

Form 5500 Department of the Treasury Internal Revenue Service Department of Labor Employee Benefits Security Administration Pension Benefit Guaranty Corporation	Annual Return/Report of Employee Benefit Plan This form is required to be filed for employee benefit plans under sections 104 and 4065 of the Employee Retirement Income Security Act of 1974 (ERISA) and sections 6057(b) and 6058(a) of the Internal Revenue Code (the Code). ▶ Complete all entries in accordance with the instructions to the Form 5500.	OMB Nos. 1210-0110 1210-0089 2022 This Form is Open to Public Inspection
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Part I	Annual Report Identification Information
For calendar plan year 2022 or fiscal plan year beginning <u>01/01/2022</u> and ending <u>12/31/2022</u>	
A This return/report is for:	☐ a multiemployer plan ☐ a multiple-employer plan (Filers checking this box must attach a list of participating employer information in accordance with the form instructions.) ☒ a single-employer plan ☐ a DFE (specify) ____
B This return/report is:	☐ the first return/report ☐ the final return/report ☐ an amended return/report ☐ a short plan year return/report (less than 12 months)
C If the plan is a collectively-bargained plan, check here.	☒
D Check box if filing under:	☒ Form 5558 ☐ automatic extension ☐ the DFVC program ☐ special extension (enter description)
E If this is a retroactively adopted plan permitted by SECURE Act section 201, check here.	☐

Part II Basic Plan Information —enter all requested information		
1a Name of plan <u>NEW YORK INSTITUTE OF TECHNOLOGY DEFINED CONTRIBUTION RETIREMENT PLAN</u>	1b Three-digit plan number (PN) ▶	<u>001</u>
2a Plan sponsor's name (employer, if for a single-employer plan) Mailing address (include room, apt., suite no. and street, or P.O. Box) City or town, state or province, country, and ZIP or foreign postal code (if foreign, see instructions) <u>NEW YORK INSTITUTE OF TECHNOLOGY</u> <u>P.O. BOX 8000, NORTHERN BLVD</u> <u>OLD WESTBURY, NY 11568-8000</u>	1c Effective date of plan <u>07/25/1961</u>	2b Employer Identification Number (EIN) <u>11-1788788</u>
2c Plan Sponsor's telephone number <u>516-686-1344</u>	2d Business code (see instructions) <u>611000</u>	

Caution: A penalty for the late or incomplete filing of this return/report will be assessed unless reasonable cause is established.

Under penalties of perjury and other penalties set forth in the instructions, I declare that I have examined this return/report, including accompanying schedules, statements and attachments, as well as the electronic version of this return/report, and to the best of my knowledge and belief, it is true, correct, and complete.

SIGN HERE	Filed with authorized/valid electronic signature.	10/13/2023	EILEEN VALERIO
	Signature of plan administrator	Date	Enter name of individual signing as plan administrator
SIGN HERE	Filed with authorized/valid electronic signature.	10/13/2023	EILEEN VALERIO
	Signature of employer/plan sponsor	Date	Enter name of individual signing as employer or plan sponsor
SIGN HERE			
	Signature of DFE	Date	Enter name of individual signing as DFE

For Paperwork Reduction Act Notice, see the Instructions for Form 5500.

Form 5500 (2022)
v. 220413

3a Plan administrator's name and address ☒ Same as Plan Sponsor		3b Administrator's EIN
		3c Administrator's telephone number
4 If the name and/or EIN of the plan sponsor or the plan name has changed since the last return/report filed for this plan, enter the plan sponsor's name, EIN, the plan name and the plan number from the last return/report: a Sponsor's name c Plan Name		4b EIN 4d PN
5 Total number of participants at the beginning of the plan year		5 2195
6 Number of participants as of the end of the plan year unless otherwise stated (welfare plans complete only lines 6a(1) , 6a(2) , 6b , 6c , and 6d).		
a(1) Total number of active participants at the beginning of the plan year		6a(1) 1127
a(2) Total number of active participants at the end of the plan year		6a(2) 1032
b Retired or separated participants receiving benefits		6b 0
c Other retired or separated participants entitled to future benefits.....		6c 1184
d Subtotal. Add lines 6a(2) , 6b , and 6c		6d 2216
e Deceased participants whose beneficiaries are receiving or are entitled to receive benefits.		6e 70
f Total. Add lines 6d and 6e		6f 2286
g Number of participants with account balances as of the end of the plan year (only defined contribution plans complete this item).....		6g 2166
h Number of participants who terminated employment during the plan year with accrued benefits that were less than 100% vested.....		6h 0
7 Enter the total number of employers obligated to contribute to the plan (only multiemployer plans complete this item)		7
8a If the plan provides pension benefits, enter the applicable pension feature codes from the List of Plan Characteristics Codes in the instructions: 2F 2G 2L 2M 2T		
b If the plan provides welfare benefits, enter the applicable welfare feature codes from the List of Plan Characteristics Codes in the instructions:		
9a Plan funding arrangement (check all that apply)		9b Plan benefit arrangement (check all that apply)
(1) ☒ Insurance	(1) ☒ Insurance	
(2) ☐ Code section 412(e)(3) insurance contracts	(2) ☐ Code section 412(e)(3) insurance contracts	
(3) ☒ Trust	(3) ☒ Trust	
(4) ☐ General assets of the sponsor	(4) ☐ General assets of the sponsor	
10 Check all applicable boxes in 10a and 10b to indicate which schedules are attached, and, where indicated, enter the number attached. (See instructions)		
a Pension Schedules		b General Schedules
(1) ☒ R (Retirement Plan Information)	(1) ☒ H (Financial Information)	
(2) ☐ MB (Multiemployer Defined Benefit Plan and Certain Money Purchase Plan Actuarial Information) - signed by the plan actuary	(2) ☐ I (Financial Information – Small Plan)	
(3) ☐ SB (Single-Employer Defined Benefit Plan Actuarial Information) - signed by the plan actuary	(3) ☒ 1 A (Insurance Information)	
	(4) ☒ C (Service Provider Information)	
	(5) ☒ D (DFE/Participating Plan Information)	
	(6) ☐ G (Financial Transaction Schedules)	

Part III Form M-1 Compliance Information (to be completed by welfare benefit plans)

11a If the plan provides welfare benefits, was the plan subject to the Form M-1 filing requirements during the plan year? (See instructions and 29 CFR 2520.101-2.) ☐ Yes ☐ No

If "Yes" is checked, complete lines 11b and 11c.

11b Is the plan currently in compliance with the Form M-1 filing requirements? (See instructions and 29 CFR 2520.101-2.) ☐ Yes ☐ No

11c Enter the Receipt Confirmation Code for the 2022 Form M-1 annual report. If the plan was not required to file the 2022 Form M-1 annual report, enter the Receipt Confirmation Code for the most recent Form M-1 that was required to be filed under the Form M-1 filing requirements. (Failure to enter a valid Receipt Confirmation Code will subject the Form 5500 filing to rejection as incomplete.)

Receipt Confirmation Code _____

SCHEDULE A (Form 5500) Department of the Treasury Internal Revenue Service Department of Labor Employee Benefits Security Administration Pension Benefit Guaranty Corporation	Insurance Information This schedule is required to be filed under section 104 of the Employee Retirement Income Security Act of 1974 (ERISA). ▶ File as an attachment to Form 5500. ▶ Insurance companies are required to provide the information pursuant to ERISA section 103(a)(2).	OMB No. 1210-0110 2022 This Form is Open to Public Inspection
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For calendar plan year 2022 or fiscal plan year beginning 01/01/2022 and ending 12/31/2022		
A Name of plan NEW YORK INSTITUTE OF TECHNOLOGY DEFINED CONTRIBUTION RETIREMENT PLAN	B Three-digit plan number (PN) ▶ 001	
C Plan sponsor's name as shown on line 2a of Form 5500 NEW YORK INSTITUTE OF TECHNOLOGY	D Employer Identification Number (EIN) 11-1788788	

Part I	Information Concerning Insurance Contract Coverage, Fees, and Commissions	Provide information for each contract on a separate Schedule A. Individual contracts grouped as a unit in Parts II and III can be reported on a single Schedule A.
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1 Coverage Information:

(a) Name of insurance carrier
TIAA-CREF

(b) EIN	(c) NAIC code	(d) Contract or identification number	(e) Approximate number of persons covered at end of policy or contract year	Policy or contract year	
				(f) From	(g) To
13-1624203	69345	100915	1608	01/01/2022	12/31/2022

2 Insurance fee and commission information. Enter the total fees and total commissions paid. List in line 3 the agents, brokers, and other persons in descending order of the amount paid.	
(a) Total amount of commissions paid	(b) Total amount of fees paid
0	0

3 Persons receiving commissions and fees. (Complete as many entries as needed to report all persons).	
(a) Name and address of the agent, broker, or other person to whom commissions or fees were paid	

(b) Amount of sales and base commissions paid	Fees and other commissions paid		(e) Organization code
	(c) Amount	(d) Purpose	
(a) Name and address of the agent, broker, or other person to whom commissions or fees were paid			

(b) Amount of sales and base commissions paid	Fees and other commissions paid		(e) Organization code
	(c) Amount	(d) Purpose	

(a) Name and address of the agent, broker, or other person to whom commissions or fees were paid

(b) Amount of sales and base commissions paid	Fees and other commissions paid		(e) Organization code
	(c) Amount	(d) Purpose	

(a) Name and address of the agent, broker, or other person to whom commissions or fees were paid

(b) Amount of sales and base commissions paid	Fees and other commissions paid		(e) Organization code
	(c) Amount	(d) Purpose	

(a) Name and address of the agent, broker, or other person to whom commissions or fees were paid

(b) Amount of sales and base commissions paid	Fees and other commissions paid		(e) Organization code
	(c) Amount	(d) Purpose	

(a) Name and address of the agent, broker, or other person to whom commissions or fees were paid

(b) Amount of sales and base commissions paid	Fees and other commissions paid		(e) Organization code
	(c) Amount	(d) Purpose	

(a) Name and address of the agent, broker, or other person to whom commissions or fees were paid

(b) Amount of sales and base commissions paid	Fees and other commissions paid		(e) Organization code
	(c) Amount	(d) Purpose	

Part II Investment and Annuity Contract Information

Where individual contracts are provided, the entire group of such individual contracts with each carrier may be treated as a unit for purposes of this report.

4 Current value of plan's interest under this contract in the general account at year end.....	4	87869938
5 Current value of plan's interest under this contract in separate accounts at year end.....	5	112029725

6 Contracts With Allocated Funds:**a** State the basis of premium rates ▶

b Premiums paid to carrier	6b	
c Premiums due but unpaid at the end of the year	6c	
d If the carrier, service, or other organization incurred any specific costs in connection with the acquisition or retention of the contract or policy, enter amount..... Specify nature of costs ▶	6d	

e Type of contract: (1) ☐ individual policies (2) ☐ group deferred annuity
(3) ☐ other (specify) ▶

f If contract purchased, in whole or in part, to distribute benefits from a terminating plan, check here ▶ ☐**7 Contracts With Unallocated Funds (Do not include portions of these contracts maintained in separate accounts)**

a Type of contract: (1) ☐ deposit administration (2) ☐ immediate participation guarantee
(3) ☒ guaranteed investment (4) ☐ other ▶

b Balance at the end of the previous year	7b	89387717
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c Additions: (1) Contributions deposited during the year	7c(1)	1579051
(2) Dividends and credits.....	7c(2)	
(3) Interest credited during the year.....	7c(3)	3563131
(4) Transferred from separate account.....	7c(4)	14266507
(5) Other (specify below)	7c(5)	46093

▶ MISCELLANEOUS CREDITS, INCLUDING INVESTMENT GAINS AND TRANSFERS FROM FULLY ALLOCATED CONTRACTS

(6) Total additions.....	7c(6)	19454782
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d Total of balance and additions (add lines 7b and 7c(6))	7d	108842499
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e Deductions:

(1) Disbursed from fund to pay benefits or purchase annuities during year	7e(1)	9273331
(2) Administration charge made by carrier.....	7e(2)	78644
(3) Transferred to separate account.....	7e(3)	11614881
(4) Other (specify below)	7e(4)	5705

▶ MISCELLANEOUS DEBITS, INCLUDING INVESTMENT LOSSES AND TRANSFERS TO FULLY ALLOCATED CONTRACTS

(5) Total deductions.....	7e(5)	20972561
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f Balance at the end of the current year (subtract line 7e(5) from line 7d)	7f	87869938
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Part III Welfare Benefit Contract Information

If more than one contract covers the same group of employees of the same employer(s) or members of the same employee organizations(s), the information may be combined for reporting purposes if such contracts are experience-rated as a unit. Where contracts cover individual employees, the entire group of such individual contracts with each carrier may be treated as a unit for purposes of this report.

8 Benefit and contract type (check all applicable boxes)

- a** ☐ Health (other than dental or vision)
b ☐ Dental
c ☐ Vision
d ☐ Life insurance
e ☐ Temporary disability (accident and sickness)
f ☐ Long-term disability
g ☐ Supplemental unemployment
h ☐ Prescription drug
i ☐ Stop loss (large deductible)
j ☐ HMO contract
k ☐ PPO contract
l ☐ Indemnity contract
m ☐ Other (specify) ▶

9 Experience-rated contracts:

a Premiums: (1) Amount received	9a(1)		
(2) Increase (decrease) in amount due but unpaid	9a(2)		
(3) Increase (decrease) in unearned premium reserve.....	9a(3)		
(4) Earned ((1) + (2) - (3)).....		9a(4)	
b Benefit charges (1) Claims paid.....	9b(1)		
(2) Increase (decrease) in claim reserves	9b(2)		
(3) Incurred claims (add (1) and (2)).....		9b(3)	
(4) Claims charged		9b(4)	
c Remainder of premium: (1) Retention charges (on an accrual basis) --			
(A) Commissions	9c(1)(A)		
(B) Administrative service or other fees	9c(1)(B)		
(C) Other specific acquisition costs.....	9c(1)(C)		
(D) Other expenses	9c(1)(D)		
(E) Taxes	9c(1)(E)		
(F) Charges for risks or other contingencies	9c(1)(F)		
(G) Other retention charges.....	9c(1)(G)		
(H) Total retention.....		9c(1)(H)	
(2) Dividends or retroactive rate refunds. (These amounts were ☐ paid in cash, or ☐ credited.)		9c(2)	
d Status of policyholder reserves at end of year: (1) Amount held to provide benefits after retirement.....		9d(1)	
(2) Claim reserves		9d(2)	
(3) Other reserves		9d(3)	
e Dividends or retroactive rate refunds due. (Do not include amount entered in line 9c(2).).....		9e	

10 Nonexperience-rated contracts:

a Total premiums or subscription charges paid to carrier	10a	
b If the carrier, service, or other organization incurred any specific costs in connection with the acquisition or retention of the contract or policy, other than reported in Part I, line 2 above, report amount.	10b	

Specify nature of costs.

Part IV Provision of Information

11 Did the insurance company fail to provide any information necessary to complete Schedule A? ☐ Yes ☒ No

12 If the answer to line 11 is "Yes," specify the information not provided. ▶

SCHEDULE C (Form 5500) Department of the Treasury Internal Revenue Service Department of Labor Employee Benefits Security Administration Pension Benefit Guaranty Corporation	Service Provider Information This schedule is required to be filed under section 104 of the Employee Retirement Income Security Act of 1974 (ERISA). ▶ File as an attachment to Form 5500.	OMB No. 1210-0110
		2022
		This Form is Open to Public Inspection.

For calendar plan year 2022 or fiscal plan year beginning 01/01/2022 and ending 12/31/2022		
A Name of plan NEW YORK INSTITUTE OF TECHNOLOGY DEFINED CONTRIBUTION RETIREMENT PLAN	B Three-digit plan number (PN) ▶ 001	
C Plan sponsor's name as shown on line 2a of Form 5500 NEW YORK INSTITUTE OF TECHNOLOGY	D Employer Identification Number (EIN) 11-1788788	

Part I Service Provider Information (see instructions)

You must complete this Part, in accordance with the instructions, to report the information required for **each person** who received, directly or indirectly, \$5,000 or more in total compensation (i.e., money or anything else of monetary value) in connection with services rendered to the plan or the person's position with the plan during the plan year. If a person received **only** eligible indirect compensation for which the plan received the required disclosures, you are required to answer line 1 but are not required to include that person when completing the remainder of this Part.

1 Information on Persons Receiving Only Eligible Indirect Compensation

- a

Check "Yes" or "No" to indicate whether you are excluding a person from the remainder of this Part because they received only eligible indirect compensation for which the plan received the required disclosures (see instructions for definitions and conditions).....

☒ Yes ☐ No
- b

If you answered line 1a "Yes," enter the name and EIN or address of each person providing the required disclosures for the service providers who received only eligible indirect compensation. Complete as many entries as needed (see instructions).

(b) Enter name and EIN or address of person who provided you disclosures on eligible indirect compensation
TIAA
13-1624203
(b) Enter name and EIN or address of person who provided you disclosures on eligible indirect compensation
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2. Information on Other Service Providers Receiving Direct or Indirect Compensation. Except for those persons for whom you answered "Yes" to line 1a above, complete as many entries as needed to list each person receiving, directly or indirectly, \$5,000 or more in total compensation (i.e., money or anything else of value) in connection with services rendered to the plan or their position with the plan during the plan year. (See instructions).

(a) Enter name and EIN or address (see instructions)

TIAA

13-1624203

(b) Service Code(s)	(c) Relationship to employer, employee organization, or person known to be a party-in-interest	(d) Enter direct compensation paid by the plan. If none, enter -0-.	(e) Did service provider receive indirect compensation? (sources other than plan or plan sponsor)	(f) Did indirect compensation include eligible indirect compensation, for which the plan received the required disclosures?	(g) Enter total indirect compensation received by service provider excluding eligible indirect compensation for which you answered "Yes" to element (f). If none, enter -0-.	(h) Did the service provider give you a formula instead of an amount or estimated amount?
15 17 27 28 38 50 52 54 64 66	NONE	167803	Yes ☒ No ☐	Yes ☒ No ☐	0	Yes ☐ No ☒

(a) Enter name and EIN or address (see instructions)

EICHEN & DIMEGLIO

11-3320902

(b) Service Code(s)	(c) Relationship to employer, employee organization, or person known to be a party-in-interest	(d) Enter direct compensation paid by the plan. If none, enter -0-.	(e) Did service provider receive indirect compensation? (sources other than plan or plan sponsor)	(f) Did indirect compensation include eligible indirect compensation, for which the plan received the required disclosures?	(g) Enter total indirect compensation received by service provider excluding eligible indirect compensation for which you answered "Yes" to element (f). If none, enter -0-.	(h) Did the service provider give you a formula instead of an amount or estimated amount?
10 50	NONE	23300	Yes ☐ No ☒	Yes ☐ No ☐		Yes ☐ No ☐

(a) Enter name and EIN or address (see instructions)

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171 MADISON AVENUE
NEW YORK, NY 10016

(b) Service Code(s)	(c) Relationship to employer, employee organization, or person known to be a party-in-interest	(d) Enter direct compensation paid by the plan. If none, enter -0-.	(e) Did service provider receive indirect compensation? (sources other than plan or plan sponsor)	(f) Did indirect compensation include eligible indirect compensation, for which the plan received the required disclosures?	(g) Enter total indirect compensation received by service provider excluding eligible indirect compensation for which you answered "Yes" to element (f). If none, enter -0-.	(h) Did the service provider give you a formula instead of an amount or estimated amount?
16 50	NONE	23200	Yes ☐ No ☒	Yes ☐ No ☐		Yes ☐ No ☐

Part I Service Provider Information (continued)

3. If you reported on line 2 receipt of indirect compensation, other than eligible indirect compensation, by a service provider, and the service provider is a fiduciary or provides contract administrator, consulting, custodial, investment advisory, investment management, broker, or recordkeeping services, answer the following questions for (a) each source from whom the service provider received \$1,000 or more in indirect compensation and (b) each source for whom the service provider gave you a formula used to determine the indirect compensation instead of an amount or estimated amount of the indirect compensation. Complete as many entries as needed to report the required information for each source.

(a) Enter service provider name as it appears on line 2	(b) Service Codes (see instructions)	(c) Enter amount of indirect compensation
(d) Enter name and EIN (address) of source of indirect compensation	(e) Describe the indirect compensation, including any formula used to determine the service provider's eligibility for or the amount of the indirect compensation.	
(a) Enter service provider name as it appears on line 2	(b) Service Codes (see instructions)	(c) Enter amount of indirect compensation
(d) Enter name and EIN (address) of source of indirect compensation	(e) Describe the indirect compensation, including any formula used to determine the service provider's eligibility for or the amount of the indirect compensation.	
(a) Enter service provider name as it appears on line 2	(b) Service Codes (see instructions)	(c) Enter amount of indirect compensation
(d) Enter name and EIN (address) of source of indirect compensation	(e) Describe the indirect compensation, including any formula used to determine the service provider's eligibility for or the amount of the indirect compensation.	

Part II Service Providers Who Fail or Refuse to Provide Information

4 Provide, to the extent possible, the following information for each service provider who failed or refused to provide the information necessary to complete this Schedule.

(a) Enter name and EIN or address of service provider (see instructions)	(b) Nature of Service Code(s)	(c) Describe the information that the service provider failed or refused to provide
(a) Enter name and EIN or address of service provider (see instructions)	(b) Nature of Service Code(s)	(c) Describe the information that the service provider failed or refused to provide
(a) Enter name and EIN or address of service provider (see instructions)	(b) Nature of Service Code(s)	(c) Describe the information that the service provider failed or refused to provide
(a) Enter name and EIN or address of service provider (see instructions)	(b) Nature of Service Code(s)	(c) Describe the information that the service provider failed or refused to provide
(a) Enter name and EIN or address of service provider (see instructions)	(b) Nature of Service Code(s)	(c) Describe the information that the service provider failed or refused to provide
(a) Enter name and EIN or address of service provider (see instructions)	(b) Nature of Service Code(s)	(c) Describe the information that the service provider failed or refused to provide

Part III Termination Information on Accountants and Enrolled Actuaries (see instructions)
(complete as many entries as needed)

a Name:	b EIN:
c Position:	
d Address:	e Telephone:

Explanation:

a Name:	b EIN:
c Position:	
d Address:	e Telephone:

Explanation:

a Name:	b EIN:
c Position:	
d Address:	e Telephone:

Explanation:

a Name:	b EIN:
c Position:	
d Address:	e Telephone:

Explanation:

a Name:	b EIN:
c Position:	
d Address:	e Telephone:

Explanation:

SCHEDULE D (Form 5500) Department of the Treasury Internal Revenue Service Department of Labor Employee Benefits Security Administration	DFE/Participating Plan Information This schedule is required to be filed under section 104 of the Employee Retirement Income Security Act of 1974 (ERISA). ► File as an attachment to Form 5500.	OMB No. 1210-0110 2022 This Form is Open to Public Inspection.
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For calendar plan year 2022 or fiscal plan year beginning 01/01/2022 and ending 12/31/2022		
A Name of plan NEW YORK INSTITUTE OF TECHNOLOGY DEFINED CONTRIBUTION RETIREMENT PLAN	B Three-digit plan number (PN) ►	001
C Plan or DFE sponsor's name as shown on line 2a of Form 5500 NEW YORK INSTITUTE OF TECHNOLOGY	D Employer Identification Number (EIN) 11-1788788	

Part I	Information on interests in MTIAs, CCTs, PSAs, and 103-12 IEs (to be completed by plans and DFEs) (Complete as many entries as needed to report all interests in DFEs)
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a Name of MTIA, CCT, PSA, or 103-12 IE: TIAA REAL ESTATE		
b Name of sponsor of entity listed in (a): TIAA-CREF		
c EIN-PN 13-1624203-004	d Entity code P	e Dollar value of interest in MTIA, CCT, PSA, or 103-12 IE at end of year (see instructions) 18510090
a Name of MTIA, CCT, PSA, or 103-12 IE:		
b Name of sponsor of entity listed in (a):		
c EIN-PN	d Entity code	e Dollar value of interest in MTIA, CCT, PSA, or 103-12 IE at end of year (see instructions)
a Name of MTIA, CCT, PSA, or 103-12 IE:		
b Name of sponsor of entity listed in (a):		
c EIN-PN	d Entity code	e Dollar value of interest in MTIA, CCT, PSA, or 103-12 IE at end of year (see instructions)
a Name of MTIA, CCT, PSA, or 103-12 IE:		
b Name of sponsor of entity listed in (a):		
c EIN-PN	d Entity code	e Dollar value of interest in MTIA, CCT, PSA, or 103-12 IE at end of year (see instructions)
a Name of MTIA, CCT, PSA, or 103-12 IE:		
b Name of sponsor of entity listed in (a):		
c EIN-PN	d Entity code	e Dollar value of interest in MTIA, CCT, PSA, or 103-12 IE at end of year (see instructions)
a Name of MTIA, CCT, PSA, or 103-12 IE:		
b Name of sponsor of entity listed in (a):		
c EIN-PN	d Entity code	e Dollar value of interest in MTIA, CCT, PSA, or 103-12 IE at end of year (see instructions)
a Name of MTIA, CCT, PSA, or 103-12 IE:		
b Name of sponsor of entity listed in (a):		
c EIN-PN	d Entity code	e Dollar value of interest in MTIA, CCT, PSA, or 103-12 IE at end of year (see instructions)
a Name of MTIA, CCT, PSA, or 103-12 IE:		
b Name of sponsor of entity listed in (a):		
c EIN-PN	d Entity code	e Dollar value of interest in MTIA, CCT, PSA, or 103-12 IE at end of year (see instructions)

a Name of MTIA, CCT, PSA, or 103-12 IE:**b** Name of sponsor of entity listed in (a):**c** EIN-PN**d** Entity
code**e** Dollar value of interest in MTIA, CCT, PSA, or
103-12 IE at end of year (see instructions)**a** Name of MTIA, CCT, PSA, or 103-12 IE:**b** Name of sponsor of entity listed in (a):**c** EIN-PN**d** Entity
code**e** Dollar value of interest in MTIA, CCT, PSA, or
103-12 IE at end of year (see instructions)**a** Name of MTIA, CCT, PSA, or 103-12 IE:**b** Name of sponsor of entity listed in (a):**c** EIN-PN**d** Entity
code**e** Dollar value of interest in MTIA, CCT, PSA, or
103-12 IE at end of year (see instructions)**a** Name of MTIA, CCT, PSA, or 103-12 IE:**b** Name of sponsor of entity listed in (a):**c** EIN-PN**d** Entity
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103-12 IE at end of year (see instructions)**a** Name of MTIA, CCT, PSA, or 103-12 IE:**b** Name of sponsor of entity listed in (a):**c** EIN-PN**d** Entity
code**e** Dollar value of interest in MTIA, CCT, PSA, or
103-12 IE at end of year (see instructions)**a** Name of MTIA, CCT, PSA, or 103-12 IE:**b** Name of sponsor of entity listed in (a):**c** EIN-PN**d** Entity
code**e** Dollar value of interest in MTIA, CCT, PSA, or
103-12 IE at end of year (see instructions)**a** Name of MTIA, CCT, PSA, or 103-12 IE:**b** Name of sponsor of entity listed in (a):**c** EIN-PN**d** Entity
code**e** Dollar value of interest in MTIA, CCT, PSA, or
103-12 IE at end of year (see instructions)**a** Name of MTIA, CCT, PSA, or 103-12 IE:**b** Name of sponsor of entity listed in (a):**c** EIN-PN**d** Entity
code**e** Dollar value of interest in MTIA, CCT, PSA, or
103-12 IE at end of year (see instructions)**a** Name of MTIA, CCT, PSA, or 103-12 IE:**b** Name of sponsor of entity listed in (a):**c** EIN-PN**d** Entity
code**e** Dollar value of interest in MTIA, CCT, PSA, or
103-12 IE at end of year (see instructions)**a** Name of MTIA, CCT, PSA, or 103-12 IE:**b** Name of sponsor of entity listed in (a):**c** EIN-PN**d** Entity
code**e** Dollar value of interest in MTIA, CCT, PSA, or
103-12 IE at end of year (see instructions)

Part II Information on Participating Plans (to be completed by DFEs)

(Complete as many entries as needed to report all participating plans)

a Plan name**b** Name of
plan sponsor**c** EIN-PN**a** Plan name**b** Name of
plan sponsor**c** EIN-PN**a** Plan name**b** Name of
plan sponsor**c** EIN-PN**a** Plan name**b** Name of
plan sponsor**c** EIN-PN**a** Plan name**b** Name of
plan sponsor**c** EIN-PN**a** Plan name**b** Name of
plan sponsor**c** EIN-PN**a** Plan name**b** Name of
plan sponsor**c** EIN-PN**a** Plan name**b** Name of
plan sponsor**c** EIN-PN**a** Plan name**b** Name of
plan sponsor**c** EIN-PN**a** Plan name**b** Name of
plan sponsor**c** EIN-PN**a** Plan name**b** Name of
plan sponsor**c** EIN-PN**a** Plan name**b** Name of
plan sponsor**c** EIN-PN

SCHEDULE H (Form 5500) Department of the Treasury Internal Revenue Service Department of Labor Employee Benefits Security Administration Pension Benefit Guaranty Corporation	Financial Information This schedule is required to be filed under section 104 of the Employee Retirement Income Security Act of 1974 (ERISA), and section 6058(a) of the Internal Revenue Code (the Code). ► File as an attachment to Form 5500.	OMB No. 1210-0110 2022 This Form is Open to Public Inspection
For calendar plan year 2022 or fiscal plan year beginning <u>01/01/2022</u> and ending <u>12/31/2022</u>		
A Name of plan <u>NEW YORK INSTITUTE OF TECHNOLOGY DEFINED CONTRIBUTION RETIREMENT PLAN</u>	B Three-digit plan number (PN) ►	<u>001</u>
C Plan sponsor's name as shown on line 2a of Form 5500 <u>NEW YORK INSTITUTE OF TECHNOLOGY</u>	D Employer Identification Number (EIN) <u>11-1788788</u>	

Part I	Asset and Liability Statement		
1 Current value of plan assets and liabilities at the beginning and end of the plan year. Combine the value of plan assets held in more than one trust. Report the value of the plan's interest in a commingled fund containing the assets of more than one plan on a line-by-line basis unless the value is reportable on lines 1c(9) through 1c(14). Do not enter the value of that portion of an insurance contract which guarantees, during this plan year, to pay a specific dollar benefit at a future date. Round off amounts to the nearest dollar. MTIAs, CCTs, PSAs, and 103-12 IEs do not complete lines 1b(1), 1b(2), 1c(8), 1g, 1h, and 1i. CCTs, PSAs, and 103-12 IEs also do not complete lines 1d and 1e. See instructions.			
Assets		(a) Beginning of Year	(b) End of Year
a Total noninterest-bearing cash.....		1a	
b Receivables (less allowance for doubtful accounts):			
(1) Employer contributions.....		1b(1)	239494247578
(2) Participant contributions.....		1b(2)	164116171350
(3) Other.....		1b(3)	4966221647
c General investments:			
(1) Interest-bearing cash (include money market accounts & certificates of deposit).....		1c(1)	
(2) U.S. Government securities		1c(2)	
(3) Corporate debt instruments (other than employer securities):			
(A) Preferred		1c(3)(A)	
(B) All other		1c(3)(B)	
(4) Corporate stocks (other than employer securities):			
(A) Preferred		1c(4)(A)	
(B) Common.....		1c(4)(B)	
(5) Partnership/joint venture interests		1c(5)	
(6) Real estate (other than employer real property)		1c(6)	
(7) Loans (other than to participants).....		1c(7)	
(8) Participant loans.....		1c(8)	398451632523
(9) Value of interest in common/collective trusts.....		1c(9)	
(10) Value of interest in pooled separate accounts		1c(10)	1741991818510090
(11) Value of interest in master trust investment accounts.....		1c(11)	
(12) Value of interest in 103-12 investment entities		1c(12)	
(13) Value of interest in registered investment companies (e.g., mutual funds).....		1c(13)	265511612213947723
(14) Value of funds held in insurance company general account (unallocated contracts).....		1c(14)	8938771787869938
(15) Other		1c(15)	

1d Employer-related investments:		(a) Beginning of Year	(b) End of Year
(1) Employer securities	1d(1)		
(2) Employer real property	1d(2)		
e Buildings and other property used in plan operation	1e		
f Total assets (add all amounts in lines 1a through 1e)	1f	373170970	321400849

Liabilities

g Benefit claims payable	1g	32100	0
h Operating payables	1h		
i Acquisition indebtedness	1i		
j Other liabilities	1j		
k Total liabilities (add all amounts in lines 1g through 1j)	1k	32100	0

Net Assets

l Net assets (subtract line 1k from line 1f)	1l	373138870	321400849
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Part II Income and Expense Statement

2 Plan income, expenses, and changes in net assets for the year. Include all income and expenses of the plan, including any trust(s) or separately maintained fund(s) and any payments/receipts to/from insurance carriers. Round off amounts to the nearest dollar. MTIAs, CCTs, PSAs, and 103-12 IEs do not complete lines 2a, 2b(1)(E), 2e, 2f, and 2g.

Income

		(a) Amount	(b) Total
a Contributions:			
(1) Received or receivable in cash from: (A) Employers	2a(1)(A)	6533141	
(B) Participants	2a(1)(B)	5141003	
(C) Others (including rollovers)	2a(1)(C)	882329	
(2) Noncash contributions	2a(2)		
(3) Total contributions. Add lines 2a(1)(A) , (B) , (C) , and line 2a(2)	2a(3)		12556473
b Earnings on investments:			
(1) Interest:			
(A) Interest-bearing cash (including money market accounts and certificates of deposit)	2b(1)(A)		
(B) U.S. Government securities	2b(1)(B)		
(C) Corporate debt instruments	2b(1)(C)		
(D) Loans (other than to participants)	2b(1)(D)		
(E) Participant loans	2b(1)(E)	23445	
(F) Other	2b(1)(F)	3563131	
(G) Total interest. Add lines 2b(1)(A) through (F)	2b(1)(G)		3586576
(2) Dividends: (A) Preferred stock	2b(2)(A)		
(B) Common stock	2b(2)(B)		
(C) Registered investment company shares (e.g. mutual funds)	2b(2)(C)	6314674	
(D) Total dividends. Add lines 2b(2)(A) , (B) , and (C)	2b(2)(D)		6314674
(3) Rents	2b(3)		
(4) Net gain (loss) on sale of assets: (A) Aggregate proceeds	2b(4)(A)		
(B) Aggregate carrying amount (see instructions)	2b(4)(B)		
(C) Subtract line 2b(4)(B) from line 2b(4)(A) and enter result	2b(4)(C)		0
(5) Unrealized appreciation (depreciation) of assets: (A) Real estate	2b(5)(A)		
(B) Other	2b(5)(B)		
(C) Total unrealized appreciation of assets. Add lines 2b(5)(A) and (B)	2b(5)(C)		0

		(a) Amount	(b) Total
(6) Net investment gain (loss) from common/collective trusts	2b(6)		
(7) Net investment gain (loss) from pooled separate accounts	2b(7)		1432629
(8) Net investment gain (loss) from master trust investment accounts	2b(8)		
(9) Net investment gain (loss) from 103-12 investment entities.....	2b(9)		
(10) Net investment gain (loss) from registered investment companies (e.g., mutual funds)	2b(10)		-55855887
c Other income	2c		341420
d Total income. Add all income amounts in column (b) and enter total	2d		-31624115
Expenses			
e Benefit payment and payments to provide benefits:			
(1) Directly to participants or beneficiaries, including direct rollovers	2e(1)	17152215	
(2) To insurance carriers for the provision of benefits	2e(2)	2721914	
(3) Other	2e(3)		
(4) Total benefit payments. Add lines 2e(1) through (3)	2e(4)		19874129
f Corrective distributions (see instructions)	2f		
g Certain deemed distributions of participant loans (see instructions)	2g		25474
h Interest expense	2h		
i Administrative expenses: (1) Professional fees	2i(1)	46500	
(2) Contract administrator fees	2i(2)		
(3) Investment advisory and management fees	2i(3)		
(4) Other	2i(4)	167803	
(5) Total administrative expenses. Add lines 2i(1) through (4)	2i(5)		214303
j Total expenses. Add all expense amounts in column (b) and enter total	2j		20113906
Net Income and Reconciliation			
k Net income (loss). Subtract line 2j from line 2d	2k		-51738021
l Transfers of assets:			
(1) To this plan	2l(1)		
(2) From this plan	2l(2)		

Part III Accountant's Opinion

3 Complete lines 3a through 3c if the opinion of an independent qualified public accountant is attached to this Form 5500. Complete line 3d if an opinion is not attached.

a The attached opinion of an independent qualified public accountant for this plan is (see instructions):

(1) ☒ Unmodified (2) ☐ Qualified (3) ☐ Disclaimer (4) ☐ Adverse

b Check the appropriate box(es) to indicate whether the IQPA performed an ERISA section 103(a)(3)(C) audit. Check both boxes (1) and (2) if the audit was performed pursuant to both 29 CFR 2520.103-8 and 29 CFR 2520.103-12(d). Check box (3) if pursuant to neither.

(1) ☒ DOL Regulation 2520.103-8 (2) ☐ DOL Regulation 2520.103-12(d) (3) ☐ neither DOL Regulation 2520.103-8 nor DOL Regulation 2520.103-12(d).

c Enter the name and EIN of the accountant (or accounting firm) below:

(1) Name: EICHEN & DIMEGLIO

(2) EIN: 11-3320902

d The opinion of an independent qualified public accountant is **not attached** because:

(1) ☐ This form is filed for a CCT, PSA, or MTIA. (2) ☐ It will be attached to the next Form 5500 pursuant to 29 CFR 2520.104-50.

Part IV Compliance Questions

4 CCTs and PSAs do not complete Part IV. MTIAs, 103-12 IEs, and GIAs do not complete lines 4a, 4e, 4f, 4g, 4h, 4k, 4m, 4n, or 5. 103-12 IEs also do not complete lines 4j and 4l. MTIAs also do not complete line 4l.

During the plan year:

a Was there a failure to transmit to the plan any participant contributions within the time period described in 29 CFR 2510.3-102? Continue to answer "Yes" for any prior year failures until fully corrected. (See instructions and DOL's Voluntary Fiduciary Correction Program.)

	Yes	No	Amount
4a		X	

	Yes	No	Amount
b Were any loans by the plan or fixed income obligations due the plan in default as of the close of the plan year or classified during the year as uncollectible? Disregard participant loans secured by participant's account balance. (Attach Schedule G (Form 5500) Part I if "Yes" is checked.)			
4b		X	
c Were any leases to which the plan was a party in default or classified during the year as uncollectible? (Attach Schedule G (Form 5500) Part II if "Yes" is checked.)			
4c		X	
d Were there any nonexempt transactions with any party-in-interest? (Do not include transactions reported on line 4a. Attach Schedule G (Form 5500) Part III if "Yes" is checked.)			
4d		X	
e Was this plan covered by a fidelity bond?	X		5000000
f Did the plan have a loss, whether or not reimbursed by the plan's fidelity bond, that was caused by fraud or dishonesty?		X	
4f		X	
g Did the plan hold any assets whose current value was neither readily determinable on an established market nor set by an independent third party appraiser?			
4g		X	
h Did the plan receive any noncash contributions whose value was neither readily determinable on an established market nor set by an independent third party appraiser?			
4h		X	
i Did the plan have assets held for investment? (Attach schedule(s) of assets if "Yes" is checked, and see instructions for format requirements.)	X		
4i	X		
j Were any plan transactions or series of transactions in excess of 5% of the current value of plan assets? (Attach schedule of transactions if "Yes" is checked and see instructions for format requirements.)			
4j		X	
k Were all the plan assets either distributed to participants or beneficiaries, transferred to another plan, or brought under the control of the PBGC?			
4k		X	
l Has the plan failed to provide any benefit when due under the plan?			
4l		X	
m If this is an individual account plan, was there a blackout period? (See instructions and 29 CFR 2520.101-3.)			
4m		X	
n If 4m was answered "Yes," check the "Yes" box if you either provided the required notice or one of the exceptions to providing the notice applied under 29 CFR 2520.101-3.			
4n			

5a Has a resolution to terminate the plan been adopted during the plan year or any prior plan year? ☐ Yes ☒ No
If "Yes," enter the amount of any plan assets that reverted to the employer this year _____.

5b If, during this plan year, any assets or liabilities were transferred from this plan to another plan(s), identify the plan(s) to which assets or liabilities were transferred. (See instructions.)

5b(1) Name of plan(s)	5b(2) EIN(s)	5b(3) PN(s)

5c Was the plan a defined benefit plan covered under the PBGC insurance program at any time during this plan year? (See ERISA section 4021 and instructions.) ☐ Yes ☐ No ☐ Not determined
If "Yes" is checked, enter the My PAA confirmation number from the PBGC premium filing for this plan year _____.

SCHEDULE R (Form 5500) Department of the Treasury Internal Revenue Service Department of Labor Employee Benefits Security Administration Pension Benefit Guaranty Corporation	Retirement Plan Information This schedule is required to be filed under sections 104 and 4065 of the Employee Retirement Income Security Act of 1974 (ERISA) and section 6058(a) of the Internal Revenue Code (the Code). ► File as an attachment to Form 5500.	OMB No. 1210-0110 2022 This Form is Open to Public Inspection.
For calendar plan year 2022 or fiscal plan year beginning 01/01/2022 and ending 12/31/2022		
A Name of plan NEW YORK INSTITUTE OF TECHNOLOGY DEFINED CONTRIBUTION RETIREMENT PLAN		B Three-digit plan number (PN) 001
C Plan sponsor's name as shown on line 2a of Form 5500 NEW YORK INSTITUTE OF TECHNOLOGY		D Employer Identification Number (EIN) 11-1788788
Part I Distributions		
All references to distributions relate only to payments of benefits during the plan year.		
1 Total value of distributions paid in property other than in cash or the forms of property specified in the instructions.....		1 0
2 Enter the EIN(s) of payor(s) who paid benefits on behalf of the plan to participants or beneficiaries during the year (if more than two, enter EINs of the two payors who paid the greatest dollar amounts of benefits): EIN(s): 82-2826183		
Profit-sharing plans, ESOPs, and stock bonus plans, skip line 3.		
3 Number of participants (living or deceased) whose benefits were distributed in a single sum, during the plan year.....		3
Part II Funding Information (If the plan is not subject to the minimum funding requirements of section 412 of the Internal Revenue Code or ERISA section 302, skip this Part.)		
4 Is the plan administrator making an election under Code section 412(d)(2) or ERISA section 302(d)(2)? ☐ Yes ☐ No ☐ N/A If the plan is a defined benefit plan, go to line 8.		
5 If a waiver of the minimum funding standard for a prior year is being amortized in this plan year, see instructions and enter the date of the ruling letter granting the waiver. Date: Month _____ Day _____ Year _____ If you completed line 5, complete lines 3, 9, and 10 of Schedule MB and do not complete the remainder of this schedule.		
6 a Enter the minimum required contribution for this plan year (include any prior year accumulated funding deficiency not waived).....		6a
b Enter the amount contributed by the employer to the plan for this plan year.....		6b
c Subtract the amount in line 6b from the amount in line 6a. Enter the result (enter a minus sign to the left of a negative amount).....		6c
If you completed line 6c, skip lines 8 and 9.		
7 Will the minimum funding amount reported on line 6c be met by the funding deadline? ☐ Yes ☐ No ☐ N/A		
8 If a change in actuarial cost method was made for this plan year pursuant to a revenue procedure or other authority providing automatic approval for the change or a class ruling letter, does the plan sponsor or plan administrator agree with the change? ☐ Yes ☐ No ☐ N/A		
Part III Amendments		
9 If this is a defined benefit pension plan, were any amendments adopted during this plan year that increased or decreased the value of benefits? If yes, check the appropriate box. If no, check the "No" box..... ☐ Increase ☐ Decrease ☐ Both ☐ No		
Part IV ESOPs (see instructions). If this is not a plan described under section 409(a) or 4975(e)(7) of the Internal Revenue Code, skip this Part.		
10 Were unallocated employer securities or proceeds from the sale of unallocated securities used to repay any exempt loan?.....		☐ Yes ☐ No
11 a Does the ESOP hold any preferred stock?.....		☐ Yes ☐ No
b If the ESOP has an outstanding exempt loan with the employer as lender, is such loan part of a "back-to-back" loan? (See instructions for definition of "back-to-back" loan.).....		☐ Yes ☐ No
12 Does the ESOP hold any stock that is not readily tradable on an established securities market?.....		☐ Yes ☐ No
For Paperwork Reduction Act Notice, see the Instructions for Form 5500.		
Schedule R (Form 5500) 2022 v. 220413		

Part V Additional Information for Multiemployer Defined Benefit Pension Plans

13 Enter the following information for each employer that (1) contributed more than 5% of total contributions to the plan during the plan year or (2) was one of the top-ten highest contributors (measured in dollars). See instructions. *Complete as many entries as needed to report all applicable employers.*

a Name of contributing employer

b EIN

c Dollar amount contributed by employer

d Date collective bargaining agreement expires (If employer contributes under more than one collective bargaining agreement, check box ☐ and see instructions regarding required attachment. Otherwise, enter the applicable date.) Month _____ Day _____ Year _____

e Contribution rate information (If more than one rate applies, check this box ☐ and see instructions regarding required attachment. Otherwise, complete lines 13e(1) and 13e(2).)

(1) Contribution rate (in dollars and cents) _____

(2) Base unit measure: ☐ Hourly ☐ Weekly ☐ Unit of production ☐ Other (specify): _____

a Name of contributing employer

b EIN

c Dollar amount contributed by employer

d Date collective bargaining agreement expires (If employer contributes under more than one collective bargaining agreement, check box ☐ and see instructions regarding required attachment. Otherwise, enter the applicable date.) Month _____ Day _____ Year _____

e Contribution rate information (If more than one rate applies, check this box ☐ and see instructions regarding required attachment. Otherwise, complete lines 13e(1) and 13e(2).)

(1) Contribution rate (in dollars and cents) _____

(2) Base unit measure: ☐ Hourly ☐ Weekly ☐ Unit of production ☐ Other (specify): _____

a Name of contributing employer

b EIN

c Dollar amount contributed by employer

d Date collective bargaining agreement expires (If employer contributes under more than one collective bargaining agreement, check box ☐ and see instructions regarding required attachment. Otherwise, enter the applicable date.) Month _____ Day _____ Year _____

e Contribution rate information (If more than one rate applies, check this box ☐ and see instructions regarding required attachment. Otherwise, complete lines 13e(1) and 13e(2).)

(1) Contribution rate (in dollars and cents) _____

(2) Base unit measure: ☐ Hourly ☐ Weekly ☐ Unit of production ☐ Other (specify): _____

a Name of contributing employer

b EIN

c Dollar amount contributed by employer

d Date collective bargaining agreement expires (If employer contributes under more than one collective bargaining agreement, check box ☐ and see instructions regarding required attachment. Otherwise, enter the applicable date.) Month _____ Day _____ Year _____

e Contribution rate information (If more than one rate applies, check this box ☐ and see instructions regarding required attachment. Otherwise, complete lines 13e(1) and 13e(2).)

(1) Contribution rate (in dollars and cents) _____

(2) Base unit measure: ☐ Hourly ☐ Weekly ☐ Unit of production ☐ Other (specify): _____

a Name of contributing employer

b EIN

c Dollar amount contributed by employer

d Date collective bargaining agreement expires (If employer contributes under more than one collective bargaining agreement, check box ☐ and see instructions regarding required attachment. Otherwise, enter the applicable date.) Month _____ Day _____ Year _____

e Contribution rate information (If more than one rate applies, check this box ☐ and see instructions regarding required attachment. Otherwise, complete lines 13e(1) and 13e(2).)

(1) Contribution rate (in dollars and cents) _____

(2) Base unit measure: ☐ Hourly ☐ Weekly ☐ Unit of production ☐ Other (specify): _____

a Name of contributing employer

b EIN

c Dollar amount contributed by employer

d Date collective bargaining agreement expires (If employer contributes under more than one collective bargaining agreement, check box ☐ and see instructions regarding required attachment. Otherwise, enter the applicable date.) Month _____ Day _____ Year _____

e Contribution rate information (If more than one rate applies, check this box ☐ and see instructions regarding required attachment. Otherwise, complete lines 13e(1) and 13e(2).)

(1) Contribution rate (in dollars and cents) _____

(2) Base unit measure: ☐ Hourly ☐ Weekly ☐ Unit of production ☐ Other (specify): _____

14	Enter the number of deferred vested and retired participants (inactive participants), as of the beginning of the plan year, whose contributing employer is no longer making contributions to the plan for:		
	a The current plan year. Check the box to indicate the counting method used to determine the number of inactive participants: ☐ last contributing employer ☐ alternative ☐ reasonable approximation (see instructions for required attachment).....	14a	
	b The plan year immediately preceding the current plan year. ☐ Check the box if the number reported is a change from what was previously reported (see instructions for required attachment)	14b	
	c The second preceding plan year. ☐ Check the box if the number reported is a change from what was previously reported (see instructions for required attachment)	14c	
15	Enter the ratio of the number of participants under the plan on whose behalf no employer had an obligation to make an employer contribution during the current plan year to:		
	a The corresponding number for the plan year immediately preceding the current plan year.....	15a	
	b The corresponding number for the second preceding plan year.....	15b	
16	Information with respect to any employers who withdrew from the plan during the preceding plan year:		
	a Enter the number of employers who withdrew during the preceding plan year	16a	
	b If line 16a is greater than 0, enter the aggregate amount of withdrawal liability assessed or estimated to be assessed against such withdrawn employers.....	16b	
17	If assets and liabilities from another plan have been transferred to or merged with this plan during the plan year, check box and see instructions regarding supplemental information to be included as an attachment ☐		

Part VI	Additional Information for Single-Employer and Multiemployer Defined Benefit Pension Plans
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18	If any liabilities to participants or their beneficiaries under the plan as of the end of the plan year consist (in whole or in part) of liabilities to such participants and beneficiaries under two or more pension plans as of immediately before such plan year, check box and see instructions regarding supplemental information to be included as an attachment ☐
19	If the total number of participants is 1,000 or more, complete lines (a) through (c) a Enter the percentage of plan assets held as: Stock: _____% Investment-Grade Debt: _____% High-Yield Debt: _____% Real Estate: _____% Other: _____% b Provide the average duration of the combined investment-grade and high-yield debt: ☐ 0-3 years ☐ 3-6 years ☐ 6-9 years ☐ 9-12 years ☐ 12-15 years ☐ 15-18 years ☐ 18-21 years ☐ 21 years or more c What duration measure was used to calculate line 19(b)? ☐ Effective duration ☐ Macaulay duration ☐ Modified duration ☐ Other (specify): _____
20	PBGC missed contribution reporting requirements. If this is a multiemployer plan or a single-employer plan that is not covered by PBGC, skip line 20. a Is the amount of unpaid minimum required contributions for all years from Schedule SB (Form 5500) line 40 greater than zero? ☐ Yes ☐ No b If line 20a is "Yes," has PBGC been notified as required by ERISA sections 4043(c)(5) and/or 303(k)(4)? Check the applicable box: ☐ Yes. ☐ No. Reporting was waived under 29 CFR 4043.25(c)(2) because contributions equal to or exceeding the unpaid minimum required contribution were made by the 30th day after the due date. ☐ No. The 30-day period referenced in 29 CFR 4043.25(c)(2) has not yet ended, and the sponsor intends to make a contribution equal to or exceeding the unpaid minimum required contribution by the 30th day after the due date. ☐ No. Other. Provide explanation _____

**NEW YORK INSTITUTE OF TECHNOLOGY
DEFINED CONTRIBUTION PLAN**

Statements of Net Assets Available for Benefits
as of December 31, 2022 and 2021, Statement of
Changes in Net Assets Available for Benefits for
the Year Ended December 31, 2022, Supplemental
Schedule for the Year Ended December 31, 2022
and Independent Auditors' Report



INDEPENDENT AUDITORS' REPORT

1 Dupont Street, Suite 203
Plainview, New York 11803

To the management of New York Institute of Technology Defined Contribution Plan: Tel. (516) 576-3333
Fax (516) 576-3342

Scope and Nature of the ERISA Section 103(a)(3)(C)

We have performed audits of the accompanying financial statements of New York Institute of Technology Defined Contribution Plan, an employee benefit plan subject to the Employee Retirement Income Security Act of 1974 (ERISA), as permitted by ERISA Section 103(a)(3)(C) [ERISA Section 103(a)(3)(C) audit]. The financial statements comprise the statements of net assets available for benefits as of December 31, 2022 and 2021, and the related statement of changes in net assets available for benefits for the year ended December 31, 2022, and the related notes to the financial statements.

Management, having determined it is permissible in the circumstances, has elected to have the audits of the New York Institute of Technology Defined Contribution Plan's financial statements performed in accordance with ERISA Section 103(a)(3)(C) pursuant to 29 CFR 2520.103-8 of the Department of Labor's Rules and Regulations for Reporting and Disclosure under ERISA. As permitted by ERISA Section 103(a)(3)(C), our audits need not extend to any statements or information related to assets held for investment of the plan (investment information) by a bank or similar institution or insurance carrier that is regulated, supervised, and subject to periodic examination by a state or federal agency, provided that the statements or information regarding assets so held are prepared and certified to by the bank or similar institution or insurance carrier in accordance with 29 CFR 2520.103-5 of the Department of Labor's Rules and Regulations for Reporting and Disclosure under ERISA (qualified institution).

Management has obtained certifications from a qualified institution as of December 31, 2022 and 2021, and for the year ended December 31, 2022, stating that the certified investment information, as described in Note 4 to the financial statements, is complete and accurate.

Opinion

In our opinion, based on our audits and on the procedures performed as described in the Auditor's Responsibilities for the Audit of the Financial Statements section—

- the amounts and disclosures in the financial statements referred to above, other than those agreed to or derived from the certified investment information, are presented fairly, in all material respects, in accordance with accounting principles generally accepted in the United States of America.
- the information in the financial statements referred to above related to assets held by and certified to by a qualified institution agrees to, or is derived from, in all material respects, the information prepared and certified by an institution that management determined meets the requirements of ERISA Section 103(a)(3)(C).

Basis for Opinion

We conducted our audits in accordance with auditing standards generally accepted in the United States of America. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of New York Institute of Technology Defined Contribution Plan and to meet our other ethical responsibilities in accordance with the relevant ethical requirements relating to our audits. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our ERISA Section 103(a)(3)(C) audit opinion.

Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error. Management's election of the ERISA Section 103(a)(3)(C) audit does not affect management's responsibility for the financial statements.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about New York Institute of Technology Defined Contribution Plan's ability to continue as a going concern for one year after the date the financial statements are available to be issued.

Management is also responsible for maintaining a current plan instrument, including all plan amendments; administering the plan; and determining that the plan's transactions that are presented and disclosed in the financial statements are in conformity with the plan's provisions, including maintaining sufficient records with respect to each of the participants, to determine the benefits due or which may become due to such participants.

Auditor's Responsibilities for the Audit of the Financial Statements

Except as described in the Scope and Nature of the ERISA Section 103(a)(3)(C) Audit section of our report, our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with generally accepted auditing standards will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with generally accepted auditing standards, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of New York Institute of Technology Defined Contribution Plan's internal control. Accordingly, no opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about New York Institute of Technology Defined Contribution Plan's ability to continue as a going concern for a reasonable period of time.

Our audits did not extend to the certified investment information, except for obtaining and reading the certification, comparing the certified investment information with the related information presented and disclosed in the financial statements, and reading the disclosures relating to the certified investment information to assess whether they are in accordance with the presentation and disclosure requirements of accounting principles generally accepted in the United States of America.

Accordingly, the objective of an ERISA Section 103(a)(3)(C) audit is not to express an opinion about whether the financial statements as a whole are presented fairly, in all material respects, in accordance with accounting principles generally accepted in the United States of America.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

Supplemental Schedule Required by ERISA

The supplemental schedule of assets (held at end of year) - December 31, 2022 is presented for purposes of additional analysis and is not a required part of the financial statements but is supplementary information required by the Department of Labor's Rules and Regulations for Reporting and Disclosure under ERISA. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the financial statements. The information included in the supplemental schedule, other than that agreed to or derived from the certified investment information, has been subjected to auditing procedures applied in the audits of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with generally accepted auditing standards. For information included in the supplemental schedule that agreed to or is derived from the certified investment information, we compared such information to the related certified investment information.

In forming our opinion on the supplemental schedule, we evaluated whether the supplemental schedule, other than the information agreed to or derived from the certified investment information, including its form and content, is presented in conformity with the Department of Labor's Rules and Regulations for Reporting and Disclosure under ERISA.

In our opinion—

- the form and content of the supplemental schedule, other than the information in the supplemental schedule that agreed to or is derived from the certified investment information, is presented, in all material respects, in conformity with the Department of Labor's Rules and Regulations for Reporting and Disclosure under ERISA.
- the information in the supplemental schedule related to assets held by and certified to by a qualified institution agrees to or is derived from, in all material respects, the information prepared and certified by an institution that management determined meets the requirements of ERISA Section 103(a)(3)(C).

Eichen & DiMeglio, P.C.

October 6, 2023

**NEW YORK INSTITUTE OF TECHNOLOGY
DEFINED CONTRIBUTION PLAN**

**STATEMENTS OF NET ASSETS AVAILABLE FOR BENEFITS AS OF
DECEMBER 31, 2022 AND 2021**

	<u>2022</u>	<u>2021</u>
ASSETS:		
PARTICIPANT-DIRECTED INVESTMENTS:		
Investments, at fair value	\$ 316,224,009	\$ 368,694,818
Investments, at contract value	<u>4,103,742</u>	<u>3,624,429</u>
Total investments	<u>320,327,751</u>	<u>372,319,247</u>
RECEIVABLES:		
Notes receivable from participants	632,523	398,451
Employee contributions receivable	171,350	164,116
Employer contributions receivable	247,578	239,494
Accrued revenue receivable	<u>21,647</u>	<u>49,662</u>
Total receivables	<u>1,073,098</u>	<u>851,723</u>
TOTAL ASSETS	321,400,849	373,170,970
LIABILITY - Accrued administrative expenses	<u>-</u>	<u>(32,100)</u>
NET ASSETS AVAILABLE FOR BENEFITS	<u>\$ 321,400,849</u>	<u>\$ 373,138,870</u>

See accompanying notes to financial statements.

**NEW YORK INSTITUTE OF TECHNOLOGY
DEFINED CONTRIBUTION PLAN**

**STATEMENT OF CHANGES IN NET ASSETS AVAILABLE FOR BENEFITS
FOR THE YEAR ENDED DECEMBER 31, 2022**

NET ASSETS AVAILABLE FOR BENEFITS, JANUARY 1, 2022	<u>\$ 373,138,870</u>
ADDITIONS TO NET ASSETS:	
Contributions:	
Contributions from participants	6,023,332
Contributions from employer	<u>6,533,141</u>
Total contributions	<u>12,556,473</u>
Interest income on notes receivable from participants	<u>23,445</u>
Other income	<u>341,420</u>
Total additions	<u>12,921,338</u>
DEDUCTIONS FROM NET ASSETS:	
Investment income (loss) - net:	
Earnings on unallocated insurance contracts	3,563,131
Dividends on variable annuities and mutual funds	6,314,674
Net depreciation in fair value of variable annuities and mutual funds	(55,855,887)
Net investment gain on pooled separate account	<u>1,432,629</u>
Net investment loss	<u>(44,545,453)</u>
Benefits paid to participants	<u>(17,177,689)</u>
Annuity settlement options	<u>(2,721,914)</u>
Administrative expenses	<u>(214,303)</u>
Total deductions	<u>(64,659,359)</u>
NET DECREASE IN PLAN ASSETS	<u>(51,738,021)</u>
NET ASSETS AVAILABLE FOR BENEFITS, DECEMBER 31, 2022	<u>\$ 321,400,849</u>

See accompanying notes to financial statements.

NEW YORK INSTITUTE OF TECHNOLOGY DEFINED CONTRIBUTION PLAN

NOTES TO FINANCIAL STATEMENTS

1. PLAN DESCRIPTION

Background - The New York Institute of Technology Defined Contribution Plan (the "Plan"), as amended, is a defined contribution plan as described in Section 403(b) of the Internal Revenue Code ("IRC") sponsored by New York Institute of Technology ("NYIT"). The Plan was adopted on July 25, 1961 and is subject to the provisions of the Employee Retirement Income Security Act of 1974 ("ERISA"). The Plan was amended and restated effective January 1, 2018 upon NYIT's adoption of TIAA ERISA 403(b) pre-approved volume submitter plan documents.

The Plan's investments are administered and held by the Plan's custodian, Teachers Insurance & Annuity Association ("TIAA") and its affiliate College Retirement Equities Fund ("CREF") and by TIAA, FSB, the directed custodian and trustee for certain investments. The Plan administrator, custodian and directed trustee are appointed by NYIT. Aon Hewitt Investment Consulting, Inc. provides investment advisory services to the Plan.

Change in Characteristics of Loans Offered under the Plan - Effective January 1, 2021, loans offered to Plan participants are in the form of Retirement Plan Loans, which are funded through an active participant's retirement account and become assets of the Plan (referred to as "notes receivable from participants" in the accompanying statements of net assets available for benefits as of December 31, 2022 and 2021). In connection to the transition to Retirement Plan Loans, collateralized plan loans described below were no longer permitted subsequent to December 31, 2020 and such loans are being paid down as provided for in the related borrowing contracts.

The Plan has implemented certain provisions of the Setting Every Community Up for Retirement Enhancement Act of 2019 ("SECURE Act"), which was signed into law on December 20, 2019. The SECURE Act raised the age for minimum distributions from 70 1/2 to 72 effective January 1, 2020.

Pandemic and Related Law Changes - During March 2020, the World Health Organization categorized Coronavirus Disease 2019 ("COVID-19") as a pandemic, and the President of the United States declared the COVID-19 outbreak a national emergency. The COVID-19 pandemic was a significant factor which exacerbated volatility in financial markets and affected the market value of the Plan's investments. During April 2023, the President of the United States signed into law a congressional joint resolution which terminates the national emergency related to the COVID-19 pandemic.

NEW YORK INSTITUTE OF TECHNOLOGY DEFINED CONTRIBUTION PLAN

1. PLAN DESCRIPTION (continued)

The Plan has implemented certain provisions of the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act"), which was signed into law on March 27, 2020. For the year ended December 31, 2020, the CARES Act allowed certain eligible individuals to take COVID-19 related distributions, increased plan loan limits, and suspended required minimum distribution rules.

During July 2022, TIAA incorporated written amendments to its pre-approved plan documents to reflect the operational changes in the SECURE and CARES Acts in accordance with applicable law and IRS guidance.

The following description of the Plan provides only general information. Participants should refer to the Plan agreement for a complete description of the Plan's provisions.

Eligibility – All employees of NYIT, as defined in accordance with the universal availability standards of the IRC, are eligible to enroll on the first day of each month. Eligible employees are executives, administrators, staff, buildings and ground employees, counselors, librarians, and faculty of NYIT. The Plan excludes from participation students performing services described in Section 3121(b) (10) and non-resident aliens who received no earned income from within the United States. As described below, there are additional excluded categories of employees, as well as age and service requirements, with respect to a participant's eligibility to receive employer contributions.

To participate in the Plan, an eligible employee must complete the enrollment process through the TIAA website or by completing enrollment forms and returning them to NYIT. An employee who has been notified that he or she is eligible to participate but who fails to complete the enrollment process will be deemed to have waived all of his or her rights under the Plan except the right to enroll at a future date. An election to make participant contributions may not be made retroactively and shall remain in effect until modified or terminated by the participant.

Participant Contributions – Participants may contribute a portion of their eligible compensation (as defined in the Plan documents) as pre-tax elective deferral contributions. The maximum elective deferral contribution for 2022 is \$20,500. Participants who attain age 50 before the end of a calendar year can defer up to an additional \$6,500 in catch-up contributions. Additionally, participants who have at least 15 years of service may make special 403(b) catch-up contributions of up to \$3,000 annually, not to exceed \$15,000 cumulatively per participant.

NEW YORK INSTITUTE OF TECHNOLOGY DEFINED CONTRIBUTION PLAN

1. PLAN DESCRIPTION (continued)

An eligible employee may make transfers to the Plan of benefits from a qualified retirement plan of another employer or individual retirement account, referred to as rollover contributions, with certain restrictions.

Contributions from participants consisted of the following for the year ended December 31, 2022:

Elective pre-tax contributions, including	
catch-up contributions	\$ 5,141,003
Employee rollover contributions	882,329
Total	<u>\$ 6,023,332</u>

Employer Contributions - To qualify for an employer contribution, participants must not be members of the following excluded categories of employees: graduate assistants, student workers, members of Empire State Regional Council of Carpenters Local Union 7, District Council 9 Painters Union or Local 32BJ SEIU, temporary employees, and effective January 1, 2011, all United States citizens and United States residents performing services on campuses of NYIT located outside the United States who are eligible to participate in the New York Institute of Technology Tax-Deferred Annuity Plan. Additionally, employees who are not members of such excluded categories must have completed one year of continuous service with NYIT in order to qualify for an employer contribution. A year of full-time service with any institution of higher education, research organization, or teaching hospital immediately preceding employment with NYIT qualifies toward satisfying the one year of service requirement. Participants become eligible to begin receiving employer contributions on the first day of the following month.

Participants who contribute at least the minimum of 3 percent of eligible compensation as elective deferrals and work at least 1,000 hours during the Plan year will receive an employer matching contribution based on their years of service as follows:

<u>Years of Service at NYIT</u>	<u>Employer Contribution as a Percentage of Eligible Compensation</u>
Less than 7 years	7 percent
7 years	8 percent
8 years	9 percent
9 or more years	10 percent

NEW YORK INSTITUTE OF TECHNOLOGY DEFINED CONTRIBUTION PLAN

1. PLAN DESCRIPTION (continued)

Vesting - Participants are fully and immediately vested with respect to all contributions and earnings thereon.

Distributions to Participants - Distributions to participants from the elective deferral portion of their accounts are available upon the following events: severance from employment, the attainment of age 59 ½ while still employed, financial hardship under the restrictions provided for in the Plan, disability, or the election to take a distribution of pre-1989 elective deferrals invested in annuity contracts. Distributions to participants of the rollover contribution portion of their accounts are available at the election of the participants regardless of age or employment status.

If the entire participant account balance is \$5,000 or less, the distribution shall be in a lump sum payment. For account balances in excess of \$5,000, participants can elect to receive their distributions in the form of lump sum payments, rollovers to qualified plans, installment payments, or if assets are invested in annuity contracts, the conversion to an income option, subject to the terms of the particular individual agreements governing the annuity contracts and the spousal consent rules described in the Plan.

A participant with an account balance in excess of \$5,000 may elect to defer payment until attainment of age 72 or if still employed beyond that age, until retirement.

Upon enrollment in the Plan, participants are directed to designate a beneficiary or beneficiaries by completing a designation form. If a married participant designates someone other than their spouse as primary beneficiary, then the spouse must consent to this designation by signing the form and his/her signature must be witnessed by a Plan representative or a notary public. A participant's entire account balance is payable to the designated beneficiary upon his/her death.

Notes Receivable from Participants – Effective January 1, 2021, participants may borrow from their fund accounts a minimum of \$1,000 up to a maximum equal to the lesser of \$50,000 or 50 percent of their account balance. The loans are secured by the balance in the participant's account. The loan interest rate, which is determined by the Plan administrator based on prevailing interest rates, remains fixed for the duration of the loan. Interest rates ranged from 4.25 percent to 8.50 percent per annum on loans outstanding as of December 31, 2022. Principal and interest is paid ratably through various weekly payroll deductions over periods of 1 to 5 years, or up to 10 years for purposes of using loan proceeds in the purchase of a primary residence.

NEW YORK INSTITUTE OF TECHNOLOGY DEFINED CONTRIBUTION PLAN

1. PLAN DESCRIPTION (continued)

Collateralized Plan Loans – Through December 31, 2020, collateralized plan loans were issued as separate contracts by TIAA as contemplated under Internal Revenue Code section 72(p) and do not represent plan assets. Participants could borrow a minimum of \$1,000 up to a maximum equal to the lesser of \$50,000 or 45 percent of their TIAA Traditional Annuity account balance. The collateral for a plan loan is the portion of the participant's Traditional Annuity accumulation equal to 110 percent of the outstanding loan balance. The loan collateral will not be available to provide income, death, or lump-sum benefits, or other distributions while the loan remains unpaid. Repayment of the loan is made directly to TIAA on a quarterly basis at variable interest rates, over periods of one to five years or up to 10 years if the loan is for the purchase of a primary residence. Collateralized plan loan balances outstanding from participants to TIAA were \$1,041,767 and \$1,727,230 as of December 31, 2022 and 2021, respectively.

Administrative Expenses and Other Income - Under an amendment to the Record Keeping Services Agreement (the "Agreement") between TIAA and NYIT effective April 1, 2022, plan servicing fees, which are payable to TIAA for recordkeeping and related services, began to be deducted from participant accounts on a quarterly basis. Such amounts are offset by fee leveling credits, which arise from revenue sharing from the Plan's investments and are credited to participant accounts on a quarterly basis. Such plan servicing fees and fee leveling credits are included in administrative expenses and other income, respectively in the statement of changes in net assets available for benefits.

The amendment to the Agreement described above also affects the amounts that TIAA deposits to the Plan's revenue credit account in the form of plan servicing credits. Subject to a quarterly reconciliation process, TIAA determines whether any excess revenue sharing is available for deposit to the revenue credit account, which may be used by the Plan to pay reasonable and necessary expenses for the Plan to service providers other than TIAA. The remainder in the revenue credit account, after payment of such expenses, may be allocated to participants on a pro-rata basis according to their individual account balances in the Plan. During December 2022, \$394,839 was reallocated to participants on such a pro-rata basis. The unallocated balance in the revenue credit account amounted to \$655 and \$279,187 as of December 31, 2022 and 2021, respectively.

A substantial portion of administrative expenses incurred in connection with the management of the Plan are paid by NYIT. In accordance with plan provisions and the Agreement, as amended, NYIT may elect to have additional expenses necessary for the administration of the Plan paid from the revenue credit account.

NEW YORK INSTITUTE OF TECHNOLOGY DEFINED CONTRIBUTION PLAN

1. PLAN DESCRIPTION (continued)

Administrative expenses in the statement of changes in net assets available for benefits for the year ended December 31, 2022 consist of the following:

Plan servicing fees deducted from participant accounts	\$ (162,603)
Administrative expenses paid from the revenue credit account to service providers other than TIAA, net of accrued administrative expenses as of December 31, 2022	(46,500)
TIAA loan issuance and maintenance fees deducted from participant accounts	<u>(5,200)</u>
Total administrative expenses	<u>\$ (214,303)</u>

Other income in the statement of changes in net assets available for benefits for the year ended December 31, 2022 consists of the following:

Fee leveling credits allocated to participant accounts	\$ 183,282
Plan servicing credits relating to the year ended December 31, 2022 deposited to the revenue credit account	154,763
Other miscellaneous income	<u>3,375</u>
Total other income	<u>\$ 341,420</u>

Termination of the Plan - NYIT has the right to terminate the Plan at any time subject to the provisions of ERISA, although it has not expressed any intent to do so.

2. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Basis of Presentation - The Plan's policy is to prepare financial statements on the accrual basis of accounting in accordance with accounting principles generally accepted in the United States of America for defined contribution plans.

Investments held by a defined contribution plan are required to be reported at fair value, except for fully benefit-responsive investment contracts. Contract value is the relevant measure for the portion of the net assets available for benefits of a defined contribution plan attributable to fully benefit-responsive investment contracts because contract value is the amount participants normally would receive if they were to initiate permitted transactions under the terms of the Plan.

**NEW YORK INSTITUTE OF TECHNOLOGY
DEFINED CONTRIBUTION PLAN**

2. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

Use of Estimates - The preparation of financial statements in accordance with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and changes therein, and disclosure of contingent assets and liabilities. Actual results could differ from those estimates.

Investment Valuation and Income Recognition – The Plan's investments are reported at fair value (except for fully benefit-responsive investment contracts, which are reported at contract value). Fair value is the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date. See Note 5 for further information regarding fair value measurements.

Purchases and sales of securities are recorded on a trade-date basis. Interest income is recorded on the accrual basis. Dividends are recorded on the ex-dividend date. Capital gain distributions are included in dividend income. Net appreciation (depreciation) in fair value of investments include the Plan's gains and losses on investments bought and sold as well as held during the year.

Notes Receivable from Participants – Notes receivable from participants are measured at their unpaid principal balance plus any accrued but unpaid interest. Interest income is recorded on the accrual basis. Related fees are recorded as administrative expenses and are expensed when they are incurred. No allowance for credit losses has been recorded as of December 31, 2022. If a participant ceases to make loan repayments and the Plan administrator deems the participant loan to be in default, the participant loan balance is reduced and a benefit payment is recorded.

Risks and Uncertainties - The Plan provides for various investment options in any combination of variable annuities, mutual funds, pooled separate accounts, traditional annuities, stable value funds, and other investment securities. Investment securities are exposed to various risks, such as interest rate, market and credit risks. As a result of the level of risk associated with certain investment securities and the level of uncertainty related to changes in the value of investment securities, it is at least reasonably possible that changes in the value of investment securities will occur in the near term and that such changes could materially affect participants' account balances and the amounts reported in the statements of net assets available for benefits and changes in net assets available for benefits.

NEW YORK INSTITUTE OF TECHNOLOGY DEFINED CONTRIBUTION PLAN

2. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

Some of the Plan's investments may invest indirectly in securities with contractual cash flow such as asset-backed securities, collateralized mortgage obligations, and commercial mortgage-backed securities, including securities backed by subprime mortgage loans. The value, liquidity and related income of these securities are sensitive to changes in economic conditions, including real estate value, delinquencies or defaults, or both, and may be adversely affected by shifts in the market's perception of the issuers and changes in interest rates.

Plan investments offered under TIAA annuity contracts (TIAA Traditional Annuity Account and TIAA Stable Value) represented 27 percent and 24 percent of the Plan's net assets as of December 31, 2022 and 2021, respectively, and represents an obligation of TIAA to repay as amounts come due. There are no reserves against contract value for credit risk of the contract issuer or otherwise. The plan administrator does not believe that any events would limit the Plan's ability to transact at contract value. As described in Notes 4 and 5, the Plan's investment in TIAA Stable Value, a benefit responsive annuity contract, and TIAA Traditional Annuity - Benefit Responsive are valued at contract value and the Plan's investment in non-benefit responsive annuity contracts is valued at fair value, which approximates contract value.

Subsequent Events - The Plan has evaluated subsequent events through October 6, 2023, the date the financial statements were available to be issued (see Note 7).

3. INCOME TAX STATUS

During June 2018, the Plan adopted TIAA ERISA 403(b) volume submitter plan documents, which were pre-approved by the Internal Revenue Service ("IRS") pursuant to an advisory letter dated August 7, 2017 relating to such pre-approved 403(b) volume submitter documents. The Plan is required to operate in conformity with the IRC to maintain the tax-exempt status for plan participants under Section 403(b). The Plan has been amended since receiving the advisory letter. However, Plan management believes the Plan is designed and currently being operated in compliance with the applicable requirements of the IRC and therefore, believes that the Plan is qualified.

Accounting principles generally accepted in the United States of America require Plan management to evaluate tax positions taken by the Plan and recognize a tax liability if the Plan has taken an uncertain tax position that would not likely be sustained upon examination by the IRS. The Plan is subject to routine audits by taxing jurisdictions; however, there are currently no audits for any tax periods in progress.

**NEW YORK INSTITUTE OF TECHNOLOGY
DEFINED CONTRIBUTION PLAN**

4. INVESTMENTS CERTIFIED BY THE CUSTODIAN

The following information included in the accompanying statements of net assets available for benefits and supplemental schedule was obtained from data that has been prepared and certified to as complete and accurate by TIAA and CREF, collectively as custodian of the Plan and agent for the directed custodian and trustee for certain investments:

	December 31, 2022	December 31, 2021
Participant-directed investments, at fair value:		
CREF variable annuities	\$ 93,519,635	\$ 127,277,006
TIAA-CREF mutual funds	120,428,088	138,234,606
TIAA Traditional Annuity – Non-Benefit Responsive	83,766,196	85,763,288
Pooled separate account	18,510,090	17,419,918
Total investments at fair value	<u>316,224,009</u>	<u>368,694,818</u>
Participant-directed investments, at contract value:		
TIAA Stable Value	3,612,514	2,745,325
TIAA Traditional Annuity - Benefit Responsive	491,228	879,104
Total investments at contract value	<u>4,103,742</u>	<u>3,624,429</u>
Total investments	<u>\$ 320,327,751</u>	<u>\$ 372,319,247</u>
Notes receivable from participants (classified as an investment for purposes of Form 5500)	<u>\$ 632,523</u>	<u>\$ 398,451</u>

The following information included in the accompanying statement of changes in net assets available for benefits was obtained from data that has been prepared and certified to as complete and accurate by TIAA and CREF:

	Year Ended December 31, 2022
Investment income (loss):	
Earnings on unallocated insurance contracts	\$ 3,563,131
Dividends on variable annuities and mutual funds	\$ 6,314,674
Net depreciation in fair value of variable annuities and mutual funds	\$ (55,855,887)
Net investment gain on pooled separate account	\$ 1,432,629
Interest income on notes receivable from participants	<u>\$ 23,445</u>

**NEW YORK INSTITUTE OF TECHNOLOGY
DEFINED CONTRIBUTION PLAN**

4. INVESTMENTS CERTIFIED BY THE CUSTODIAN (continued)

Variable annuities and mutual funds - The CREF variable annuities and TIAA-CREF mutual funds offer various investment options ranging from conservative funds which principally seek to preserve capital and provide fixed income to aggressive funds invested principally in common stocks which seek growth of capital over the long term. See Note 5 for a description of variable annuities and mutual funds stated at fair value.

TIAA Traditional Annuity – Non-Benefit Responsive and Benefit-Responsive - The TIAA Traditional Annuity options offered under the Plan are unallocated fixed annuity contracts that are fully and unconditionally guaranteed by TIAA. These annuity contracts provide a guarantee of principal, a guaranteed minimum rate of interest (generally 3 percent, but in some recent contracts between 1 percent and 3 percent) and the potential for additional interest if declared by TIAA. Additional interest, when declared, remains in effect for the "declaration year", which begins each March 1. Additional interest is not guaranteed for future years. The crediting rate is supported by the investment performance of a large, diversified portfolio (TIAA's General Account), is correlated with the highest quality debt security yields, and is adjusted for contract liquidity. Contributions to a participant's account purchases a guaranteed amount of lifetime annuity income. When a participant's account in the TIAA Traditional Annuity is annuitized based on available options, the present value of the stream of payments is equal to the account balance, and the distribution is recorded in the statement of changes in net assets available for benefits as "annuity settlement options". The subsequent stream of annuity payments occur outside of the Plan and do not represent an obligation of the Plan.

The Plan's ability to receive amounts due is dependent on TIAA's ability to meet its financial obligations. TIAA's ability to meet its contractual obligations may be affected by future economic and regulatory developments.

The TIAA Traditional Annuity is offered through a variety of contracts. The type of TIAA Traditional Annuity which a participant chooses determines the applicability of certain account features, such as the guaranteed minimum interest rate, additional amounts paid, the degree of liquidity of the participant's account and the options for receiving income upon retirement.

Non-Benefit Responsive - Retirement Annuity ("RA") contracts offered through the Plan are not considered fully benefit responsive because lump sum withdrawals are not permitted and participant-initiated transfers may only be made in 10 annual installments. See Note 5 for a description of such TIAA Traditional Annuity-Non-Benefit Responsive investments stated at fair value.

**NEW YORK INSTITUTE OF TECHNOLOGY
DEFINED CONTRIBUTION PLAN**

4. INVESTMENTS CERTIFIED BY THE CUSTODIAN (continued)

Benefit Responsive - The contracts held by the Plan which are classified as fully benefit responsive, as determined by TIAA, are reported at contract value. Contract value represents accumulated cash contributions, interest credited to the contracts, and any transfers in, less any withdrawals and transfers out. Participants may ordinarily direct the withdrawal or transfer of all or a portion of such contracts at contract value.

Pooled separate account - The TIAA Real Estate Account (REA) is an insurance company separate account of TIAA investing mainly in real estate and real estate related investments. Although the underlying assets of the account cannot be quickly sold and converted to liquid assets, the TIAA General Account provides the REA with a liquidity guarantee, ensuring that it has funds available to meet participant redemption, transfer or cash withdrawal requests executed at unit values. Such redemptions are generally available on any business day, except that TIAA reserves the right to limit transfers from the REA to not more than one per calendar quarter. See Note 5 for a description of the pooled separate account stated at fair value.

TIAA Stable Value - The TIAA Stable Value, a fixed-rate group annuity contract offered by TIAA, is considered fully benefit responsive as determined by TIAA, and as such is reported at contract value. Contract value represents accumulated cash contributions, interest credited to the contract, and any transfers in, less any withdrawals and transfers out. The contract provides a guaranteed minimum rate of interest of between 1 percent and 3 percent before deductions for contract fees with the potential for crediting of additional interest above the guaranteed minimum. The TIAA Stable Value is immediately liquid to a participant for withdrawals and transfers, except that transfers into this investment may not be made for 30 days following a transfer out. Allocations to the TIAA Stable Value are backed by the value of assets segregated by TIAA in a separate account, as well as TIAA's claims-paying ability, which may be affected by future economic and regulatory developments. If the Plan sponsor chooses to terminate this investment option at the plan level, the payout at contract value may be subject to a waiting period of 90 days or more.

NEW YORK INSTITUTE OF TECHNOLOGY DEFINED CONTRIBUTION PLAN

5. FAIR VALUE MEASUREMENTS

The framework for measuring fair value provides a fair value hierarchy that prioritizes the inputs to valuation techniques used to measure fair value. The hierarchy gives the highest priority to unadjusted quoted prices in active markets for identical assets or liabilities (level 1) and the lowest priority to unobservable inputs (level 3). The three levels of the fair value hierarchy under FASB ASC 820 are described as follows:

Level 1 – Inputs to the valuation methodology are unadjusted quoted prices for identical assets or liabilities in active markets that the Plan has the ability to access.

Level 2 – Inputs to the valuation methodology include:

- * quoted prices for similar assets or liabilities in active markets;
- * quoted prices for identical or similar assets or liabilities in inactive markets;
- * inputs other than quoted prices that are observable for the asset or liability;
- * inputs that are derived principally from or corroborated by observable market data by correlation or other means.

If the asset or liability has a specified (contractual) term, the level 2 input must be observable for substantially the full term of the asset or liability.

Level 3 – Inputs to the valuation methodology are unobservable and significant to the fair value measurement.

The asset or liability's fair value measurement level within the fair value hierarchy is based on the lowest level of any input that is significant to the fair value measurement. Valuation techniques maximize the use of relevant observable inputs and minimize the use of unobservable inputs.

The following is a description of the valuation methodologies used for assets measured at fair value. There have been no changes in the methodologies used at December 31, 2022 and 2021.

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5. FAIR VALUE MEASUREMENTS (continued)

Variable annuities and mutual funds - Investments in variable annuities and mutual funds are valued at the daily closing price as reported by the fund. Mutual funds held by the Plan are open-end mutual funds that are registered with the Securities and Exchange Commission. These funds are required to publish their daily net asset value (NAV) and transact at that price. The variable annuities and mutual funds held by the Plan are deemed to be actively traded (Level 1 inputs).

Non-benefit responsive insurance contract - TIAA-CREF has concluded that for non-benefit responsive traditional annuity contracts such as the RA contracts described above, fair value approximates contract value. This conclusion is supported by a quantitative model based on discounted cash flows, using an appropriate risk-adjusted market discount rate which correlates closely with the TIAA Traditional Annuity's historical crediting rates, and by the assumption of an exit value based on the theoretical transfer of an asset owned by a pension plan (Level 3 inputs.)

Pooled separate account - The TIAA Real Estate Account is valued at net asset value per unit of the separate account as determined and published by the issuer. The NAV is principally derived from the market value of the underlying real estate holdings or other real estate investments. Real estate holdings are valued principally using external appraisals, which are estimates of property values based on a professional's opinion. The REA sometimes holds securities as well. These are generally priced using values obtained from independent pricing sources. As described in Note 4, TIAA provides the REA with a liquidity guarantee to ensure that the pooled separate account has funds available to meet participant redemption, transfer or cash withdrawal requests executed at quoted NAV with the restriction of limiting transfers out of the REA to one per calendar quarter. Level 2 categorization for the REA is based on its similarity to a mutual fund, taking into account the redemption restriction.

**NEW YORK INSTITUTE OF TECHNOLOGY
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5. FAIR VALUE MEASUREMENTS (continued)

The following tables sets forth by level, within the fair value hierarchy, the Plan's assets at fair value as of December 31, 2022 and 2021:

Assets at Fair Value as of December 31, 2022				
	<u>Level 1</u>	<u>Level 2</u>	<u>Level 3</u>	<u>Total</u>
Variable annuities	\$ 93,519,635	\$ -	\$ -	\$ 93,519,635
Mutual funds	120,428,088	-	-	120,428,088
Non-benefit responsive insurance contract	-	-	83,766,196	83,766,196
Pooled separate account	-	18,510,090	-	18,510,090
Investments at fair value	<u>\$ 213,947,723</u>	<u>\$ 18,510,090</u>	<u>\$ 83,766,196</u>	<u>\$ 316,224,009</u>

Assets at Fair Value as of December 31, 2021				
	<u>Level 1</u>	<u>Level 2</u>	<u>Level 3</u>	<u>Total</u>
Variable annuities	\$ 127,277,006	\$ -	\$ -	\$ 127,277,006
Mutual funds	138,234,606	-	-	138,234,606
Non-benefit responsive insurance contract	-	-	85,763,288	85,763,288
Pooled separate account	-	17,419,918	-	17,419,918
Investments at fair value	<u>\$ 265,511,612</u>	<u>\$ 17,419,918</u>	<u>\$ 85,763,288</u>	<u>\$ 368,694,818</u>

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5. FAIR VALUE MEASUREMENTS (continued)

The changes during the year ended December 31, 2022 in Level 3 fair value measurements are summarized as follows:

	Fair Value Measurements (Level 3)
Balance as of January 1, 2022	\$ 85,763,288
Contributions, participant loan repayments and other receipts	1,680,287
Benefits paid to participants, annuity settlement options and other amounts paid	(7,618,624)
Earnings on non-benefit responsive insurance contracts	3,465,315
Participant directed interfund transfers in	11,820,193
Participant directed interfund transfers out	<u>(11,344,263)</u>
Balance as of December 31, 2022	<u><u>\$ 83,766,196</u></u>

Quantitative Information about Significant Unobservable Inputs Used in Level 3 Fair Value Measurements - The following tables present information about significant unobservable inputs related to the Plan's investment in assets categorized as level 3 in the fair value hierarchy at December 31, 2022 and 2021:

Type	Fair Value as of December 31, 2022	Principal Valuation Technique	Significant Unobservable Inputs	Range
TIAA Traditional Annuity - Non-Benefit Responsive	\$ 83,766,196	Discounted cash flow Theoretical transfer (exit value)	Risk-adjusted discount rate applied	RA - 3.70% to 6.25%

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5. FAIR VALUE MEASUREMENTS (continued)

Type	Fair Value as of December 31, 2021	Principal Valuation Technique	Significant Unobservable Inputs	Range
TIAA Traditional Annuity - Non-Benefit Responsive	\$ 85,763,288	Discounted cash flow Theoretical transfer (exit value)	Risk-adjusted discount rate applied	RA - 3.00% to 3.80%

6. PARTY-IN-INTEREST TRANSACTIONS

Plan investments in variable annuities, mutual funds, unallocated insurance contracts, and pooled separate accounts are managed by TIAA and CREF, collectively the custodian, or its commonly controlled affiliates; accordingly, these transactions qualify as party-in-interest transactions. Administrative expenses include fees paid to service providers from the Plan's revenue credit account, as well as plan servicing fees and loan fees paid to TIAA (see Note 1). These transactions are not deemed prohibited party-in-interest transactions since they are permitted by statutory or administrative exemptions from the IRC and ERISA's rules governing prohibited transactions. Fees paid by the Plan as indirect compensation to the custodian are treated as a reduction of the investment income on these investments.

7. SUBSEQUENT EVENTS

During December 2022, the SECURE 2.0 Act of 2022 ("SECURE 2.0") was signed into law. SECURE 2.0 contains numerous retirement plan provisions, the majority of which go into effect for plan years beginning after 2023. The provision to raise the age for minimum distributions from 72 to 73 (and eventually to 75) begins to phase in during 2023.

NEW YORK INSTITUTE OF TECHNOLOGY
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SCHEDULE H, LINE 4i - SCHEDULE OF ASSETS (HELD AT END OF YEAR) -
DECEMBER 31, 2022

EIN - 11-1788788 PLAN NO.- 001

(a)	(b) Identity of issue, borrower, lessor, or similar party	(c) Description of investment, including maturity date, rate of interest, collateral, par or maturity value	(d) Cost	(e) Current Value
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CREF variable annuities:

* CREF	CREF Stock Fund	N/A	\$ 42,389,757
* CREF	CREF Money Market Fund	N/A	7,204,288
* CREF	CREF Social Choice Fund	N/A	4,806,009
* CREF	CREF Core Bond Fund	N/A	4,630,105
* CREF	CREF Global Equities Fund	N/A	10,017,953
* CREF	CREF Growth Fund	N/A	15,369,360
* CREF	CREF Equity Index Fund	N/A	6,889,755
* CREF	CREF Inflation-Linked Bond Fund	N/A	2,212,408
Subtotal – variable annuities			<u>93,519,635</u>

TIAA-CREF mutual funds:

* TIAA-CREF	TIAA-CREF Lifecycle 2010 Institutional Fund	N/A	272,758
* TIAA-CREF	TIAA-CREF Lifecycle 2015 Institutional Fund	N/A	590,190
* TIAA-CREF	TIAA-CREF Lifecycle 2020 Institutional Fund	N/A	2,252,775
* TIAA-CREF	TIAA-CREF Lifecycle 2025 Institutional Fund	N/A	5,971,438
* TIAA-CREF	TIAA-CREF Lifecycle 2030 Institutional Fund	N/A	5,661,786
* TIAA-CREF	TIAA-CREF Lifecycle 2035 Institutional Fund	N/A	6,882,406
* TIAA-CREF	TIAA-CREF Lifecycle 2040 Institutional Fund	N/A	5,279,538
* TIAA-CREF	TIAA-CREF Lifecycle 2045 Institutional Fund	N/A	4,504,044
* TIAA-CREF	TIAA-CREF Lifecycle 2050 Institutional Fund	N/A	2,892,441
* TIAA-CREF	TIAA-CREF Lifecycle 2055 Institutional Fund	N/A	1,107,749
* TIAA-CREF	TIAA-CREF Lifecycle 2060 Institutional Fund	N/A	205,626
* TIAA-CREF	TIAA-CREF Core Plus Bond - Institutional	N/A	3,875,329
* TIAA-CREF	TIAA-CREF Growth & Income - Institutional	N/A	3,346,767
* TIAA-CREF	TIAA-CREF High-Yield - Institutional	N/A	2,385,480
* TIAA-CREF	TIAA-CREF International Equity Index - Institutional	N/A	9,092,192
* TIAA-CREF	TIAA-CREF International Equity - Institutional	N/A	2,539,829
* TIAA-CREF	TIAA-CREF Lifecycle Retirement Income - Institutional	N/A	73,485
* TIAA-CREF	TIAA-CREF Large- Cap Growth Index - Institutional	N/A	8,047,882

NEW YORK INSTITUTE OF TECHNOLOGY
DEFINED CONTRIBUTION PLAN

SCHEDULE H, LINE 4i - SCHEDULE OF ASSETS (HELD AT END OF YEAR) -
DECEMBER 31, 2022 (continued)

EIN - 11-1788788 PLAN NO.- 001

(a)	(b) Identity of issue, borrower, lessor, or similar party	(c) Description of investment, including maturity date, rate of interest, collateral, par or maturity value	(d) Cost	(e) Current Value
<u>TIAA-CREF mutual funds (continued):</u>				
*	TIAA-CREF	TIAA-CREF Large-Cap Growth - Institutional	N/A	4,228,099
*	TIAA-CREF	TIAA-CREF Large- Cap Value Index - Institutional	N/A	5,104,443
*	TIAA-CREF	TIAA-CREF Mid- Cap Growth - Institutional	N/A	3,582,744
*	TIAA-CREF	TIAA-CREF Money Market - Institutional	N/A	3,151,922
*	TIAA-CREF	TIAA-CREF Real Estate Securities - Institutional	N/A	2,769,027
*	TIAA-CREF	TIAA-CREF Small-Cap Blend Index - Institutional	N/A	4,279,069
*	TIAA-CREF	TIAA-CREF Social Choice Equity - Institutional	N/A	5,940,427
	American Century	Mid Cap Value Fund R6	N/A	2,874,548
	American Funds	American Funds Inflation Link Bond R6	N/A	2,538,570
	American Funds	American Mutual Fund Class R6	N/A	3,237,644
	BlackRock Funds	BlackRock Advantage Small Cap Core Fund Class K	N/A	2,211,458
	Schwab	Schwab S&P 500 Index Fund	N/A	15,513,416
	Vanguard	Vanguard Extended Market Index Fund Admiral Shares	N/A	15,006
	Subtotal - mutual funds			<u>120,428,088</u>
<u>Unallocated insurance contracts:</u>				
*	TIAA	TIAA Traditional Annuity – Non-Benefit Responsive	N/A	83,766,196
*	TIAA	TIAA Stable Value	N/A	3,612,514
*	TIAA	TIAA Traditional Benefit Responsive	N/A	491,228
				<u>87,869,938</u>
<u>Pooled separate account:</u>				
*	TIAA	Real Estate Separate Account	N/A	<u>18,510,090</u>
<u>Participant loans:</u>				
*	Notes receivable from participants, 4.25% to 8.50%		\$0	<u>\$ 632,523</u>
	Total			<u>\$ 320,960,274</u>

* An asterisk indicates a party-in-interest. Teachers Insurance and Annuity Association and College Retirement Equities Fund (collectively, "TIAA and CREF") provides recordkeeping services to the Plan and is the investment custodian.

Plan Name	New York Institute of Technology Defined Contribution Retirement Plan
Plan Sponsor EIN	111788788
ERISA Plan #	001
Plan Year Ending	December 31, 2022

The required attachment marked with an "X" in the Attachment column is included within the Accountant's Opinion attachment to Sch. H, Part III, Line 3, which consists of the entire audit report issued by the plan's Independent Qualified Public Accountant (IQPA).

Form/Schedule	Line #	Description	Attachment
5500 Sch. H	Line 3	Financial statements used in formulating the IQPA's opinion	X
5500 Sch. H	Line 4i	Schedule of Assets (Held at End of Year)	X
5500 Sch. H	Line 4i	Schedule of Assets (Acquired and Disposed of Within Year)	
5500 Sch. H	Line 4j	Schedule of Reportable Transactions	
5500 Sch. H	Line 4a	Schedule of Delinquent Participant Contributions	

Plan Name	New York Institute of Technology Defined Contribution Retirement Plan
Plan Sponsor EIN	111788788
ERISA Plan #	001
Plan Year Ending	December 31, 2022

The required attachment marked with an "X" in the Attachment column is included within the Accountant's Opinion attachment to Sch. H, Part III, Line 3, which consists of the entire audit report issued by the plan's Independent Qualified Public Accountant (IQPA).

Form/Schedule	Line #	Description	Attachment
5500 Sch. H	Line 3	Financial statements used in formulating the IQPA's opinion	X
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5500 Sch. H	Line 4a	Schedule of Delinquent Participant Contributions	