strategies. His aim is to advance our understanding of how physical, chemical and biological factors interact and control the mobilization of trace metals in natural environment. This research has the potential to impact innovative measures to combat pollution of the ground water which in turn impacts the local aquifer.

Supply Chain, Logistics and Aviation

Dr. Kangbok Lee, Assistant Professor of Business and Economics, conducts research in the formulation of mathematically efficient algorithms for solving supply chain management problems with a focus on scheduling decisions in manufacturing and service industries. This research could potentially be harnessed by the logistics industry to improve efficiency.

Wireless Technology

Dr. Shweta Jain research interests are in wireless and mobile networking in general. More recently, she has been working on protocols for mobility and content centric network architectures. This research shows promise in finding innovative wireless technologies that enhance local communication networks.

Energy and Energy Related Technologies

Drs. James Popp and Kevin Lynch research interests are in high energy physics. Their research project with the Fermi National Laboratory has been funded recently by a grant by the Department of Energy. They are exploring possibilities of practical applications in the health and the environmental areas.

Food Science Research and Manufacturing

York College recently developed a minor in Food Studies which will soon be expanded to a BS in Food Studies to address and include areas such as food production, processing, preservation, distribution, storage, sanitation and marketing. This is a collaborative program involving faculty in Chemistry, Biology, Environmental Health Science, Psychology and Management.

Dr. Ivica Arsov conducts research in microbiology and other areas that impact food preservation. He also is the college's FDA science advisor. Dr. Samuel Ghelli researches consumer behavior related to food manufacturing, purchase and consumption.

5) **Provide a description of how participation by those types of businesses in the Program would generate positive community and economic benefits, including but not limited to:**
   - **Increased employment opportunities;**
   - **Increased opportunities for internships, vocational training and experiential learning for undergraduate and graduate study;**
   - **Diversification of the local economy;**
   - **Environmental sustainability;**
   - **Increased entrepreneurship opportunities;**
   - **Positive, non-competitive and/or synergistic links to existing businesses;**
   - **Effect on the local economy; and**
   - **Opportunities as a magnet for economic and social growth.**

**POSITIVE COMMUNITY AND ECONOMIC BENEFITS**

A Tax-Free Zone at York College created by the Governor's Start-Up NY program would enhance the institution's potential to serve as an economic engine for Jamaica, Queens, and the broader community in which it resides.

Jamaica is centrally located in Queens. Its downtown is well-prepared and positioned for development, high in public purpose, and become a global gateway to New York. Jamaica is one of New York City's major transportation hubs, with the Long Island Rail Road (LIRR) Jamaica Station and the JFK AirTrain Jamaica Terminal, which provides access to JFK Airport in 8 to 12 minutes. The Jamaica LIRR station is the transfer point for 11 of the 12 railroad lines and provides service to over 100,000 passengers daily, connecting with Penn Station in midtown Manhattan in 18 minutes. There are three subway lines (E, J and Z trains) that terminate on Archer Avenue and Parsons Boulevard, across the street from the York College campus, and one additional subway line (F train) within three blocks walking distance that serves approximately 100,000 one-way passengers each work day. In addition, 49 bus lines pass through downtown Jamaica. The proposed Tax-Free Zone Campus lies at the center of a regional transportation nexus. Furthermore, development in proximity to this mass transit hub in Jamaica will reduce vehicular traffic in the area and the negative environmental impact associated with carbon emissions and other pollutants generated by vehicles.

Downtown Jamaica is targeted by the City of New York's economic development strategy for investment as a regional economic center while protecting the character of neighboring communities. A number of improvements to transit connections, public spaces, infrastructure, and zoning have been completed recently or are planned for the near future. A Tax-Free Zone at York College represents an opportunity to take advantage of these improvements and create a new economic engine just to the southeast of the JFK AirTrain Jamaica Terminal, enhancing economic opportunities for York College and the surrounding community.

Light manufacturing has a presence in Jamaica, with more than 200 private companies located in the area. The proposed Tax-Free Zone at York College will be adjacent and north of the industrial area.

Businesses created in, relocating, or expanding into a Tax-Free Zone at York College under the StartUpNY program will help to revitalize the downtown and catalyze additional private development on already assembled and re-zoned properties in neighboring areas.

A 368-block rezoning in Jamaica was completed by the City in 2007. The rezoning makes it possible to increase the density of local development and it increases the number of sites that could potentially be developed for commercial and residential uses in the Station Area, which is located within three blocks of the York College campus. As a result of rezoning and recent investment in key public improvements, Downtown Jamaica is poised for commercial growth. However, despite the rezoning and the recent development activity, decision-makers in the private capital markets have not yet begun to invest sufficiently in Downtown Jamaica to fuel sustained economic growth. StartUpNY, with its tax-free incentives could be the catalyst that sparks wide-spread economic development in Downtown Jamaica and the surrounding areas.

## INCREASED EMPLOYMENT AND OPPORTUNITIES

The Tax-Free Zone will stimulate job creation for residents, including low-income households, and create new high-paying sustainable jobs in an area of high unemployment. The proposed location on the York College campus for the Start-Up NY Tax-Free Zone is a 3.50 acre parcel of government-owned land on the south east corner of the campus. A project on the campus will require new construction. As a result, temporary jobs related to the construction (at a rate of approximately 1 job per $100,000 spent) will be created. The project also will create internships for students and permanent jobs for both graduates of York College and other residents of Jamaica and surrounding communities.

## OPPORTUNITIES FOR INTERNSHIPS AND VOCATIONAL TRAINING

York College has been able to enrich the academic experience of its students by making high-quality internships available, particularly for those in the sciences and health-related fields. The Tax-Free Zone will be a rich source of additional internships and would find eager participants among students. Some examples of successful internships in the science and health fields follow:

- Students in the FDA Scholars program, an honors scholarship program, serve one-year internships in the FDA Northeast Regional Laboratory ("NRL"), located on the York College campus.
- Similarly, students majoring in chemistry, biology or environmental health may also serve year-long internships at NRL. They gain experience in laboratory work, receive independent study course credit and are paid a stipend. Currently, there are twelve students serving as interns at NRL.

- Eight students have obtained permanent jobs with the FDA since the partnership began on campus thirteen years ago.
- Currently, there are 150 students enrolled in the York College Bachelor of Science degree program in Clinical Laboratory Science/Medical Technology. Prior to becoming licensed graduates, students must serve an internship. They serve these internships at one of twelve hospitals throughout New York City and in nearby Nassau County.

There will be many opportunities in the future for qualified students to serve internships. For example, York College offers a Bachelor of Science degree in Pharmaceutical Science. Pharmaceutical-related businesses in the Tax-Free Zone would be strong partners, employing both interns and graduates of the program.

## IMPROVED WATER RESOURCE MANAGEMENT

Attracting a firm with expertise in water resource management to the Tax-Free Zone would benefit Jamaica and southeast Queens. The rising water table in southeast Queens poses a range of environmental threats to homeowners and businesses, including concern about any long lasting environmental impact this condition may have on the health of local residents.

A number of "fixes" have been proposed to address the rising water table. All are expensive to implement, with estimates running into the multi-millions of dollars, and, as a result, none has begun. A firm with experience in water resource management could provide the community with state-of-the-art technical knowledge that might lead to implementation of strategies to address the problems created by the rising water table. Such a firm would be able to tap the expertise in earth sciences that exists at York College. One possible solution currently under consideration involves the use of ground water to produce geothermal energy, which in turn could be used to generate revenue to support infrastructure and operational expenses.

## LINKAGES TO EXISTING BUSINESSES

*Pharmaceutical and Medical Device Companies*

Recently, York College and the FDA began discussions to expand their partnership to include the FDA headquarters in Washington, D.C. Those discussions will now be extended to include partnerships and collaboration with any pharmaceutical of medical technology business which might choose to locate in the York College Tax-Free Zone. The expanded agreement reached thus far will include collaboration in the physical sciences as well as other disciplines including statistics, business administration, and regulatory sciences,

In addition, the proposed location of the Tax-Free Zone is directly north of Jamaica's extensive in-place industrial business zone. Some of the existing light manufacturing companies in the business zone are potential partners for StartUpNY businesses, to the extent that they are eligible to participate in the StartUpNY initiative under the business expansion criterion. EPIC Pharma, a local manufacturer of generic drugs, is one example.

*Transportation and Logistic Companies*

JFK International Airport is 8minutes from the York College campus via AirTrain, or a short car trip away. CUNY's Aviation Institute at York College is a potential partner for aviation and logistics firms, including the numerous freight-forwarding and trucking companies located near JFK. Firms in that area are also potential partners with other aviation-related businesses at the airport. The tax-free benefits provided by StartUpNY are powerful incentives that could lead logistics and transportation companies in the area to expand their businesses and create new jobs as a direct result of their participation in StartUpNY.

6) **Refer to CUNY Overview of Selection of Participating Businesses for a description of the process the Sponsor will follow to select participating businesses. See Attachment 3.**

**ATTACHMENT 1**

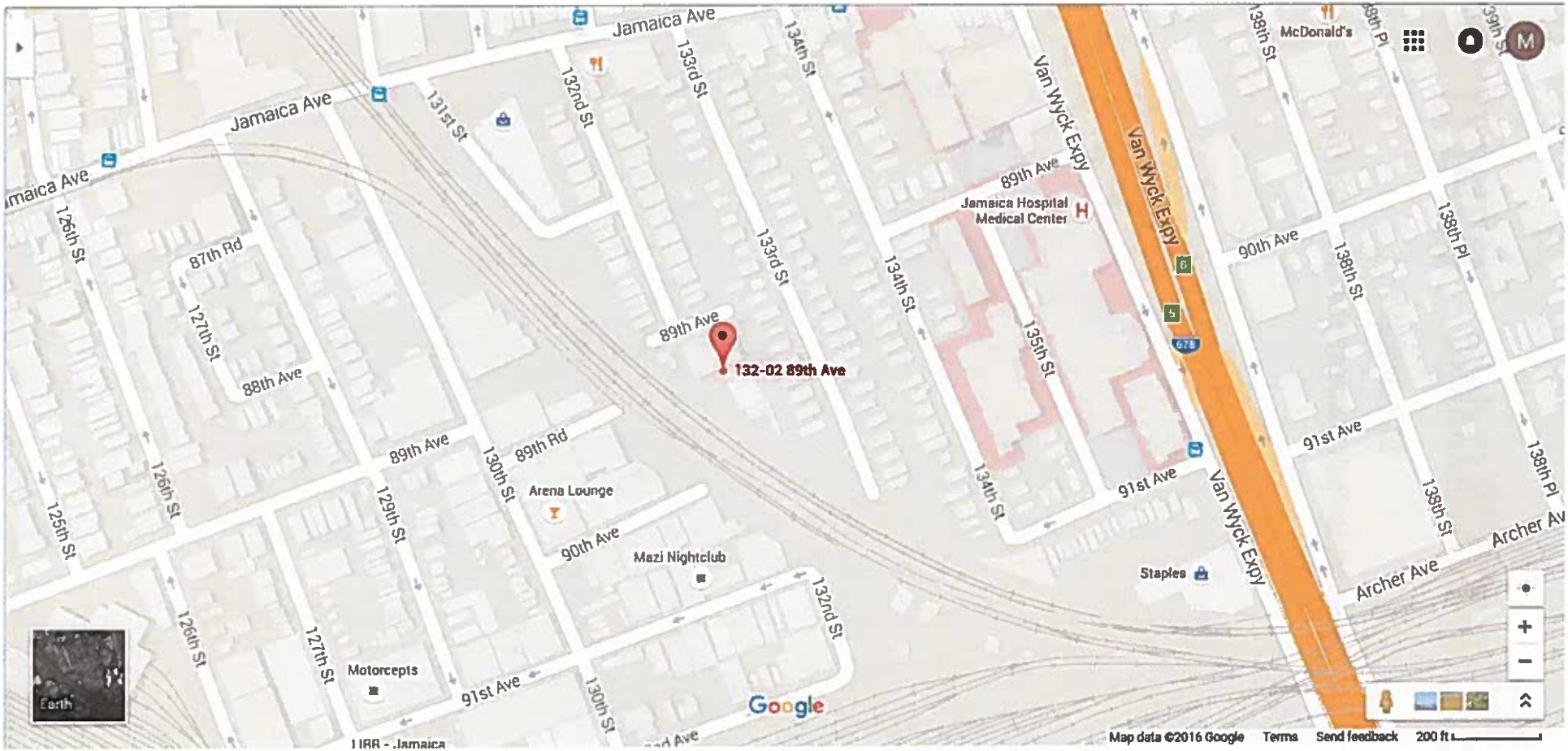
**EXCEL SPREADSHEET CONTAINING LIST OF PROPERTIES**

ATTACHMENT 1
EXCEL SPREADSHEET CONTAINING LIST OF PROPERTIES

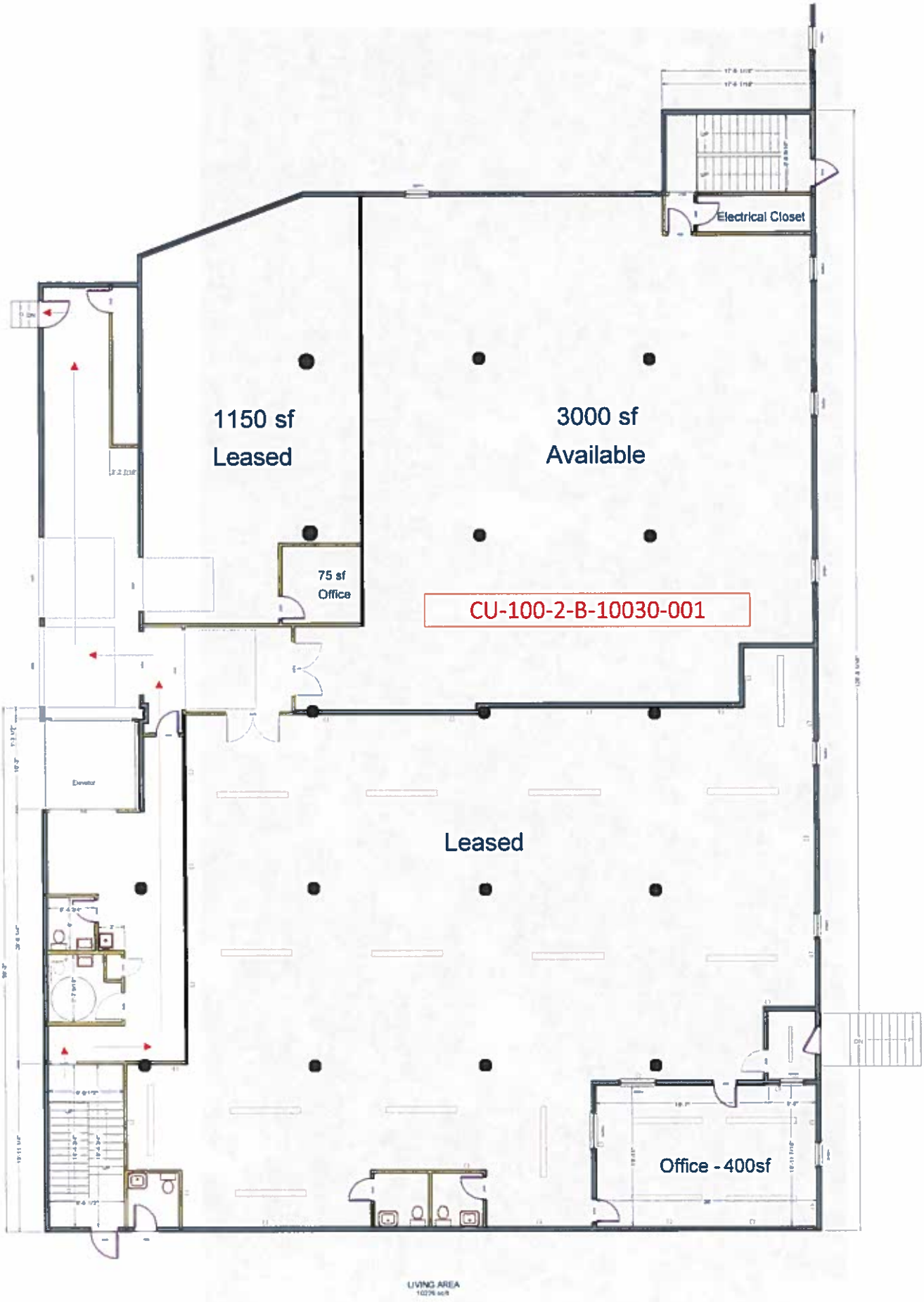
| Location | Unique ID | Owner | Property Type | Street Address | City | Zip | ParcelID | Building | Space Type | Sqft | Acres | Description | onCampus | Within1mile ofCampus | Latitude | Longitude | Note |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Queens | CU-100-2-B-10030-001 | York College | 1 | 152-02 89th Avenue | Queens | 11418 | | Richmond Hill | C | 3,000 | | Vacant space within a building | Yes | No | +40° 70' 00.41" | -73° 81' 92.27 | Space affiliated with college per MOU with Greater Jamaica Development Corporation |
| Queens | CU-100-2-B-10030-002 | York College | 1 | 152-02 89th Avenue | Queens | 11418 | | Richmond Hill | C | 350 | | Room 204 | Yes | No | +40° 70' 00.41" | -73° 81' 92.27 | Space affiliated with college per MOU with Greater Jamaica Development Corporation |
| Queens | CU-100-2-B-10030-003 | York College | 1 | 152-02 89th Avenue | Queens | 11418 | | Richmond Hill | C | 230 | | Room 203 | Yes | No | +40° 70' 00.41" | -73° 81' 92.27 | Space affiliated with college per MOU with Greater Jamaica Development Corporation |
| Queens | CU-100-2-B-10030-004 | York College | 1 | 152-02 89th Avenue | Queens | 11418 | | Richmond Hill | C | 230 | | Room 202 | Yes | No | +40° 70' 00.41" | -73° 81' 92.27 | Space affiliated with college per MOU with Greater Jamaica Development Corporation |
| Queens | CU-100-2-B-10030-005 | York College | 1 | 152-02 89th Avenue | Queens | 11418 | | Richmond Hill | C | 230 | | Room 201 | Yes | No | +40° 70' 00.41" | -73° 81' 92.27 | Space affiliated with college per MOU with Greater Jamaica Development Corporation |
| Queens | CU-100-2-B-10030-006 | York College | 1 | 152-02 89th Avenue | Queens | 11418 | | Richmond Hill | C | 265 | | Room 210 | Yes | No | +40° 70' 00.41" | -73° 81' 92.27 | Space affiliated with college per MOU with Greater Jamaica Development Corporation |
| Queens | CU-100-2-B-10030-007 | York College | 1 | 152-02 89th Avenue | Queens | 11418 | | Richmond Hill | C | 565 | | Room 216 | Yes | No | +40° 70' 00.41" | -73° 81' 92.27 | Space affiliated with college per MOU with Greater Jamaica Development Corporation |
| Queens | CU-100-2-B-10030-008 | York College | 1 | 152-02 89th Avenue | Queens | 11418 | | Richmond Hill | C | 545 | | Room 217 | Yes | No | +40° 70' 00.41" | -73° 81' 92.27 | Space affiliated with college per MOU with Greater Jamaica Development Corporation |
| Queens | CU-100-2-B-10030-009 | York College | 1 | 152-02 89th Avenue | Queens | 11418 | | Richmond Hill | C | 545 | | Room 218 | Yes | No | +40° 70' 00.41" | -73° 81' 92.27 | Space affiliated with college per MOU with Greater Jamaica Development Corporation |
| Queens | CU-100-2-B-10030-010 | York College | 1 | 152-02 89th Avenue | Queens | 11418 | | Richmond Hill | C | 520 | | Room 219 | Yes | No | +40° 70' 00.41" | -73° 81' 92.27 | Space affiliated with college per MOU with Greater Jamaica Development Corporation |
| Queens | CU-100-2-B-10030-011 | York College | 1 | 152-02 89th Avenue | Queens | 11418 | | Richmond Hill | C | 375 | | Room 221 | Yes | No | +40° 70' 00.41" | -73° 81' 92.27 | Space affiliated with college per MOU with Greater Jamaica Development Corporation |
| Queens | CU-100-2-B-10030-012 | York College | 1 | 152-02 89th Avenue | Queens | 11418 | | Richmond Hill | C | 520 | | Room 222 | Yes | No | +40° 70' 00.41" | -73° 81' 92.27 | Space affiliated with college per MOU with Greater Jamaica Development Corporation |
| Queens | CU-100-2-B-10030-013 | York College | 1 | 152-02 89th Avenue | Queens | 11418 | | Richmond Hill | C | 200 | | Room 206 | Yes | No | +40° 70' 00.41" | -73° 81' 92.27 | Space affiliated with college per MOU with Greater Jamaica Development Corporation |
| Queens | CU-100-2-B-10030-014 | York College | 1 | 152-02 89th Avenue | Queens | 11418 | | Richmond Hill | C | 200 | | Room 205 | Yes | No | +40° 70' 00.41" | -73° 81' 92.27 | Space affiliated with college per MOU with Greater Jamaica Development Corporation |

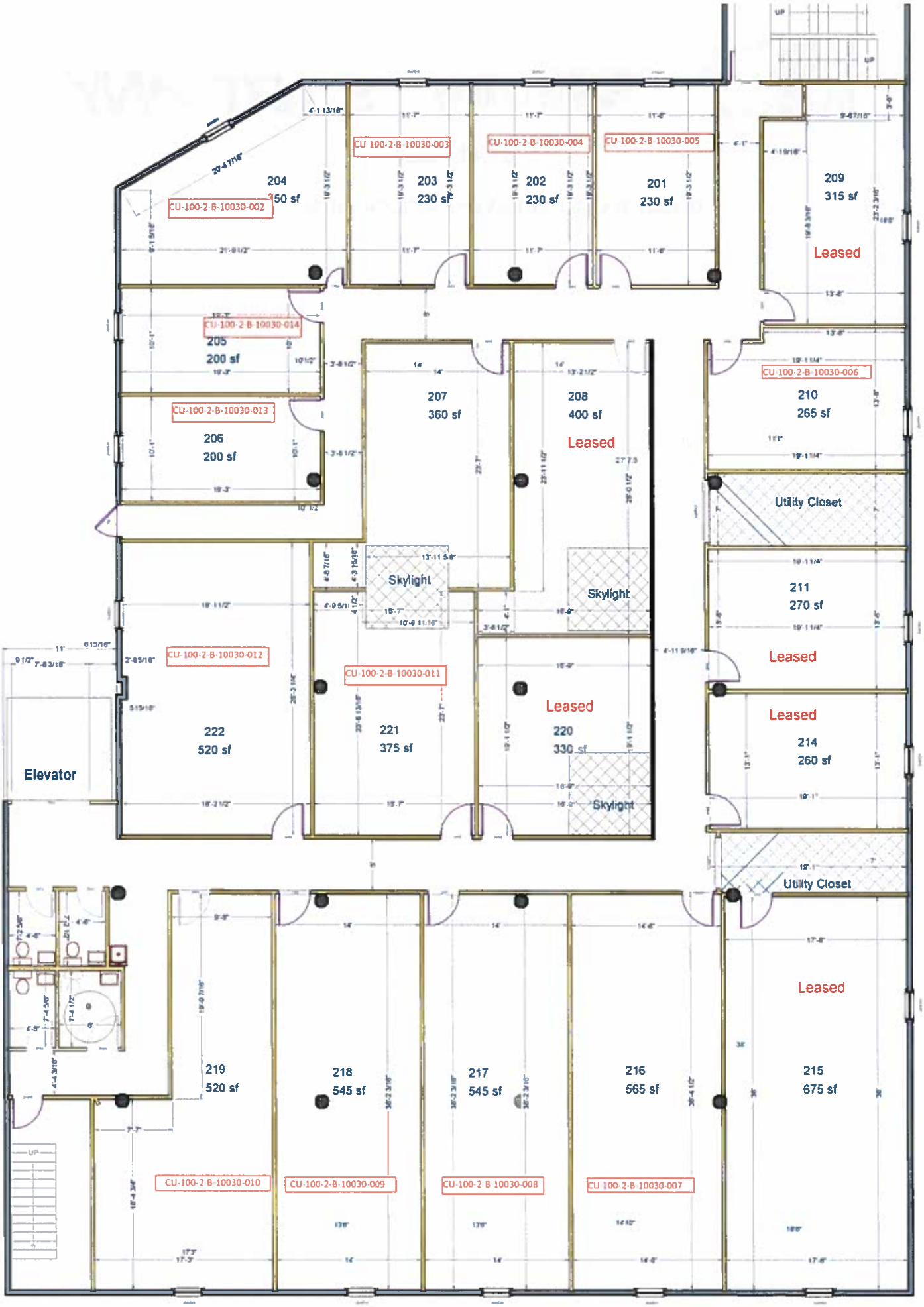
**ATTACHMENT 2**

**DIGITAL MAPS OF PROPOSED TAX-FREE AREA(S)**


Jamaica Ave
Jamaica Ave
Jamaica Ave
131st St
132nd St
133rd St
134th St
Van Wyck Expy
Van Wyck Expy
Van Wyck Expy
McDonald's
89th Ave
Jamaica Hospital Medical Center
90th Ave
138th St
138th Pl
126th St
87th Rd
127th St
88th Ave
89th Ave
132-02 89th Ave
133rd St
134th St
135th St
89th Ave
89th Rd
130th St
Arena Lounge
90th Ave
Mazi Nightclub
91st Ave
91st Ave
138th St
138th Pl
Archer Ave
Archer Ave
125th St
126th St
129th St
Staples
126th St
127th St
Motorcepts
91st Ave
130th St
132nd St
Google
Earth
Map data ©2016 Google
Terms
Send feedback
200 ft

Indian Curry Express
Express Furniture Warehouse
Jamaica Hospital Medical Center
Al-Khoei Foundation
132-02 89th Ave
Arena Lounge
Maz Nightclub
Staples
Motorcepts
LIRR - Jamaica Yard & Facility
Google
Map
3D


Electrical Closet
1150 sf
Leased
3000 sf
Available
75 sf
Office
CU-100-2-B-10030-001
Elevator
Leased
Office - 400sf
LIVING AREA


CU-100-2-B-10030-003
CU-100-2-B-10030-004
CU-100-2-B-10030-005
CU-100-2-B-10030-002
204
150 sf
203
230 sf
202
230 sf
201
230 sf
209
315 sf
Leased
CU-100-2-B-10030-014
205
200 sf
CU-100-2-B-10030-006
210
265 sf
CU-100-2-B-10030-013
206
200 sf
207
360 sf
208
400 sf
Leased
Utility Closet
Skylight
Skylight
211
270 sf
Leased
CU-100-2-B-10030-012
CU-100-2-B-10030-011
Leased
Leased
214
260 sf
Elevator
222
520 sf
221
375 sf
220
330 sf
Skylight
Utility Closet
Leased
219
520 sf
218
545 sf
217
545 sf
216
565 sf
215
675 sf
CU-100-2-B-10030-010
CU-100-2-B-10030-009
CU-100-2-B-10030-008
CU-100-2-B-10030-007

**ATTACHMENT 3**

**OVERVIEW OF SELECTION OF PARTICIPATING BUSINESSES**

**The City University of New York**

**Overview of Selection of Participating Businesses**

**START-UP New York Program**

The City University of New York (CUNY) intends to sponsor tax-free areas under the Start-Up NY program. As part of the program, sponsoring campuses will solicit and review applications from businesses to locate in the campuses' tax-free areas. The following summarizes the general processes and criteria that CUNY and it constituent colleges (Colleges) intend to utilize when reviewing such applications and when selecting businesses to locate in a CUNY tax-free area.

**Solicitation Process**

CUNY may solicit applications using a variety of methods and resources CUNY may determine to be necessary or useful, including, without limitation, the following: direct solicitation of individual businesses; utilizing intermediaries such as brokers, trade groups or governmental entities; advertising open space; and/or utilizing formal or informal competitive processes such as request for proposals, request for information, request for bids, or the like. CUNY may conduct one or multiple solicitation processes for any particular property or space, and solicitation processes may have a specific termination date or kept open until available space at a particular location is filled.

**Selection Process**

Businesses' applications to locate in tax-free areas will be reviewed by selection committees to be established for each tax-free area. These committees will be staffed by CUNY employees appointed by the College hosting the tax-free area and by CUNY's Central Office. Businesses' applications will be evaluated according to selection criteria established prior to the formal solicitation of applications. CUNY employees are subject to CUNY's Conflict of Interest Policy and any other applicable CUNY policies (collectively, the Policy). As such, committee members must recuse themselves from any committee decisions with which they may have a conflict of interest and must otherwise follow the requirements of the Policy.

Upon reviewing an application, the committee will evaluate whether the applicant businesses aligns with the academic and community goals as stated in the approved Campus Plan and the proposed terms of the affiliation between the campus and business.

With the approval of the majority of the members of the committee, a recommendation for selecting a particular business will be sent to both the College President and the CUNY Vice Chancellor for Facilities Planning, Construction and Management (or their designees) for

consideration. If both the College President and the CUNY Vice Chancellor for Facilities Planning, Construction and Management (or their designees) approve the recommendation, then the College and CUNY's Office of Facilities Planning, Construction and Management (FPCM) may submit the recommendation to the University's Board of Trustees for approval. If the Board approves the recommendation, then the College and FPCM may jointly take such additional steps as are outlined in CUNY policy to submit the selected business for approval by the New York State Commissioner of Economic Development.

**Selection Criteria**

CUNY and the College will establish selection criteria before the College starts formally soliciting applications. The criteria shall include, but not be limited to, the following:

- type of business;
- business plan for start-up / financial statements for existing business;
- location of and total square feet of space;
- description of use and function of the space;
- improvements planned for the space and financial plan to implement improvements;
- projected economic and programmatic benefits to the College; and
- strength of affiliation/relationship with the College.

**ATTACHMENT 4**

**APPLICABLE CUNY CONFLICT OF INTEREST POLICIES**

# CUNY CONFLICT OF INTEREST POLICY

## 1. General Statement of Policy.

It is the policy of the University that all of its activities shall be conducted in accordance with the highest standards of integrity and ethics and in a manner that will not reflect or appear to reflect adversely on the University's credibility, objectivity, or fairness. Every individual to whom this Policy is applicable (each, a "Covered Individual") must maintain the highest standards of honesty and integrity and must refrain from any use whatsoever of his or her position at the University, or the information, privileges, or influence such position may provide, when such use is motivated by, or gives the appearance that it is motivated by, the desire for private gain or advantage for the Covered Individual, or for other persons, institutions, or corporations with which he or she has family, professional, business, or financial connections. Accordingly, no Covered Individual shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity, or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his or her duties and responsibilities at the University.

Sections 2 and 3 of this Policy, which set forth the general standards of conduct and the rules regarding hiring, employment, and contracting decisions and supervisory responsibility involving Family Members, apply to all Covered Individuals. Section 4 sets forth specific obligations of Investigators, whether or not they are Covered Individuals, who are involved in research or similar educational or community outreach activities at the University (collectively, "research") and the University's procedures for reviewing and managing Financial Conflicts of Interest that may arise in connection with such activities. Section 5 sets forth provisions regarding records retention requirements and sanctions for violations of this Policy. Section 6 sets forth the definitions of "Covered Individual", "Family Members", "Financial Conflict of Interest", "Investigator", and other terms used in this Policy. The provisions of this Policy are to be interpreted in light of the paramount importance of academic freedom in the activities of the University.

In the event that Federal, state, or local laws or regulations are enacted (or amended) that require changes in this Policy, the University may amend this Policy, and any related document officially issued by the University to set forth procedures for the implementation of this Policy (each, a "Conflict of Interest Procedural Document"), in order to comply with the new requirements. Any such amendment shall not require approval of the University's Board of Trustees but shall be promptly reported to the Board.

College and University officials with responsibilities under this Policy are identified by titles that are current as of this Policy's effective date. If the title for a particular position changes at any time, the responsibilities under this Policy shall be

performed by the individual having responsibilities within the College or the University similar to the individual who held the former title. If there is a vacancy at any time in the position, the responsibilities under this Policy shall be assumed by the individual to whom such position reports or to his or her designee.

## 2. General Standards of Conduct.

Although not all possible situations within the scope of this Policy are included in this Section 2, the following standards, which are primarily based on provisions in New York State Public Officers Law §§ 73 and 74, shall serve as general guidance for Covered Individuals. All Covered Individuals are encouraged to consult the advisory opinions of the New York State Joint Commission on Public Ethics interpreting these provisions at http://www.jcope.ny.gov, and all Covered Individuals should bring questions about the applicability or interpretation of any of these standards to the University's Office of the General Counsel at ogc@cuny.edu.

2.1. No Covered Individual shall accept other employment that will impair his or her independence of judgment in the exercise of his or her duties or responsibilities at the University.

2.2. No Covered Individual shall accept other employment or engage in any business or professional activity that will require him or her to disclose confidential information gained by reason of his or her position or authority at the University.

2.3. No Covered Individual shall disclose confidential information acquired in the course of his or her duties or responsibilities at the University, except as required by such duties or responsibilities or by law, nor use such information to further his or her personal interests.

2.4. No Covered Individual shall use or attempt to use his or her position at the University to secure unwarranted privileges or exemptions for himself or herself or others.

2.5. No Covered Individual shall engage in any transaction as a representative or agent of the University with any business entity in which he or she has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his or her duties or responsibilities at the University.

2.6. A Covered Individual shall not by his or her conduct give reasonable basis for the impression that any person can improperly influence him or her or unduly enjoy his or her favor in the performance of his or her duties or responsibilities at the University, or that he or she is affected by the kinship, rank, position, or influence of any party or person in the performance of those duties or responsibilities.

2.7. A Covered Individual shall abstain from making personal investments in enterprises that he or she has reason to believe may be directly involved in decisions to be made by him or her at the University or that will otherwise create substantial conflict between his or her duty or responsibility at the University and his or her private interest.

2.8. No Covered Individual, nor any firm or association of which he or she is a member, nor any corporation ten percent (10%) or more of the stock of which is owned or controlled directly or indirectly by such Covered Individual, shall sell any goods or services having a value in excess of $25 to the University, or contract for or provide such goods or services with or to any private entity where the power to contract, appoint, or retain on behalf of the private entity is exercised, directly or indirectly, by the University, unless such goods or services are provided pursuant to an award or contract let after public notice and competitive bidding.

2.9. No Covered Individual shall accept gifts of more than nominal value where the circumstances would permit the inference that (a) the gift was intended to influence the Covered Individual in the performance of his or her duties or responsibilities at the University, or (b) the gift constituted a tip, reward, or sign of appreciation for any act by the Covered Individual in connection with those duties or responsibilities.

## 3. Policy regarding Nepotism in Hiring, Employment, Supervisory Responsibility, and Contracting.

3.1. General. The University seeks to foster a work environment conducive to a satisfying family life for all members of the University community and to accommodate, wherever appropriate, individual needs relating to family life. At the same time, there are a number of situations where the personal interests of a member of the University community may conflict with the proper discharge of his or her duties and responsibilities at the University. In keeping with New York State Public Officers Law §§ 73(14) and (15), this Policy recognizes that conflicts may be inherent in the hiring, employment, and supervision of a Covered Individual's Family Members as well as in entering into contracts that relate to Family Members or with entities in which Family Members have a personal or financial interest. Accordingly, this Section 3 sets forth certain specific prohibitions against a Covered Individual's participation in the conduct of University business involving his or her Family Members.

3.2. Hiring and Employment Decisions. No Covered Individual shall take part in any decision to hire, promote, discipline, or discharge any of his or her Family Members with respect to any position at the University. If such a hiring or employment matter arises relating to a Family Member, then the Covered Individual must advise his or her supervisor of the relationship in writing and must be recused from any and all discussions or decisions relating to the matter.

3.3. Supervisory Responsibility. No Covered Individual shall have Supervisory Responsibility for any of his or her Family Members at the University, except as provided by a written waiver as set forth in this Section 3.3, or in the case of research projects, as provided in Section 3.6 below. (For the purpose of this Section 3.3, a Covered Individual shall be deemed to have "Supervisory Responsibility" for a Family Member if the Family Member (a) directly reports to the Covered Individual, or (b) directly reports to a supervisor who reports ultimately to the Covered Individual, regardless of the number of reporting levels that separate the Family Member from the Covered Individual.) Although Department Chairs are Covered Individuals, for the purpose of this section, they shall not be deemed to have any Supervisory Responsibility for full-time faculty members in their department under this section, but they shall be deemed to have Supervisory Responsibility for their department's adjunct faculty members.

If at the time of the initial implementation of this Section 3.3 following the effective date of this Policy, a Covered Individual has Supervisory Responsibility for a Family Member at the University, or subsequent to the initial implementation of this section a Covered Individual may come to have such Supervisory Responsibility, the Covered Individual shall make reasonable efforts to effect a change in the organization or have the Family Member reassigned in order to avoid a violation of this section. If, however, such a change or reassignment is not feasible (e.g., as a result of civil service rules or provisions of the applicable collective bargaining agreement) or would result in significant harm to the operations or activities of the University, the Covered Individual may file a written request for a waiver with the Vice President for Administration of the College where the Covered Individual is employed or such other College official as may be designated by the College President. Such request shall set forth the efforts that have been made to effect a change in the organization, the reasons why a reassignment of the Family Member is not feasible, and the reasons why such a change or reassignment would result in significant harm to the University's operations or activities. If, after a review of all the relevant circumstances, a waiver in writing is granted, the Covered Individual may continue or assume, as the case may be, Supervisory Responsibility for his or her Family Member.

Notwithstanding any waiver regarding Supervisory Responsibility for a Family Member pursuant to the preceding paragraph, no Covered Individual shall participate under any circumstances in any action that directly affects his or her Family Member as an employee of the University individually, and not as a member of a group, including, but not limited to, performance evaluations, position reclassifications, and determination of promotional opportunities or eligibility for additional compensation of any kind from the University.

3.4. Contracting Decisions. No Covered Individual shall take part in any contracting decision at the University (a) relating to a Family Member, or (b) relating to any entity in which a Family Member is an officer, director, or partner, or in which a Family Member owns or controls ten percent (10%) or more of the stock of such entity. If a contracting matter arises involving either clause (a) or (b), then the Covered

Individual must advise his or her supervisor of the relationship in writing and must be recused from any and all discussions or decisions relating to the matter.

3.5. Family Members. The definition of Family Member, which appears in Section 6.11 of this Policy, is very broad. It covers not only spouses and domestic partners, parents, children, and siblings, but it also extends as far as great grandparents and great grandchildren and many other relatives of a Covered Individual and his or her spouse or domestic partner, as well as to other individuals living in the same household as the Covered Individual. If a Covered Individual has any questions about whether the provisions of this Section 3 apply to his or her situation, it is incumbent upon the Covered Individual to consult the University's Office of the General Counsel at ogc@cuny.edu.

3.6 Applicability to Research.

3.6.1 Research Positions Administered through the Research Foundation. Sections 3.1 through 3.5 shall not apply to any research positions administered though the Research Foundation. Hiring, employment, and contracting decisions and supervisory responsibility in connection with such positions shall be governed by the Code of Ethics of the Research Foundation.

3.6.2 Research Positions Not Administered through the Research Foundation. Sections 3.1 through 3.5 shall not apply to any research positions not administered through the Research Foundation if (a) the Investigator files a written request for a waiver with the Vice Chancellor for Research setting forth the description of the research project, the nature of the involvement of the Investigator's Family Member, and the reasons why it would be appropriate for the waiver to be granted; and (b) the Vice Chancellor for Research, after a review of all the relevant circumstances, grants the waiver in writing.

## 4. Policy on Financial Conflicts of Interest in Research.

4.1. Scope. This Section 4 applies to all research projects, regardless of the source of funding or support or the commercial exploitation of the results of such projects.

4.2. General. A particular purpose of this Policy is to promote integrity in research by establishing standards and procedures to ensure, to the extent possible, that any Significant Financial Interest (as defined in Section 6.16) that could directly and significantly affect the design, conduct, reporting, or regulatory review of a research project at the University (each, a "Financial Conflict of Interest" or "Financial Conflict") does not bias the design, conduct, reporting, or regulatory review of the research project.

The University recognizes that interactions between Investigators (as defined in Section 6.14) in a research project at the University and commercial entities have many beneficial results for the University and its faculty, staff, post-doctoral associates, and students, as well as the commercial entities themselves. For example, such interactions are an especially effective means of facilitating the commercial development of University intellectual property, which benefits the public with new goods and services and stimulates economic development. Nevertheless, these interactions may raise conflicts between the personal financial interests of the Investigator and the interests of the University. In some cases, such conflicts may reasonably appear to be likely to affect the judgment of an Investigator.

The University has determined that a strict prohibition of Financial Conflicts of Interest does not serve the public interest because potentially beneficial interactions with industry would be lost. Moreover, the University recognizes that Financial Conflicts of Interest will inevitably arise in a modern research university and that the mere existence of such Financial Conflicts, in the absence of wrongful behavior, is not necessarily improper. As a result, consistent with Federal regulations dealing with objectivity in research and investigatory financial disclosure policy, this Policy seeks to manage Financial Conflicts of Interest in order to minimize the potential harm that could result either from Financial Conflicts that actually impair the judgment of Investigators or from the appearance that the judgment of Investigators has been or will be impaired. The University reserves the right to prohibit the existence of Financial Conflicts of Interest that present unmanageable risks or that would require excessive resources to manage.

The complex situations that may arise involving Financial Conflicts of Interest require management using specialized knowledge and a multi-disciplinary, problem-solving approach. Therefore, this Policy provides for qualified individuals designated at each College, as well as a University-wide Conflicts Committee, to review disclosures by Investigators of Significant Financial Interests related to the Investigators' Institutional Responsibilities (as defined in Section 6.13) to determine whether such Significant Financial Interests are related to the Investigator's research and constitute Financial Conflicts of Interest, and if so, to manage those Financial Conflicts in a fair, objective, and confidential manner in accordance with applicable laws and regulations, this Policy, and any applicable Conflict of Interest Procedural Document.

4.3. Disclosure of Significant Financial Interests. In addition to any obligation under other University policies, including the University's Intellectual Property Policy, any applicable Conflict of Interest Procedural Document, or any Federal, state, or local laws or regulations, each Investigator must disclose to the College Conflicts Officer at his or her College each Significant Financial Interest that is related to his or her Institutional Responsibilities in any situation designated in this Section 4.3. All disclosures must be made in writing to the College Conflicts Officer (with a copy to the Grants Officer at the College if the Significant Financial Interest is related to a sponsored research project) using the disclosure forms provided by the Office of the Vice Chancellor for Research.

The following situations require disclosure at the time noted in each paragraph:

4.3.1. Proposals and Applications for Research Funding or Support - If (a) an Investigator intends to design, conduct, or report research at the University, or participate in the regulatory review of such research, and (b) funding or other support for the research is being sought directly or indirectly from a government agency, non-profit institution, Company (as defined in Section 6.5), or the University, and (c) at the time a proposal or application for such funding or support is being prepared, the Investigator has a Significant Financial Interest that is related to his or her Institutional Responsibilities, then the Investigator must disclose the Significant Financial Interest to the College Conflicts Officer and the Grants Officer at his or her College before the proposal or application is submitted to the agency, institution, Company, or the University. The Investigator must also comply with any disclosure and approval procedures required by the agency, institution, Company, or the University in connection with any such proposal or application.

Although a Significant Financial Interest relating to a proposal or application for research funding or support must be disclosed prior to the submission of the proposal or application, the review of the Significant Financial Interest by the College Conflicts Officer and the Conflicts Committee may take place after such submission. If, however, a proposal or application for research funding or support is submitted before such review, the Significant Financial Interest must be reviewed, and any related management or oversight plan developed by the Conflicts Committee under Section 4.5.1 must be implemented, prior to the expenditure of any awarded funds or support. Notwithstanding the foregoing, in the case of research at the University involving multi-year funding or support that requires an annual renewal or progress report, the Investigator must disclose any previously undisclosed Significant Financial Interest and updated information regarding any previously disclosed Significant Financial Interest, and also receive approval in writing in accordance with this Policy, before the renewal application or progress report is submitted to the agency, institution, Company, or the University.

4.3.2. Ongoing Funded or Supported Research - If (a) an Investigator designs, conducts, or reports ongoing research at the University, or participates in the regulatory review of such research, and (b) the research is funded or supported directly or indirectly by a government agency, non-profit institution, Company, or the University, and (c) the Investigator has or subsequently acquires a Significant Financial Interest that is related to his or her Institutional Responsibilities, then the Investigator must disclose the Significant Financial Interest to the College Conflicts Officer and Grants Officer at his or her College and receive approval in writing in accordance with this Policy before the Significant Financial Interest is acquired, or as soon thereafter as possible if prior disclosure is impossible. The

Investigator must also comply with any disclosure and approval procedures required by the agency, institution, Company, or the University in connection with such research.

4.3.3. Licensing to Certain Companies - If (a) an Investigator responsible for developing, discovering, or creating any University-owned intellectual property becomes aware, or should reasonably have become aware, of a Company's acquisition or intention to acquire ownership of or a license to that intellectual property, and (b) at such time the Investigator has a Significant Financial Interest from or in that Company, or subsequently acquires such a Significant Financial Interest, then the Investigator must disclose the Significant Financial Interest to the College Conflicts Officer at his or her College and receive approval in writing in accordance with this Policy before the Significant Financial Interest is acquired, or as soon thereafter as possible if prior disclosure is impossible.

4.3.4. Supervision of Students and Post-Doctoral Associates - If an Investigator has a Significant Financial Interest from or in a Company or subsequently acquires such a Significant Financial Interest, and he or she teaches, supervises, or otherwise has control over any students or post-doctoral associates at the University who might be involved in related work for the Company, then the Investigator must disclose the Significant Financial Interest and the planned student or post-doctoral associate involvement to the College Conflicts Officer at his or her College and receive approval in writing in accordance with this Policy before the assistance of any students or post-doctoral associates in such work may commence or continue.

4.3.5. Changes in a Significant Financial Interest - All Investigators must disclose to the College Conflicts Officer any material change in a previously disclosed Significant Financial Interest within thirty (30) days after the change.

No disclosure is required under this Section 4.3 unless the Significant Financial Interest is within one of the above situations. As required by Federal, state, or local laws or regulations, or as otherwise approved by the University's Board of Trustees, the Conflicts Committee may add to this list. In such event, the Office of the Vice Chancellor for Research shall issue an official advisory to provide notice of the change and shall update the disclosure forms for Significant Financial Interests to reflect the change.

4.4. Review of Significant Financial Interests and Determination of Financial Conflicts at the College.

4.4.1. Designation and Duties of College Conflicts Officers - Each College President, after consultation with the appropriate faculty governance body at the College and approval by the Vice Chancellor for Research, shall

designate an employee of the College as the College Conflicts Officer. Each College Conflicts Officer shall perform the following functions:

(a) promote awareness at the College of (i) the requirement to disclose Significant Financial Interests in accordance with this Policy and all applicable Conflict of Interest Procedural Documents, and (ii) the availability of disclosure forms on the website of the Office of the Vice Chancellor for Research;

(b) receive disclosures of Significant Financial Interests of all Investigators at the College and send copies of those disclosures to the Office of the Vice Chancellor for Research;

(c) review each disclosure of a Significant Financial Interest, investigate the disclosure and consult with the College Provost and appropriate Department Chair as necessary, determine whether or not any Financial Conflict involving a Significant Financial Interest exists, and prepare a written report regarding such determination;

(d) whether or not a Financial Conflict of Interest is determined to exist, send the report and the complete written record of the review and decision-making to the individuals specified in Section 4.4.2; and

(e) assist in the implementation and monitoring of any management and oversight plans developed by the Conflicts Committee for Financial Conflicts of Interest at the College.

If any of the situations described in Section 4.3 apply to a College Conflicts Officer in his or her role as an Investigator, he or she must disclose the Significant Financial Interest to the College Provost or the Provost's designee at the required time. In such a case, or in the case where a College Conflicts Officer is the supervisor of an Investigator who discloses a Significant Financial Interest, the College Conflicts Officer shall not participate in any review or decision regarding the Significant Financial Interest, and the College President shall designate the College Provost or another individual to perform the review and decision-making process instead.

4.4.2. College Review and Decision-Making Process – Upon receipt of a disclosure of a Significant Financial Interest, the College Conflicts Officer shall review the Significant Financial Interest and make a determination whether the Significant Financial Interest: (a) is related to the Investigator's research (i.e., could be affected by the research or is in an entity whose financial interest could be affected by the research), and if so, (b) whether a Financial Conflict of Interest exists. Whether or not the College Conflicts Officer determines that a Financial Conflict exists, he or she shall promptly prepare a written report regarding the determination

and send the report and the complete written record of the review and decision-making to the University Director for Research Compliance in the Office of the Vice Chancellor for Research, the College Provost, the Investigator, and if the case involves a sponsored project administered through the Research Foundation, to the Legal Department of the Research Foundation.

4.5. The Conflicts Committee.

4.5.1. Review and Management of Financial Conflicts of Interest – The University's Conflicts Committee shall promptly review the College Conflicts Officer's report and the complete written record of his or her review and decision-making in connection with each Financial Conflict of Interest determined by the College Conflicts Officer and decide whether or not a Financial Conflict of Interest does in fact exist. The Conflicts Committee shall also have the discretion to review reports of the College Conflicts Officer where no Financial Conflict of Interest is found to exist and decide otherwise. If the Conflicts Committee determines that a Significant Financial Interest is related to the research in question and that a Financial Conflict of Interest exists, the Committee and its staff shall promptly develop and implement a conflict management and oversight plan that specifies the actions that have been, and shall be, taken to manage the Financial Conflict in accordance with the requirements of the research sponsor and the University. Examples of conditions or restrictions that might be imposed to manage, reduce, or eliminate the Financial Conflict include but are not limited to the following:

(a) Public disclosure of the Financial Conflict (e.g., when presenting or publishing the research);
(b) For research projects involving human subjects research, disclosure of the Financial Conflict directly to participants;
(c) Appointment of an independent monitor capable of taking measures to protect the design, conduct, reporting, and review of the research against bias resulting from the Financial Conflict;
(d) Modification of the research plan;
(e) Change of personnel or personnel responsibilities, or disqualification of personnel from participation in all or a portion of the research;
(f) Reduction or elimination of the Significant Financial Interest (e.g., sale of an equity interest); or
(g) Severance of relationships that create the Financial Conflict.

The Conflicts Committee Administrator shall promptly send notice of the decision by the Conflicts Committee of whether or not a Financial Conflict exists, including a statement of the basis for the decision, to the College Conflicts Officer, the College Provost, the Investigator, any other individuals determined by the Vice Chancellor for Research, and, if the

case involves a sponsored project administered through the Research Foundation, the Legal Department of the Research Foundation. If the Conflict Committee decides that a Financial Conflict of Interest exists, such notice shall include a copy of the related management and oversight plan. The Investigator shall have up to ten (10) days to notify the Conflicts Committee in writing of any objections to the initial management and oversight plan issued by the Committee, and the Committee shall promptly review such objections and notify the individuals who previously received a copy of the plan, and any other individuals determined by the Vice Chancellor for Research, of any resulting changes in the plan that the Committee decides to make.

4.5.2. Composition of the Conflicts Committee - The University shall establish a seven-member University-wide Conflicts Committee consisting of the Vice Chancellor for Research or his or her designee, the President of the Research Foundation or his or her designee, a College Provost designated by the Vice Chancellor for Research, and four tenured University faculty members. These faculty members, who shall be actively involved in sponsored research projects and shall have such other qualifications as may be determined by the Vice Chancellor for Research, shall be nominated by a College President or the University Faculty Senate and selected by the Vice Chancellor for Research. The Committee shall include faculty members from at least three different Colleges and represent at least three different academic disciplines. The College Provost and the faculty members on the Committee shall serve a term of three years; provided, however, that two of the faculty members nominated at the time of the formation of the Committee shall serve initial terms of one and two years, respectively, so that the terms of the faculty members will be staggered. The Provost and the faculty members may not serve more than two consecutive terms. The Vice Chancellor for Research or his or her designee shall be the Chair of the Committee. The Chair shall be a voting member of the Committee but shall vote only in the case of a deadlock or to achieve a majority of the members of the Committee required for a decision under Section 4.5.5.

4.5.3. Meetings of the Conflicts Committee - The Conflicts Committee shall hold meetings with appropriate notice to all participants on a schedule determined by the Chair based on the number of Financial Conflicts of Interest that need to be reviewed and any applicable deadlines for review and reporting established by research sponsors. Committee meetings shall require a quorum of a majority of the members of the Committee. Members of the Committee may participate in meetings using voice or video-conferencing technology, provided that all members receive copies of the materials to be discussed at the meetings in advance. The Chair or his or her designee shall be responsible for setting the agendas for the meetings and distributing to Committee members in advance of the meetings the disclosures of Investigators, the reports and complete written

records of the review and decision-making of the cases at the Colleges, and other relevant materials. The College Conflicts Officer shall attend the portions of Committee meetings devoted to the consideration of Financial Conflicts at his or her College, and an Investigator shall be entitled to attend the portion of the Committee meeting devoted to the consideration of his or her Financial Conflict, but neither the College Conflicts Officer nor the Investigator may be present for any discussion regarding the Committee's determination of whether or not a Financial Conflict exists or the development of a management and oversight plan. A member of the University's Office of the General Counsel and/or a legal representative of the Research Foundation shall attend all meetings of the Committee.

4.5.4. Recusal Procedures - The Conflicts Committee shall establish written procedures for the recusal of a Committee member from participating in the Committee's consideration of a particular Financial Conflict of Interest in appropriate circumstances. The Committee shall make these procedures available to interested parties upon request.

4.5.5. Decisions of the Conflicts Committee - The Committee's decisions regarding the disposition of Financial Conflicts of Interest shall be made by a majority of the members of the Committee present at the meeting. The Committee's decisions shall be recorded in written minutes, which shall not include any identifying information about the votes of the Committee members. The Committee shall make decisions regarding the disposition of Financial Conflicts of Interest, including the development and implementation of a management and oversight plan, within thirty (30) days after receiving the written report and complete written record of the review and decision-making process at the College from the College Conflicts Officer; provided, however, that earlier dates may be required to meet the notice requirements and reporting deadlines established by a research sponsor. Subject to an Investigator's right to object to a management and oversight plan under Section 4.5.1, all decisions of the Committee shall be final.

4.5.6. Authority of the Conflicts Committee - The Committee shall have discretion in reviewing and making decisions regarding the disposition of all Financial Conflicts of Interest and may request and review additional relevant information from Investigators and other sources. The Committee shall annually review the definition of Significant Financial Interest in Section 6.16 and shall have authority to revise the definition in order to comply with new requirements of Federal, state, or local laws or regulations and, subject to approval by the University's Board of Trustees, otherwise revise the definition. The Committee shall have authority to interpret this Policy and shall give Investigators and College Conflicts Officers notice of its interpretative statements through periodic advisories as well as access to the written minutes of Committee meetings

appropriately redacted to preserve the confidentiality of the individuals involved.

4.6. Confidentiality of Disclosures. Many of the matters brought to the College Conflicts Officers, other officials at the College, the Office of the Vice Chancellor for Research, the Research Foundation, and the Conflicts Committee for review and decision-making will include information of a personal and private nature concerning the financial interests of Investigators, proprietary business information, and other information of a highly confidential nature. Accordingly, except as specifically provided in this Section 4 or as otherwise required by Federal, state, or local laws or regulations, all College Conflicts Officers, other officials at the College, the Office of the Vice Chancellor for Research, the Research Foundation, the Conflicts Committee, and others who participate in Committee meetings as provided herein shall maintain all disclosed information in strict confidence and take necessary precautions and actions to preserve the confidentiality of such information, and the Conflicts Committee shall meet in closed session. Information disclosed under this Section 4 may be disclosed outside the University only as required by the source of funding or support for the applicable research or by applicable Federal, state or local laws or regulations, and only after the University's Office of the General Counsel approves such disclosure and the affected Investigator is notified that the information will be released.

4.7 Monitoring of Management and Implementation Plans. Whenever the Conflicts Committee develops and implements a management and oversight plan, the Office of the Vice Chancellor for Research, with the assistance of the College Conflicts Officer, shall monitor the Investigator's compliance with the plan on an ongoing basis until the completion of the research project.

4.8. Reporting and Liaison to Research Sponsors. The Office of the Vice Chancellor for Research shall prepare all reports regarding Financial Conflicts of Interest that may be required by research sponsors and shall send copies of those reports to the research sponsors (with copies to the Legal Department of the Research Foundation) in compliance with the notice requirements and reporting deadlines established by the research sponsors. The Office of the Vice Chancellor for Research shall function as liaison to research sponsors regarding these Financial Conflicts.

4.9 Knowledge of Policy and Applicable Laws and Regulations. The University requires each Investigator and College Conflicts Officer to be familiar with this Policy on Financial Conflicts of Interest and all applicable Federal, state, and local laws and regulations. The University shall provide and require training of Investigators and College Conflicts Officers in accordance with any such laws and regulations.

4.10. Periodic Review of Policy. Not less frequently than every three years following adoption of this Policy on Financial Conflicts of Interest, the Conflicts Committee shall conduct an evaluation of the provisions set forth in this Section 4 and, if appropriate, amend this Policy, and any related Conflict of Interest Procedural Documents, in order to comply with new requirements of Federal, state, or local laws or regulations or, subject to the approval of the University's Board of Trustees, for any

other reason. The Conflicts Committee shall solicit comments from the University Faculty Senate with respect to any such amendments to this Policy.

## 5. Miscellaneous.

5.1. Records Retention Requirements. All Covered Individuals shall retain all records regarding Conflicts of Interest in accordance with The City University of New York Records Retention and Disposition Schedule, which is available at http://policy.cuny.edu/records_retention_schedule/pdf. Specifically with respect to disclosures of Significant Financial Interests related to a sponsored research project and the review of, and response to, such disclosures by Colleges and University officials (whether or not a disclosure resulted in a determination of a Financial Conflict of Interest), and all actions under Section 4 of this Policy, records shall be retained for at least three years from the date the final expenditures report is submitted to the research sponsor.

5.2. Sanctions for Violations of Policy. Any failure to comply with the provisions of this Policy may result in disciplinary sanctions consistent with applicable collective bargaining agreements, up to and including termination of employment. In addition, any failure by an Investigator to comply with the requirement to disclose Significant Financial Interests or with a management and oversight plan regarding a Financial Conflict of Interest may lead to a loss and/or withdrawal of grant funding or support, ineligibility to submit grant applications to research sponsors or to participate in research on behalf of the University, and/or ineligibility to supervise the work of Investigators in research projects.

## 6. Definitions.

As used in this Policy, the following words shall have the following meanings:

6.1. Chair - The Chairperson of the Conflicts Committee, as described in Section 4.5.

6.2. College - An educational unit of the University, including all senior colleges and community colleges, the Graduate School and University Center (including, without limitation, the School of Professional Studies, the Graduate School of Journalism, and the CUNY School of Public Health at Hunter College), and the City University School of Law, and the University's Central Office.

6.3. College Conflicts Officer - The individual at each College designated by the College President to perform the functions described in Section 4.4.1.

6.4. College President - The President or Dean of each College, as applicable. For purposes of this Policy, the Executive Vice Chancellor for Academic Affairs and University Provost or his or her designee shall be deemed to be the College President of the University's Central Office, except that the

Chancellor of the University shall be deemed to be the College President of the University's Central Office with respect to Section 3.3.

6.5. Company - Any corporation, partnership, association, or other legal entity, excluding entities controlled by the United States government, the State of New York, the City of New York, or the University. A Company shall be deemed to include all of its affiliates and other associated entities.

6.6. Conflict of Interest or Conflict - (a) An actual or potential conflict between the personal interests of a Covered Individual and the interests of the University; or (b) the reasonable appearance of such a conflict.

6.7. Conflict of Interest Procedural Document – Any document officially issued by the University to set forth procedures for the implementation of this Policy.

6.8. Conflicts Committee or Committee - The University-wide committee that reviews disclosures by Investigators of Significant Financial Interests, determines whether or not Financial Conflicts of Interests exist, and develops and implements management and oversight plans with respect to Financial Conflicts of Interest, as described in Section 4.5.

6.9 Conflicts Committee Administrator – The individual designated by the Chair of the Conflicts Committee to perform various administrative functions for the Committee.

6.10. Covered Individual - Any individual who is, or at any time becomes: (a) an officer of the University; (b) a full-time or part-time employee of the University; (c) a post-doctoral associate at the University; or (d) a student engaged in faculty-directed research at the University other than as part of his or her coursework, whether or not the student is paid for such engagement.

6.11. Family Member - Any person living in the same household as the Covered Individual, and any person related to the Covered Individual within the third degree of consanguinity or affinity. Such related persons include the Covered Individual's spouse and the parents, children, siblings, grandparents, grandchildren, aunts and uncles, nieces and nephews, cousins, great grandparents, and great grandchildren of the Covered Individual and his or her spouse, and the spouses of these relatives as well. (For purposes of this Policy, a "spouse" includes a domestic partner under applicable laws governing domestic partnerships and civil unions.) Please refer to Section 3.5. A Covered Individual should consult the University's Office of the General Counsel at ogc@cuny.edu if he or she has any questions about whether the provisions of Section 3 apply to his or her situation.

6.12 Financial Conflict of Interest or Financial Conflict - A Significant Financial Interest that could directly and significantly affect the design, conduct, reporting, or regulatory review of research at the University.

6.13 Institutional Responsibilities – An Investigator's professional responsibilities on behalf of the University, performed in the course of and within the scope of the Investigator's appointment or employment by the University, which may include, for example, activities such as research, research consultation, teaching, professional practice, institutional committee memberships, and service on panels such as Institutional Review Boards.

6.14 Investigator - The project director or principal investigator and any other person, regardless of title or position, who is responsible for the design, conduct, or reporting of a University research project, which may include, for example, collaborators or consultants, whether or not such project director, principal investigator, or other person is employed by the University or the Research Foundation.

6.15. Research Foundation - The Research Foundation of The City University of New York.

6.16. Significant Financial Interest – The Conflict of Interest Procedural Document for research projects funded or supported by a particular sponsor will set forth the definition of Significant Financial Interest applicable to such projects. In the absence of such a definition in an applicable Conflict of Interest Procedural Document, the following definition shall apply:

Anything of monetary value, including, but not limited to, salary or other payments for services (e.g., consulting fees or honoraria); equity interests (e.g., stocks, stock options, or other ownership interests); and intellectual property rights (e.g., patents, copyrights, and royalties from such rights).

The term does not include:

(a) Salary, royalties, or other remuneration from the University;

(b) Income from seminars, lectures, or teaching engagements sponsored by public or nonprofit entities;

(c) Income from service on advisory committees or review panels for public or nonprofit entities;

(d) An equity interest that, when aggregated for the Covered Individual and the Covered Individual's spouse and dependent children, meets both of the following tests: (i) does not exceed $10,000 in

value, as determined through reference to public prices or other reasonable measures of fair market value; and (ii) does not represent more than a five percent (5%) ownership interest in any single entity; or

(e) Salary, royalties, or other payments that, when aggregated for the Covered Individual and the Covered Individual's spouse and dependent children over the next twelve months, are not expected to exceed $10,000.

6.17. University - The City University of New York.

6.18. Vice President for Administration - The Vice President for Administration (or individual with similar responsibilities) of each College, as applicable. For purposes of this Policy, the Executive Vice Chancellor and Chief Operating Officer of the University or his or her designee shall be deemed to be the Vice President for Administration of the University's Central Office.

**This revised version of the CUNY Conflict of Interest Policy was approved by the Board of Trustees of The City University of New York on September 30, 2013.**

The City University of New York

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May 1, 2014

# MEMORANDUM

To: College Presidents
Vice Presidents of Finance and Administration
Business Managers
Legal Affairs Designees

From: Frederick P. Schaffer
General Counsel & Senior Vice Chancellor for Legal Affairs

Re: START-UP NY Program Participation Policy, Including Conflict of Interest Policy, For Participating CUNY Colleges

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## I. Summary

This memorandum sets forth certain policies and specific procedures applicable to campus participation in the START-UP NY program established by Article 21 of the Economic Development Law ("START-UP NY" or the "Program").

New York State recently established START-UP NY, which authorizes the creation of Tax-Free NY Areas on eligible university campuses in New York State for new and expanding businesses. Pursuant to New York State law five CUNY campuses, one in each borough, have been designated by CUNY's Board of Trustees as eligible to participate in the Program and host Tax-Free NY Areas. Additional CUNY campuses may apply separately to the New York State Commissioner of Economic Development (the "Commissioner") in competition with other universities to host Tax-Free NY Areas under the Program. Businesses locating within these Tax-Free NY Areas will be generally exempt from New York State taxes, including business, sales, and property taxes, and the income paid to new employees of such businesses will be fully or partially exempt from State and local income taxes, for a period of ten years.

To participate in the Program, all campuses must comply with this Policy and any applicable rules and regulations issued by the Commissioner. This Policy governs the review process that all campuses must follow to secure the Central Office's approval of the plans, applications, and other documents required by the Commissioner to participate in the Program.

This Policy also prescribes special requirements for the disclosure and management of actual or potential conflicts of interest in matters pertaining to any campus's participation in the Program. The provisions of this Policy, including, without limitation, those relating to conflicts of interest, shall supplement the requirements of the University's existing Conflict of Interest Policy and other applicable policies and procedures.

## II. Central Office Coordination and Review

Campuses that desire to participate in the Program must submit to the Commissioner plans to designate campus Tax-Free NY Areas, and must also submit subsequent applications to permit businesses to locate in such Tax-Free NY Areas. The University's Central Office, acting through the Office of Facilities Planning, Construction and Management, will coordinate the University's participation in the Program, including reviewing for approval drafts of all campus plans, applications, agreements, and other documents prior to submission to the Commissioner or to other required officials. Campuses must submit such drafts to the Vice Chancellor for Facilities Planning, Construction and Management or to his or her designee (the "Vice Chancellor or designee") in the manner described below.

## III. Procedures

A. Campus Plans for Designation of Tax-Free Area(s). Any campus intending to submit a Campus Plan for Designation of Tax-Free Area(s) (or equivalent, a "Campus Plan") to designate a Tax-Free Area NY must first have its Campus Plan reviewed and approved by the Vice Chancellor or designee. Once approved by the Vice Chancellor or designee a Campus Plan may be submitted to the offices described in paragraph III(A)(i) below. Campuses may not submit Campus Plans to such offices or to the Commissioner without the Vice Chancellor or designee's prior approval.

i. Submission of Campus Plans to Public Officials. At least thirty days before submitting the Campus Plan to the Commissioner the campus must provide a copy of the Campus Plan to the chief executive officer of the municipality or municipalities in which the proposed Tax-Free NY Area is located, a local economic development entity representing the area in which the proposed Tax-Free NY Area is located, the applicable university or college faculty senate, union representatives, and the campus student government ("Public Offices"). The campus shall include in the submission to the Commissioner a certification of such notification, as well as a copy of any written responses from any Public Offices.

ii. Submission of Campus Plans to the Commissioner. Following this thirty-day period the Campus Plan may be jointly submitted by the campus and the Central Office to the Commissioner in accordance with the Commissioner's rules and regulations. Any Campus Plan that is rejected by the Commissioner must be resubmitted to the Vice Chancellor or designee for review and approval prior to resubmission to the Commissioner. In addition, any amendments to approved Campus Plans must also be submitted to the Vice Chancellor or designee for review and approval prior to submission to the Commissioner. All Campus Plans and any resubmissions or amendments must be jointly submitted to the Commissioner by the campus and the Central Office.

B. Sponsoring University or College Applications for Business Participation. Recommendations for the selection of specific businesses to participate in campus Tax-Free NY Areas will be made by campus selection committees created pursuant to guidelines to be issued by the Vice Chancellor for Facilities Planning, Construction and Management. In addition, campuses must follow solicitation and selection processes that are consistent with those described in the applicable Campus Plan, including, without limitation, submitting such recommendations to the campus President and the Vice Chancellor of Facilities Planning, Construction and Management (or their designees) and to the University's Board of Trustees for approval. After receiving such approvals, any campus intending to submit a Sponsoring University or College Application for Business Participation (or equivalent, a "Sponsor Application") to include a business in its Tax-Free NY Area must have the Sponsor Application reviewed and approved by the Vice Chancellor or designee. Once approved the Sponsor Application may be submitted jointly by the campus and the Central Office to the Commissioner in accordance with the Commissioner's rules and regulations. Campuses may not submit Sponsor Applications to the Commissioner without the Vice Chancellor or designee's prior approval. Any Sponsor Application that is rejected by the Commissioner must be resubmitted to the Vice Chancellor or designee for review and approval prior to resubmission to the Commissioner. In addition, any amendments to approved Sponsor Applications must also be submitted to the Vice Chancellor or designee for review and approval prior to submission to the Commissioner. All Sponsor Applications and any resubmissions or amendments must be jointly submitted to the Commissioner by the campus and the Central Office.

C. Review of Additional Program Documents. Campuses must submit drafts of any additional agreements, certifications, or other documents relating to the Program ("Ancillary Documents") to the Vice Chancellor or designee for review and approval before finalizing or distributing externally such Ancillary Documents.

D. Conflicts of Interest. Service as an Official shall not be used as a means for private benefit or inurement for any Official, a Relative thereof, or any entity in which the Official or Relative thereof has a Business Interest. A conflict of interest exists whenever an Official has a Business Interest or other interest or activity outside of the University that has the possibility, whether potential, actual, or perceived, of (a) compromising the Official's judgment, (b) influencing the Official's decision or behavior with respect to the Program, or (c) resulting in personal or a Relative's gain or advancement. Any Official who is an owner or employee of an entity that is the subject of any matter pertaining to the University's Program, or who has a Business Interest in any entity that is the subject of any matter pertaining to the University's Program, or whose Relative has such a Business Interest, shall not vote on or otherwise participate in the administration by the campus or the University of any START-UP NY matter involving such entity. Any Official or other campus representative who becomes aware of a potential, actual or apparent conflict of interest, either their own or that of another Official, related to a sponsoring campus's Program must promptly disclose that interest in writing to the President of the sponsoring campus, with a copy to the Ethics Officer of the sponsoring campus and to the General Counsel of the University. Each such recipient shall maintain a written record of all disclosures of actual or potential conflicts of interest made pursuant to this Policy, and the University's Office of General Counsel shall report such disclosures on a calendar year basis, by January 31st of each year, to the University's Office of Internal Audit & Management Services. The University shall then forward such reports to the Commissioner, who shall make public such reports.

E. Exceptions. There are no exceptions to this Policy.

## IV. Definitions

As used in this Policy the following terms have the following meanings.

Business Interest means that an individual (1) owns or controls 10% or more of the stock of an entity (or 1% in the case of an entity the stock of which is regularly traded on an established securities exchange) or (2) serves as an officer, director or partner of an entity.

Official means an employee at the level of dean and above as well as any other person with decision-making authority over a campus's Program, including any member of any panel or committee that recommends businesses for acceptance into the Program.

Relative means any person living in the same household as another individual and any person who is a direct descendant of that individual's grandparents or the spouse of such descendant.

Tax-Free NY Area means vacant land or space designated by the Commissioner under Article 21 of the Economic Development Law that is eligible to receive benefits under the Program.

**ATTACHMENT 5**

**EVIDENCE OF SUBMISSION OF TAX-FREE AREA PLAN TO**
the municipality or municipalities in which the proposed Tax-Free NY Area is located, a local economic development entity representing the area in which the proposed Tax-Free NY Area is located, the applicable faculty senate, union representatives, and campus student government