Contains Revisions to Policies and New Policies

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Thank you for accessing the SUNY Erie Community College Policy Manual. This preface is designed to introduce the reader to the Philosophy, Mission, Vision and Goals of SUNY Erie. Here, and throughout the Manual, SUNY Erie Community College will be referred to as “SUNY Erie”, “Erie Community College”, “the College” and, in policies that are still under review, “ECC”. As the Policy and Governance subcommittee continues to review and update the policies of the College, they will be made available to everyone on the Board of Trustees (BOT) website upon BOT acceptance/approval.

The College will be held to a high set of standards; therefore, SUNY Erie endorses acceptance of all people, regardless of religion, race, gender, ethnicity, sexual orientation or gender identity. SUNY Erie is committed to following all applicable Federal, State, and local regulatory laws, accreditation standards and regulations, rules, guidance and best practices including, but not limited to, EEOC and FERPA. Where the previously named entities have explicit laws/rules/directives the College will comply with the aforesaid edicts. When able, the College will allow those edicts to inform behaviors, without creating a policy to duplicate it. (For example, SUNY Erie is smoke free by New York State law, there is no need to keep a Tobacco Free Policy on the books.) However, there are circumstances when regulatory entities dictate the requirements of a policy and the College will clarify those directives, in a timely manner, by SUNY Erie policy creation or revision as appropriate.

The Committee encourages the community, both the College Community and the Community of Erie County, to refrain from printing hard copies since the most up to date policies will always be available on SUNY Erie’s website. This will ensure that any questions related to a given policy will be about the most current version in force.

**VISION**

SUNY Erie Community College will serve as an innovative learning resource. The college will continually strive to provide universal access to lifelong learning, thereby catalyzing economic and cultural development and supporting a diverse and mobile student body.

**MISSION**

SUNY Erie Community College meets the needs of a diverse student body and contributes to regional economic vitality by providing high-quality, flexible, affordable and accessible educational programs committed to student success.

**SERVICE PHILOSOPHY**

SUNY Erie Community College promises an outstanding academic and student services experience for its students, the community it serves, and its program partners.

A true community college answers to the demands of the total community. In addition to providing the first two years of high quality, transferable college credit, SUNY Erie Community College will also offer cutting-edge workforce training opportunities that provide our students relevant and market-worthy skills
and provide our local workforce partners with an appropriately trained workforce.

With a commitment to the dignity and significance of each student, the College will deliver the necessary education and soft skills training, thereby providing all students with the necessary tools to be successful in their chosen path. To this end, the College will create an environment conducive to the development of the student as an informed and inclusive citizen. By experiencing multi-cultural and multi-disciplinary opportunities, our students will understand and recognize the value of continued personal development and value the importance of diversity and inclusion. Thus, preparing them to participate in the development of a robust and thriving WNY community.

**SUNY ERIE EXCELS – the Strategic Plan for 2016-2021**

**SUNY ERIE EXCELS: A COMPREHENSIVE PLAN FOR TRANSFORMATION**

SUNY Erie Excels is the product of eighteen months of collaborative deliberation by the Board of Trustees, the Office of the President, the Institutional Planning and Assessment Committee, the Strategic Plan Working Group, the College Senate, five task forces, 30 work groups, over 100 work group members and members of all the College’s bargaining units, all of which constituted the Excels team. The final draft of the plan was approved by the College Senate and the BOT in June 2016.

The plan is organized according to the five pillars shown below:

**ACCESS**
Providing Erie County residents with high-quality educational services in multiple modalities while being full representative of all segments of the diverse population of Erie County.

**COMPLETION**
Assisting students fulfill their goals as they advance through the institution. For some students, completion means earning a degree. For others, it means acquiring a specific skill. The College’s responsibility is to engage with students in the shared pursuit of the fulfillment of each student’s goals.

**ENGAGEMENT**
Interacting with our region, communities and neighbors both inside and outside SUNY Erie’s walls. The College recognizes that our community and surrounding neighborhoods are essential to our identity. As we seek to serve the people of Erie County, we must find ways to engage our workforce and industry partners while also engaging in philanthropy, service learning, internships and building collegial working environments.

**OPERATIONS**
Ensure the effectiveness and efficiency of our physical plant, finances and technology. SUNY Erie seeks to be an effective and an efficient institution with fiscal integrity, updated facilities and a culture of continuous improvement.

**SUCCESS**
Ultimately, our goal is to enhance the capacity of our students to achieve their post-SUNY Erie goals, whether they be in the area of continuing education, direct entry into the workforce, successful skills training or personal growth.
More on SUNY Erie Excels is available on the SUNY Erie Community College website, including Key Targets in each area and a detailed project plan.

Sources:

BOT Policy Manual, last revised May 2014
http://www.ecc.edu/administration
http://www.ecc.edu/excels
NEW OR EDITED POLICY: Edited Academic Forgiveness Policy, last approved June 27, 2019

**Readmission following Dismissal**

SUNY Erie students who were academically dismissed prior to Spring 2019 will be required to complete an Academic Appeal Application. The application will be reviewed by the appropriate committee.

These previously dismissed students will be placed on Academic Probation if readmitted and will be required to seek intervention services.

SUNY Erie students dismissed following Fall 2019, or any semester, thereafter, were subject to the Academic Probation and Dismissal policy approved in 2018, and therefore, have already completed at least two semesters on Academic Probation. To be readmitted as a matriculated student, they are subject to the following requirements:

- Must wait one full calendar year from the time of dismissal before being considered for readmission as a matriculated student. Special circumstances can be considered for exception to the waiting period by the appropriate academic review committee.

- Must complete at least 6 credits hours as a non-matriculated student at SUNY Erie or another institution earning a semester GPA of 2.5 or higher in those courses.

- If readmitted to SUNY Erie, the student will be placed on Academic Recovery. This academic standing requires the student to seek intervention services in order to register for courses. Students with this academic standing will also have their academic records reviewed after each semester by the appropriate committee.

**Academic Forgiveness Programs**

Students will be given the opportunity to improve their academic standing in order to graduate under the
following programs - Fresh Start and 36 Credit Hour Adjustment. Fresh Start is granted to students after an extended break in attendance. The 36 Credit Hour Adjustment program assists students who change their major and are pursuing a new degree. Requests for academic forgiveness must be approved by the Divisional Dean. 3, 4

Fresh Start

1. Fresh Start is extended only once during the student's enrollment at SUNY Erie.

2. Students who previously attended SUNY Erie but have not been in attendance for three or more years may choose to take advantage of Fresh Start.

3. Candidates for Fresh Start will be identified at the time of admission and will be provided with the criteria for the program. Students must submit the Fresh Start application to the Student Support Center no later than the last day of classes in the semester in which the student re-enrolled following the three-year absence. The application will be reviewed with the student and then forwarded to the Divisional Dean for final approval.

4. Fresh Start may be granted after successful completion of the returning semester as a full-time matriculated student. Successful completion is defined as passing a minimum of 12 credit hours and earning a semester GPA of 2.5 or higher. Part-time matriculated students can also be eligible for the Fresh Start program. In the case of the part time student, a student’s term GPA must be a minimum of 2.5 for every term after readmission until a minimum of 12 credit hours has been reached.

5. Following a Fresh Start, cumulative average is determined using only courses with a passing grade prior to the Fresh Start period and all course work taken after readmission.

6. As a result of being granted "Fresh Start", a student will receive credit toward the total degree requirement for only those courses taken prior to the student's three-year absence from SUNY Erie in which the student earned a passing grade.

7. Under this policy, grades that are forgiven will not be used to calculate GPA at SUNY Erie but will remain a part of the official academic transcript.

8. The student must accept all current degree and departmental requirements at the time of acceptance into the Fresh Start program.

36 Credit Hour Adjustment

1. The 36 Credit Hour Adjustment program is extended only once during the student's enrollment at SUNY Erie.

2. Allows up to 36 credit hours of grades of C- or lower to be excluded from the cumulative GPA.
3. This option is only available to students who change academic programs. The only credit hours forgiven under this program will be those that were taken to satisfy previous program requirements that no longer apply and are not required for the student’s new academic program.

4. Students must show academic improvement by earning a semester GPA of 2.5 or higher in the new academic program to be eligible for the 36 Credit hour Adjustment. In the case of the part time student, a student’s term GPA must be a minimum of 2.5 until a minimum of 12 credit hours has been reached.

5. Students can apply for the 36 Credit Hour Adjustment program through the Student Support Center.

6. All grades earned at SUNY Erie will remain a part of the official academic transcript.

7. Students will lose credit hours toward degree completion when a grade is forgiven, and those courses will not count for any degree requirement.

DOES IT SUPERCEDE A POLICY/WHICH ONE: Edited Academic Forgiveness Policy, last approved June 27, 2019.

POLICY & GOVERNANCE COMMITTEE RECOMMENDED ACTION:
The Policy & Governance Committee recommends the Board of Trustees accept the Managerial policy under the Committee Reports, Policy & Governance Committee. This Policy supersedes all prior policies/procedures and practices related to Fresh Start.

POLICY & GOVERNANCE COMMITTEE MEMBERS PRESENT: Trustee Kathleen Masiello, Trustee Leonard Lenihan, Executive Vice President for Administration and Finance Penelope Howard, Provost and Executive Vice President of Academic and Student Affairs Douglas Scheidt, Vice President of Human Resources, Equity & Inclusion Tracey Cleveland, Employee Relations Manager Daniel Kaufmann, Dean of Liberal Arts and Science Joanne Colmerauer, Professor Michael Delaney, Director of Registration Paul Lamanna, Dean of Liberal Arts and Science Jamie Smith

DATE OF BOARD ACCEPTANCE: Anticipated September 26, 2019

POLICY & GOVERNANCE COMMITTEE TEAM FOLLOW-UP:
Following Trustee acceptance, this Managerial policy will be included in the SUNY Erie Community College Board of Trustees Managerial Policy Manual.

INFORMATION/INPUT CONSIDERED DURING POLICY & GOVERNANCE COMMITTEE DELIBERATIONS:

1 The appropriate committee will be appointed by the Provost.
The following college re-admission policies were reviewed and considered in development of this policy:

- Buffalo State - 1 full year required
- SUNY Cortland - 3 years required and 24 credit hours completed with 2.75 GPA
- SUNY Oneonta - 1 calendar year and 12 credit hours with 2.5 GPA
- Nassau Community College - 1 full year
- Brockport - 2 semesters following second dismissal
- SUNY Jefferson Community College - 1 full semester
- SUNY Canton - 1 semester and 6-12 credit hours with 2.5 GPA

Credit hour adjustment has been a practice at the College; however, it was never an official policy of the college.

Fredonia’s Academic Forgiveness policies were reviewed in consideration of this policy.

The Policy has been reviewed and discussed at the Policy & Governance Committee meeting September 6, 2019. The previous Academic Forgiveness Policy, last approved June 27, 2019 was also approved by the College Senate in May 2019.
POLICY NAME: Academic Freedom Policy

POLICY TYPE: Board

SUBMITTED BY: Joanne Colmerauer, Dean of Liberal Arts and Sciences

ISSUE OR STATEMENT OF PURPOSE: To clearly define the position of SUNY Erie Community College regarding Academic Freedom.

NEW OR EDITED POLICY: Edited IV-A-1 Academic Freedom Policy last approved 9/00

It is the policy of the College to maintain and encourage Academic Freedom, within the law, of inquiry, teaching and research.*

The concept of academic freedom is based on the idea that the free exchange of ideas on campus is essential to good education. ¹

The faculty are the College’s experts in their subjects and in pedagogy. Academic freedom includes the right of faculty members to discuss the subjects within their expertise in the classroom without interference and to determine their methods of teaching and student evaluation. Additionally, academic freedom includes the right of faculty members acting collectively through established governance structures to determine the content of the curricula in their separate disciplines or programs, and the overall content of the College curriculum.

Academic freedom also includes the rights of scholars to publish freely the results of their research, to retain the rights to their intellectual property, to participate in the governance of the institution, and to advance in their profession without fear of discrimination. ²

In the exercise of this freedom faculty members may, without limitation, discuss their own subject in the classroom; they may not, however, claim as their right the privilege of discussing in their classroom controversial matter which has no relation to their subject. The principle of academic freedom shall be accompanied by a corresponding principle of responsibility. In their role as citizens, (College) employees have the same freedoms as other citizens. However, (College) employees have an obligation to indicate that they are not institutional spokespersons. ³

Academic freedom means that both faculty members and students can engage in intellectual debate without fear of censorship or retaliation. It establishes a faculty member’s right to remain true to his or her pedagogical philosophy and intellectual commitments. It preserves the intellectual integrity of our educational system and thus serves the public good. Academic freedom in teaching means that both faculty members and students can
make comparisons and contrasts between subjects taught in a course and any field of human knowledge or period of history. It gives both students and faculty the right to express their views — in speech, writing, and through electronic communication, both on and off campus — without fear of sanction, unless the manner of expression substantially impairs the rights of others or, in the case of faculty members, those views demonstrate that they are professionally ignorant, incompetent, or dishonest with regard to their discipline or fields of expertise.  

Academic freedom gives … faculty the right to study and do research on the topics they choose and to draw what conclusions they find consistent with their research, though it does not prevent others from judging whether their work is valuable and their conclusions sound. Academic freedom means that the political, religious, or philosophical beliefs of politicians, administrators, and members of the public cannot be imposed on students or faculty.  

Collectively, faculty in the academic disciplines create and agree upon course content as described in the course outlines. Because of this collective and democratic faculty process in which individual faculty members are free to participate, the academic department’s or Unit’s requirement to follow the course outline is not a violation of academic freedom. Faculty are still free to design their own syllabi and choose methods of instruction and of student evaluation they consider appropriate to the subject and to the needs of their students.

Academic freedom shall not be used to justify instances where faculty harasses, threaten, intimidate, ridicule, or impose their views on students. It also does not protect incompetence or provide job security in the face of incompetence; protect against colleague or student challenges or disagreement with one's educational philosophy or practices; protect from non-university penalties if the law is broken; protect against disciplinary action if college or university regulations are ignored; protect against sanctions for professional misconduct; protect against sanctions for poor performance in the discharge of one's duties; or protect against investigations into allegations of scientific misconduct.  

Academic freedom gives faculty members and students the right to seek redress or request a hearing if they believe their rights have been violated. It also protects faculty members and students from reprisals for disagreeing with administrative policies or proposals. It gives faculty members and students the right to challenge one another’s views, but not to penalize them for holding them.  

Academic freedom protects a faculty member’s authority to assign grades to students, so long as the grades are not capricious or unjustly punitive. More broadly, academic freedom encompasses both the individual and institutional right to maintain academic standards. It gives faculty members substantial latitude in deciding how to teach the courses for which they are responsible.  

Academic freedom guarantees that academic decisions by faculty members such as student grades must be respected and shall not be overturned except for good and sufficient reasons such as those described in the paragraph above. Unresolved challenges to grading decisions must be adjudicated by means of an established institutional process that includes due process protections and significant representation of the faculty member’s peers on the adjudicating panel.
POLICY NAME: Academic Freedom Policy - Continued

Finally, an atmosphere of academic freedom in higher education is crucial for students’ intellectual growth, helping them “develop the skills of analysis and critical inquiry with particular emphasis on exploring and evaluating competing claims and different perspectives.” Academic freedom in higher education is one of the essential conditions for a free society.

* This sentence is the previous policy in its entirety.

DOES IT SUPERCEDE A POLICY/WHICH ONE: Yes, edited IV-A-1 Academic Freedom Policy last approved 9/00

POLICY & GOVERNANCE COMMITTEE RECOMMENDED ACTION:
Policy & Governance Committee recommends the Board of Trustees approve this Board policy under Committee Briefings, Policy and Governance Committee. This Policy supersedes all prior policies/procedures and practices related to Academic Freedom.

POLICY & GOVERNANCE COMMITTEE MEMBERS PRESENT: Trustee Kathleen Masiello, Trustee Leonard Lenihan, Student Trustee Albert Tew, Executive Vice President for Administration and Finance Penelope Howard, Employee Relations Manager Daniel Kaufmann, Vice President of Enrollment Management, Steven Smith, Director of Registration Paul Lamanna, Dean of Liberal Arts and Science Jamie Smith

DATE OF BOARD APPROVAL: June 27, 2019

POLICY & GOVERNANCE COMMITTEE TEAM FOLLOW-UP:
Following Trustee approval, this Board policy will be included in the SUNY Erie Community College Board of Trustees Policy Manual.

INFORMATION/INPUT CONSIDERED DURING POLICY & GOVERNANCE COMMITTEE DELIBERATIONS:


The Policy has been reviewed and discussed at the Policy & Governance Committee meeting of July 14, 2017, June 22, 2018, November 16, 2018 and June 14, 2019. The Policy was approved at the College Senate Meeting May 14, 2019.
POLICY NAME: Admissions Policy

POLICY TYPE: Board

SUBMITTED BY: Philip J. Struebel, Director of Admissions

ISSUE OR STATEMENT OF PURPOSE: To establish an admissions policy that provides educational opportunities for all qualified students who seek post-secondary education on either a part-time or full-time basis.

CORRECTIVE ACTION PLAN RECOMMENDATION (if any): Not applicable

NEW OR EDITED POLICY: Edited. Policy V-B-1 Admissions Policy, approved 3/86, 6/88 and 9/00

Admissions Policy

1. To qualify for admission, the applicant must:
   a. Complete Erie Community College’s Application for Admissions or the approved SUNY Application for Admissions, and any other supplemental admissions forms required for their program of study.
   b. Have graduated from an accredited high school, approved home-schooling program, obtained a High School Equivalency diploma (HSE), or have passed a Federally approved Ability to Benefit (ATB) exam and be concurrently enrolled in a “eligible career pathway program.”

2. If the applicant attended another college, the applicant is encouraged to submit official college transcripts for waiver and transfer credit purposes. Submission of official college transcripts may be required for application and acceptance into certain competitive programs.

3. All admission decisions are conditional based upon official proof of graduation from an accredited high school, a letter from the school district’s superintendent in which the student resides attesting that the student’s completion of a program of home instruction is substantially equivalent to a four-year high school course instruction (8 NYCRR section 100.1), or proof of High School Equivalency (HSE) diploma, including the certificate and scores. Final placement in a degree or certificate program is dependent upon the College’s approved assessment tool for placement.
POLICY NAME: Admissions Policy- Continued

4. Erie Community College is an open admissions institution for all non-competitive programs. The College prohibits discrimination based on race, color, religion, sex, national origin, age, gender identification, disability, veteran status, marital status, sexual orientation, military status, domestic violence victim status, predisposing genetic characteristics, or any other protected class as defined by New York State or Federal Law.

5. The College complies with the New York State Education Department (NYSED) Commissioner’s Regulation 52.2d which states that the admission of students shall be determined through an orderly process using the published criteria which shall be uniformly applied. Among other considerations, the admissions process shall encourage the increased participation in collegiate programs at all levels of persons from groups historically underrepresented in such programs.

6. Admission to the College may take one of three forms: Matriculated, Matriculated-Non High School Graduates (NHSG); or Non-Matriculated.

   a. Matriculated: A matriculated student is one who has been formally admitted into a program at ECC under standard College and State University procedures; i.e. a high school graduate with official high school transcripts on file, or the holder of a High School Equivalency diploma, or college transcripts indicating completion of 24-transfer degree credits. The matriculated student must score at an appropriate level on the Placement Test. Matriculation, once granted, remains in effect as long as the student is in continuous enrollment at the College and is in good academic standing.

   b. Matriculated NHSG: Matriculation through the Ability to Benefit Program (ATB) will be granted to students over 17 years of age who do not have high school diplomas and have met the appropriate criteria. The NHSG student must score at an appropriate level on the ATB exam, Placement Test, and be concurrently enrolled in an “eligible career pathway program.” The NHSG status will be maintained until these students have successfully completed 24 hours of college-level course work and have satisfied the High School Equivalency criteria established by the State Education Department.

   c. Non-matriculated: Non-matriculated students are students who have not submitted proper credentials, have not been accepted into a degree or certificate program, or have not met the minimum standards for matriculation. This classification excludes students from qualifying for financial aid grants and graduation until such time as they meet the requirements for matriculation.

Detailed information regarding entrance requirements and application procedures and the Educational Opportunity Program is available in the current issue of the Erie Community College catalog.

DOES IT SUPERCEDE A POLICY/WICH ONE: Policy V-B-1 Admissions Policy approved 3/86, 6/88 and 9/00.
POLICY NAME: Admissions Policy- Continued

POLICY COMMITTEE RECOMMENDED ACTION: Policy Committee recommends the Board of Trustees approve this Board policy under the Report of the Chair, Ad Hoc Committee Reports, and Policy Committee. This Policy supersedes all prior policies/procedures and practices related to Admissions Policy V-B-1 approved in 9/00.

POLICY COMMITTEE MEMBERS PRESENT: Trustee Kathleen Masiello, Student Trustee Rebecca Krakowiak, Vice President of Enrollment Management Erik D’Aquino, Provost and Executive Vice President Academic Richard Washousky, Director of Registrar Paul Lamanna, College Senate Representative Michael Delaney

DATE OF BOARD APPROVAL: December 14, 2017

POLICY COMMITTEE TEAM FOLLOW-UP: Following Trustee approval, this Board policy will be included in the Erie Community College Board of Trustees Policy Manual, the Erie Community College catalog and Erie Community College’s website.

INFORMATION/INPUT CONSIDERED DURING POLICY COMMITTEE DELIBERATIONS: The Policy has been reviewed and discussed at the Policy Committee meeting of October 20, 2017.

Documentation Referenced:
-Admissions Policy V-B-1 (9/00)
-Erie Community College’s Colleges Fall 2017 Catalog
-NYSED Commissioner Regulation 52.2d
-8 NYCCR Section 100.1
POLICY NAME: Admissions Review Policy

POLICY TYPE: Board

SUBMITTED BY: Philip J. Struebel, Director of Admissions

ISSUE OR STATEMENT OF PURPOSE: To establish Erie Community College’s policy on applicants with a disciplinary dismissal from a previous college/university or Erie Community College.

CORRECTIVE ACTION PLAN RECOMMENDATION (if any): Not applicable

NEW OR EDITED POLICY: Edited V-B-3 Admissions Review Policy 6/88, 9/00 and 5/14

Admissions Review Policy
Since 1997, all persons requesting admission to undergraduate SUNY institutions are required to report disciplinary dismissals from all previous colleges or universities. Erie Community College (ECC) has established a special Admissions Review Committee composed of College Staff, to assess applicants who fall within the categories above. All applicants are requested to report dismissal information. Reported information is not automatic grounds for denial of admission. However, falsification of application information is automatic grounds for denial.

Applicants who were previously dismissed from a College/University or Erie Community College must submit:

- Application;
- Official High School/College Transcript or High School Equivalency (HSE) Scores;
- A copy of the dismissal and/or expulsion letter from the Dean of Students from the previous college attended;
- A personal letter of explanation from the applicant is recommended, however it is not required. The committee will only review applications deemed complete. A completed applicant file will contain all of the requested information, and when all information is received, the Admissions Review Committee will meet to make a decision on the applicant’s admission.

Applicants who do not comply with all Admission Review procedures will be considered to have submitted an incomplete application. There will be no further consideration for admission into the College until the requested documents have been received and reviewed by the Admissions Review Committee. The committee will meet only once a monthly; therefore, all information must be received by the Admissions office in a timely manner. If an applicant’s information is received after the committee has met, the applicant’s file will be reviewed the following month.
POLICY NAME: Admissions Review Policy- Continued

Applicants will receive written notification of the committee’s decision by U.S. mail, within 30 days following the Admissions Review Committee meeting. If the committee finds that the applicant’s admission would involve an unreasonable risk to property or the safety or welfare of specific individuals or the general public as outlined in the Education Law, the applicant will be informed that his or her admission has been denied. Under Section 754, should the applicant request it, a written statement of reason(s) for the denial shall be provided within thirty days of the request.

Erie Community College reserves the right to deny admission or require additional information to determine admission eligibility.


POLICY COMMITTEE RECOMMENDED ACTION: Policy Committee recommends the Board of Trustees approve this Board policy under the Report of the Chair, Ad Hoc Committee Reports, and Policy Committee. This Policy supersedes all prior policies/procedures and practices related to Admissions Review Policy.

POLICY COMMITTEE MEMBERS PRESENT: Trustee Kathleen Masiello, Student Trustee Rebecca Krakowiak, Vice President of Enrollment Management Erik D’Aquino, Provost and Executive Vice President Academic Richard Washousky, Director of Registrar Paul Lamanna, College Senate Representative Michael Delaney

DATE OF BOARD APPROVAL: December 14, 2017

POLICY COMMITTEE TEAM FOLLOW-UP: Following Trustee approval, this Board policy will be included in the Erie Community College Board of Trustees Policy Manual, the Erie Community College catalog and Erie Community College’s website.

INFORMATION/INPUT CONSIDERED DURING POLICY COMMITTEE DELIBERATIONS: The Policy has been reviewed and discussed at the Policy Committee meeting of October 20, 2017. Documents Referenced:
-Admissions Review Policy V-B-3 (5/14)
-Erie Community College’s Fall 2017 Catalog
-SUNY Policy Doc. No. 3200 Admission of Persons with Prior Felony Convictions
POLICY NAME: Admissions – International Students

POLICY TYPE: Board

SUBMITTED BY: Judith Overs, Case Manager, International Student Services

ISSUE OR STATEMENT OF PURPOSE: To provide guidelines for the admission of international students

CORRECTIVE ACTION PLAN RECOMMENDATION (if any): Not applicable


Erie Community College will matriculate international students in its various academic programs based on conditions listed in the College Catalog and as required by federal, state and local laws, rules and regulations. Prior to registration, an advisor will assist in the completion of the necessary paperwork and will secure all necessary approvals. All federal regulations pertaining to international student admissions, as outlined in Erie Community College’s I-17 Form that is regularly filed with the U.S. Department of Homeland Security’s Student and Exchange Visitor Program (SEVP), are listed in the College catalog.


POLICY COMMITTEE RECOMMENDED ACTION:
Policy Committee recommends the Board of Trustees approve this Board policy under the Report of the Chair, Ad Hoc Committee Reports, and Policy Committee. This Policy supersedes all prior policies/procedures and practices related to V-B-4 Admissions – International Students.

POLICY COMMITTEE MEMBERS PRESENT: Trustee Kathleen Masiello, Student Trustee Rebecca Krakowiak, Vice President of Enrollment Management Erik D’Aquino, Provost and Executive Vice President Academic Richard Washousky, Director of Registrar Paul Lamanna, College Senate Representative Michael Delaney.

DATE OF BOARD APPROVAL: December 14, 2017

POLICY COMMITTEE TEAM FOLLOW-UP:
Following Trustee approval, this Board policy will be included in the Erie Community College Board of Trustees Policy Manual, the Erie Community College catalog and Erie Community College’s website.
POLICY NAME: V-B-4 Admissions – International Students Continued

INFORMATION/INPUT CONSIDERED DURING POLICY COMMITTEE DELIBERATIONS:
Erie Community College’s I-17 with the U.S. Department of Homeland Security Student and Exchange Visitor Program was referenced in updating this policy. The Policy has been reviewed and discussed at the Policy Committee meeting of October 20, 2017.
POLICY NAME: Advisory Groups Policy

POLICY TYPE: Managerial

SUBMITTED BY: Dr. Jamie Smith, Dean of Liberal Arts and Science

ISSUE OR STATEMENT OF PURPOSE: To establish guidelines to assist SUNY Erie in the establishment, membership and procedures of advisory groups.

Need for Advisory Groups:
Advisory Groups exist to provide support to internal committees, external agencies and the college community and help demonstrate how the College is meeting needs and appropriately working to advance SUNY Erie’s mission.

Advisory Groups are mandated by some accreditors, such as the Accreditation Board for Engineering and Technology (ABET), and they serve as solid support of curriculum and policy development to others, such as Middle States Commission on Higher Education (MSCHE). In addition, the use of Advisory Groups are referenced in State University of New York (SUNY) and New York State Education Department (NYSED) guidelines.

CORRECTIVE ACTION PLAN RECOMMENDATION (if any): N/A

NEW OR EDITED POLICY: Edited Policy IV-B-6 College Curriculum Advisory Council

All SUNY Erie Advisory Groups will adhere to the Required Procedures included in Exhibit B.

SUNY Erie recognizes that Advisory Groups serve to guide the institution at various levels, including but not limited to academic programs and curriculum development, Student Affairs programs, administration and the Board of Trustees. SUNY Erie recognizes various types of advisory groups including Advisory Councils, Steering Committees and Task Forces. (See Exhibit A for additional information.) SUNY Erie will align its Advisory Groups with those listed in the SUNY Chancellor’s Memorandum dated January 12, 2016, which cites Chapter 50 of the Laws of New York.

Chapter 50 will serve as the basis by which SUNY Erie Advisory Groups are governed, except when stricter criteria is required by accreditation agencies. Criteria of accrediting bodies must be updated and on file with Human Resources by the entity that the Advisory Group supports.
To align with the guidelines set forth in Chapter 50, SUNY Erie Advisory Groups will:

- Establish a chair, as required by this policy;
- Serve terms designated by the SUNY Erie entity which the body serves; and
- Be responsible for communicating the Advisory Group’s approved recommendations with the appropriate entities of the institution through the sharing of minutes.

Academic Advisory Councils will meet the procedures developed by SUNY Erie Community College and will be regulated by SUNY Erie’s Office of the Provost. Documentation of minutes and a roster of members will be submitted annually, and within 45 days of a meeting to the academic dean with updates submitted as necessary and housed in the Office of the Provost.

DOES IT SUPERSEDE A POLICY/WHICH ONE: Supersedes Board Policy: IV-B-6

POLICY COMMITTEE RECOMMENDED ACTION:

Policy Committee recommends the Board of Trustees accept this Managerial policy under the Committee Briefings, Policy & Governance Committee. This Policy supersedes all prior policies/procedures and practices related to Advisory Councils.

POLICY COMMITTEE MEMBERS PRESENT:

Trustee Len Lenihan, Trustee Kathleen Masiello, Provost and Executive Vice President Douglas Scheidt, Executive Vice President for Administration and Finance Penelope Howard, VP Human Resources, Equity and Inclusion Tracey Cleveland, Vice President of Enrollment Management Steven Smith, Vice President of Student Affairs Nora Clark, Director of Registrar Paul Lamanna, Dean of Liberal Arts and Sciences Joanne Colmerauer, Dean of Liberal Arts and Sciences Jamie Smith, Chief Diversity Officer Tracy Archie and Dean of Students Petrina Hill-Cheatom

DATE OF BOARD ACCEPTANCE: April 25, 2019

POLICY COMMITTEE TEAM FOLLOW-UP:
Following Trustee acceptance, this Managerial Policy will be included in the Erie Community College Managerial Policy Manual.

INFORMATION/INPUT CONSIDERED DURING POLICY COMMITTEE DELIBERATIONS:

- Accreditation Board for Engineering and Technology (ABET)
- SUNY Chancellor Memorandum dated January 12, 2016
- Chapter 50 of the Laws of New York
The Policy has been reviewed and discussed at the Policy & Governance Committee meeting of December 14, 2018, February 8, 2019 and March 8, 2019.
An Advisory Group is created to provide support to internal committees and external agencies and provides the public with opportunities to learn how the college’s programs and initiatives help to advance SUNY Erie’s mission. Advisory Groups also provide an avenue for input from experts which can be taken into account by SUNY Erie decision makers. Input from the wider WNY community adds substance to program requests and helps to validate recommendations being considered.

Understanding the community’s needs related to curriculum, equipment, facilities, and programs, review action plans help Departmental Chairs/Heads and faculty develop better products and more relevant programs. Similarly, Advisory Groups can inform decision-making related to non-academic issues.

Types of Advisory Groups include:

**Advisory Board** (Non-Academic, Standing, Non-Governing):
An Advisory Board must include *internal and external* members, who are selected on the basis of targeted expertise. An Advisory Board is charged with offering non-binding, strategic advice regarding developments in the field and/or changes to non-academic departments or programs. The regular, free flow of information and discussion is meant to further program goals and student success. The relevant department may or may not choose to utilize the advice of the Advisory Board. Members do not have a legal or fiduciary responsibility or a governing vote but will be recognized for their contributions. All Advisory Boards must establish a Chairperson.

**Advisory Council** (Academic, Standing, Non-Governing):
An Advisory Council must include *internal and external* members, who are selected on the basis of targeted expertise. An Advisory Council is charged with offering non-binding, strategic advice regarding developments in the field and/or changes to academic departments or programs. The regular, free flow of information and discussion is meant to further program goals and student success. The relevant department may or may not choose to utilize the advice of the Advisory Council. Members do not have a legal or fiduciary responsibility or a governing vote but will be recognized for their contributions. All Advisory Councils must establish a Chairperson.
Advisory Groups: Members and Meetings Policy
Exhibit A
Types of Advisory Groups (Continued)

**Steering Committee** (Standing, Non-Governing):
A Steering Committee includes *internal* members selected by interest and expertise on the priorities or order of business for the department/program with the ability and authority to make strategic decisions in conjunction with the Dean of Academics and Provost. The committee leader manages the planning and execution of specific projects. The committee provides guidance on key issues, such as policies, goals and objectives, budgetary control, marketing strategy, resource allocation and decisions involving large expenditures. Steering Committee members give direction on projects, input on issues, insight on budgeting, marketing, and hiring. This input will help determine outcomes, prioritize steps and goals, develop policies and procedures, identify risks, set timelines, monitor progress, and offer advice to reach the desired outcome. The Steering Committee oversees progress and facilitates collaboration with all members of the department, as well as other affected areas of the College.

**Task Force** (Temporary, Non-Governing):
A Task Force is a small group of *internal* members temporarily created to address a challenge or opportunity to achieve a stated objective and should involve interested parties from the department. Team members are committed to the shared goal and are accountable for the end-result. Examples include special events, purchases, and faculty, student or curricula issue. The Task Force is disbanded after the objective is met or the issue is resolved.
Advisory Groups: Members and Meetings Policy
Exhibit B
Academic Advisory Council Procedures

As per the SUNY Erie Community College Board of Trustees Board Policy governing Advisory Groups. Academic Advisory Councils will be governed according to the procedures outlined in here.

Required Procedures:
1. Appointments
   - Advisory Council members will be selected on the basis of:
     - Familiarity with the challenges and demands of the local labor market.
     - Position within the community.
     - Willingness and ability to encourage innovation and improvements to curricula and service offerings within the Department or College.
     - Interest and ideas for increasing enrollment and retention in the Department or College.

2. Nominations, resignations
   - An existing member of the Advisory Council, the Department Chair or Head, Coordinators, College Administration, or the Board of Trustees may submit member nominations.
   - Upon submission of an up-to-date resume from the new nominee, the final acceptance of nominations rests with the Board of Trustees.
   - Department Chair/Head will report actions to Dean, who will report to Provost for his/her files.

3. Term of office
   - The members' regular term of office spans three years, with no more than three consecutive three-year terms of office. Members can be retained until a suitable replacement is found.
   - If a Department Chair/Head and the Advisory Council member would like to extend the member’s term through reappointment, the member must provide an updated resume before the completion of his/her three-year term, for the Advisory Council’s files.
4. Member participation and responsibilities

- Advisory Councils exist to provide support to internal units and committees, external agencies and the college community and to help demonstrate how the College is meeting needs and appropriately working to advance SUNY Erie’s mission.
- The unit faculty and unit’s Dean of Academics determine the composition of the Academic Advisory Council. Review of composition guideline shall occur in three-year intervals.
- These designations should be in place before forming new advisory councils and implemented before the start of the next academic for established councils.
- The composition of the committee should represent the college, community, professionals and employers in the field of interest. No one member can serve as a representative of more than one group.
- The following information will be designated and reported to the Office of the Provost:
  - Number of total members
  - Minimum requirements of members
  - Represented Stakeholders
  - Number of each type of stakeholder.
- The applicable Department Chair or Professor/Department Head, Coordinator, Dean of Academics, Provost, Vice Provost, Vice President or Advisory Council chair has the authority to grant excused absences to Advisory Council members.
- An Advisory Council member who misses more than three consecutive, unexcused meetings is subject to dismissal and relieved from all responsibilities.

5. Meeting activity

- Advisory Council members will collectively determine how frequently they will conduct formal meetings within twice-per-year and maximum twelve-times-per-year parameters.
- The Advisory Council Chairperson, along with the assistance from the Vice Chair and Department Chair/Head or professor, or her/his designee, will plan an agenda for each formal meeting.
- Advisory Council members will, among themselves, elect a Chair, Vice Chair, and Secretary, who will each serve in that capacity for the designated term of office.
- Each Advisory Council will establish a mission statement a vision statement and specific goals.
6. **Provost and Executive Vice President responsibilities**
   - Provide resumes of suggested Advisory Council members to the Board of Trustees for acceptance.
   - Maintain listing of Advisory Council members in the college’s reporting system. Maintain a docket of all College Advisory Councils and their members that includes updated contact information, term of appointment, Advisory Council officer status, and alumni status. In the fall, all units with Advisory Councils will be solicited to review this information to ensure that it is correct.

7. **President’s responsibilities**
   - Send confirmation letter to newly appointed/reappointed Advisory Council member, which explicitly states the dates of her/his three-year term.

8. **Other**
   - Academic and non-academic units seeking to establish some type of committee that will not be required to follow the above guidelines would constitute a Task Force (usually established when a task needs to be accomplished) or other relevant name.
   - When the need is established, discussion will take place with Vice Presidents/Provosts and then with the Provost or other appropriate senior Vice President. Relevant senior level staff should be apprised of the membership of the task forces, as well as their missions and goals.
   - These task forces will establish a mission statement and goals.
POLICY NAME: Affiliated Entities

POLICY TYPE: Board

SUBMITTED BY: William D. Reuter, SUNY Erie Community College Chief Administrative & Financial Officer

ISSUE OR STATEMENT OF PURPOSE: To assist the SUNY Erie Community College Board of Trustees in fulfilling its fiduciary responsibility in administering SUNY Erie Community College and its Affiliated Entities (i.e. the Auxiliary Services Corporation {ASC} and the SUNY Erie Community College Foundation {Foundation}), the contractual relationship between SUNY Erie Community College and its Affiliates must be strengthened to require timely and accurate monthly and ad hoc financial reporting to the Trustees, including performance goals and metrics so that Trustees can assess the Affiliated Entities’ performance through enhanced controls, regular reporting (particularly on matters involving student activity fees), and compliance with improved conflict of interests provisions.

CORRECTIVE ACTION PLAN RECOMMENDATION (if any): The Corrective Action Plan (CAP) approved by the SUNY Erie Community College Board of Trustees on April 12, 2016 recommendation 3a Board Oversight - “The Board of Trustees will adopt a policy that prohibits any College official from also serving as either Chair, President or Treasurer of the Auxiliary Services Corporation of Erie Community College”; recommendation 3b Board Oversight - “The Board of Trustees will adopt a policy that requires any contract with the Auxiliary Services Corporation of Erie Community College and the Erie Community College Foundation, Inc., to include a requirement that a majority of such entities’ Board of Directors must be comprised of independent members (i.e., persons who are not college officials, employees, students or doing business with either the College or the affiliated entity). Said contracts with affiliated entities should also require that their Audit Committee be comprised of independent directors”; recommendation 17a Affiliated Entities – “The Board of Trustees will adopt a policy that written agreements with affiliated entities will stipulate how performance will be measured and evaluated”; recommendation 17b Affiliated Entities – “The Board of Trustees will require the ECC President to renegotiate the College’s existing contracts with the Auxiliary Services Corporation of Erie Community College and the Erie Community College Foundation, Inc., for consideration and approval by the Board of Trustees. This renegotiation will focus on the construct of the affiliated entities’ Board of Directors, development of specific performance metrics and reports that demonstrate accountability, and how goals and objectives are being established and achieved”; recommendation 18a Affiliated Entities – “The Board of Trustees will adopt an ‘affiliate entity’ formal comprehensive policy covering the Auxiliary Services Corporation of Erie Community
POLICY NAME: Affiliated Entities - Continued

College and the Erie Community College Foundation, Inc.”; recommendation 18b Affiliated Entities – “For the Auxiliary Services Corporation of Erie Community College, the policy will include, memorialization of the fiduciary obligation pertaining to student fees and if the activity fees are spent, specifying the purposes for which the student activity fees may be used and the process for allocating the fees among those uses. The policy will require, at least, the following: (1) all annual student activity allocations will be based on an annual application process that focuses on the goals and objectives of the use of any allocation requested and require an accounting of the prior year’s allocation and use (if any) of fund balance; (2) a limit to the aggregate carryover of the fund balance of any prior years to no more than 25 percent of the immediate prior year allocation, except upon good cause shown; (3) a process for any excess fund balance to revert to the College to be held in a restricted account to supplement or reduce future student activity fee levies”; recommendation 18c Affiliated Entities – “Prior to adopting or updating any affiliated entities policy, the Board of Trustees will undertake a comprehensive review of current permitted uses and allocation process under the existing contract with the Auxiliary Services Corporation of Erie Community College and determine if these permitted uses and the allocation process are adequate and appropriate to ensure that student activity fees are used for the benefit of the students referencing the longitudinal time frame of at least three years”; recommendation 18d Affiliated Entities – “For all affiliated entities, the policy will include: (1) adequate documentation regarding key activities and contractual obligations including submission of an annual comprehensive report; (2) review of audit reports, periodic financial reports and other interim reports necessary to evaluate the activities and performance in pursuit of stated goals and objectives, including submission of an annual comprehensive report describing, among other items, the status of the clearly defined goals and objectives adopted by the Affiliated Entity’s Board of Directors; (3) annual and long term performance metrics, proposed to the Board of Trustees for joint adoption by the Affiliated Entity and Erie Community College; (4) a process whereby Erie Community College collected, unspent funds will revert to Erie Community College; and (5) the recommendations nineteen, twenty, twenty-one and twenty-two as specified”; recommendation 18e Affiliated Entities – “The Board of Trustees will, prior to updating its policy, review current policies and contracts to determine if adequate safeguards address College financial resources provided to the Auxiliary Services Corporation of Erie Community College or the Erie Community College Foundation, Inc., are used for intended purposes”; recommendation 19a Affiliated Entities – “The Board of Trustees will adopt an Affiliated Entities formal comprehensive policy and require Affiliated Entities to provide adequate documentation regarding their key activities and contractual obligations that will include the fiduciary obligation pertaining to student fees and how activity fees are spent, specifying the purposes for which the student activity fees may be used and the process for allocating the fees among those uses. In addition, the Board of Trustees will consider recommending that the Auxiliary Services Corporation of Erie Community College policy for student activity fee allocations provided to and used by clubs and organizations should be reviewed by the Auxiliary Services Corporation of Erie Community College Board of Directors
POLICY NAME: Affiliated Entities - Continued

at least annually to determine whether the amount of the fee is appropriate and necessary through annual comprehensive reporting”; recommendation 19b Affiliated Entities – “The Auxiliary Services Corporation of Erie Community College will: (1) administer the policy as reflected in the College Board of Trustees’ Agreement with the Auxiliary Services Corporation of Erie Community College; (2) determine the amount of activity fee allocations retroactively and provide appropriate feedback by reviewing the allocations, expenditures and fund balance on an annual basis. Annually, and at some time during the year, a committee of the ASC will review the previous fiscal year and prepare a report of each of the clubs and activities to specify what was received and how much was spent; and (3) recommend the cycle of reporting to the Board of Trustees. The report will be presented to the Board of Trustees as a snapshot of what action took place for each club and activity, to demonstrate how all collected funds were expended”; recommendation 19c Affiliated Entities – “Within thirty days of the submission of this report, the Board of Trustees will require the College Administration to conduct an examination of the fund balances of all clubs and organizations receiving activity fee allocations of the past three years and report on the necessity of such fund balances that exceed 25 percent of the last annual allocation to each of such clubs and organizations”; recommendation 19d Affiliated Entities – “Finally, along with developing a process for unspent activity fee funds reverting back to the College, contracts between the College with the Auxiliary Services Corporation of Erie Community College and with the Erie Community College Foundation, Inc., will be comprehensively reviewed and revised”; recommendation 20a Affiliated Entities – “The Board of Trustees will adopt an Affiliated Entities formal comprehensive policy and require Affiliated Entities to provide adequate documentation regarding their key activities and contractual obligations that will include the fiduciary obligation pertaining to student fees and how activity fees are spent, specifying the purposes for which the student activity fees may be used and the process for allocating the fees among those uses, and establishing clearly defined and measurable goals and objectives. This process will help evaluate the performance of the Affiliated Entities”; recommendation 20b Affiliated Entities – “The Board of Trustees will require the Board of Directors of the Auxiliary Services Corporation of Erie Community College and the Erie Community College Foundation, Inc., to develop goals and objectives along with annual and long term performance metrics. These metrics will be proposed to the Board of Trustees for joint adoption by the Auxiliary Services Corporation of Erie Community College and Erie Community College likewise, the Erie Community College Foundation, Inc. and Erie Community College”; recommendation 20c Affiliated Entities – “The Erie Community College Foundation, Inc.’s goals and objectives will also include the enhancement of student quality of life, assisting to meet annual needs, developing endowments and enhanced connection to alumni relations”; recommendation 21a Affiliated Entities – “In keeping with the Board of Trustees’ plan to adopt an Affiliated Entities formal comprehensive policy and require Affiliated Entities to provide adequate documentation regarding their key activities and contractual obligations, the Board of Trustees will review audit reports, periodic financial reports and other interim reports necessary to evaluate the activities and performance of Affiliated Entities in pursuit of stated goals and objectives”; recommendation 21b Affiliated Entities – “The Board of Trustees will
POLICY NAME: Affiliated Entities - Continued

adopt a policy that requires quarterly written financial reports from the Auxiliary Services Corporation of Erie Community College and monthly written financial reports from the Erie Community College Foundation, Inc. These reports will be provided to the Financial Health Committee for review and report to the Board of Trustees. The written reports will be made part of the Board of Trustees’ minutes”; recommendation 21c Affiliated Entities – “The policy will also require the Auxiliary Services Corporation of Erie Community College and the Erie Community College Foundation, Inc., to provide the Board of Trustees with an annual statement of its goals and objectives with associated specific and appropriate metrics for the upcoming year and report on its activities for the immediately preceding year. The Auxiliary Services Corporation of Erie Community College and the Erie Community College Foundation, Inc., will suggest, for Board of Trustees’ consideration, the timing of such annual reports”; recommendation 21d Affiliated Entities – “The Board of Trustees will continue to receive and monitor the Affiliated Entities’ annual external audit and management reports, reflecting the activity of each entity”; recommendation 22 Affiliated Entities – “In order to require Affiliated Entities to provide adequate documentation regarding their key activities and contractual obligations, the Board of Trustees Affiliated Entities policy will provide for specific and consistent reporting to the Board of Trustees, including information and data on key activities and benefits to students and Erie Community College”.

DOES IT SUPERCEDE A POLICY/WHICH ONE: No prior policy exists. There are existing contracts between the College and its Affiliated Entities that will require modification to incorporate items delineated above as CAP implementation plan of action items. Specifically this Policy (CAP 18a) will address how performance will be measured and evaluated, inclusion of metrics for performance to be measured (CAP 17a, 17b, 18d, 20b, 21c), construct of the Board of Directors as well as its officers (CAP 3a, 3b, 17b), submission of an annual comprehensive report, reviews of audit reports and other periodic financial reports (CAP 17b, 18d, 18e, 21a, 21d, 22), and regular financial reporting be provided to the Financial Health Committee of the Board of Trustees with inclusion in the minutes of the monthly Board minutes (CAP21b).

Exhibit A to this Policy is a summary of the proposed changes to the ASC contract, as well as its performance goals and metrics. Exhibit B is a summary of the proposed changes to the Foundation contract, specifying the performance metrics to be included.

Note: Several of the CAP recommendations make specific reference to student activity fees. A separate, stand-alone Student Activity Fee Policy has been approved by the Policy Committee on January 3, 2017 and the SUNY Erie Community College Board of Trustees on January 27, 2017. The specific CAP items addressed by the Student Activity Fee Policy are as follows: 18b, 18c, 18d, 19a, 19b, 19c, 19d, and 20a.

POLICY COMMITTEE RECOMMENDED ACTION: Pending review and approval by the Financial Health Committee of the ECC Board of Trustees, the Policy Committee recommends
POLICY NAME: Affiliated Entities - Continued
the Board of Trustees approve this Board policy under the Report of the Chair, Ad Hoc Committee Reports, Policy Committee.

POLICY COMMITTEE MEMBERS PRESENT – Trustees Kathleen Masiello, Susan Swarts, and Neal McCallum, Trustee Tim Callan via telephone call in, Senior Vice President of Operations Mike Pietkiewicz, EVP Academic Affairs Rick Washousky, Director of Human Resources Tracey Cleveland and Chief Administrative and Financial Officer William Reuter.

DATE OF BOARD APPROVAL: January 27, 2017

POLICY COMMITTEE TEAM FOLLOW-UP: Following Trustee Approval, this policy will be included in the Board of Trustee Policy Manual and an amended contract between SUNY Erie Community College and the ASC and between SUNY Erie Community College and the Foundation will be submitted for approval at the February 23, 2017 Board of Trustee meeting.

INFORMATION/INPUT CONSIDERED DURING POLICY COMMITTEE DELIBERATIONS: As prescribed by Education Law Article 126 and Part 600 of Community College Regulations, SUNY Community College Trustees have fiduciary responsibilities in administering a community college.

The existing contracts between the College and its Affiliated Entities (ASC and Foundation) were reviewed to determine elements necessary for revision to specifically address CAP items.

The proposed contractual changes and performance goals and metrics were reviewed, discussed and approved by the ASC Board of Directors and the ECC Foundation Board of Directors. The ASC approved items are included as Exhibit A and the Foundation approved items are included as Exhibit B. to this Policy.

A separate Student Activity Fee Policy was previously approved that was reviewed in conjunction with this Policy.

This Policy has been previously reviewed and discussed at the Policy Committee meetings of December 13, 2016, January 3, 2017 and January 10, 2017. At the Board of Trustee meeting of December 15, 2016, under the Monthly Learning Opportunities section of the agenda, the Chair of the Board provided an overview of some of the key elements of the onboarding and orientation process that were incorporated into this Policy.

At the meeting of January 3, 2017 the Policy Committee unanimously approved this Policy, along with an exhibit pertaining to the Auxiliary Services Corporation, with edits that have been made to the above. The contractual provisions that are proposed to be changed will be included in an amended contract between the College and ASC and the College and the Foundation. The expected contract amendments are scheduled for Board of Trustee consideration in Feb. 2017.
Affiliated Entities Policy – Exhibit A – Auxiliary Services Corporation

(ASC) Potential Contractual Changes

Items that need to be discussed or considered in the Agreement revision include the following:

1. Adding Childcare as a service the ASC is licensed to operate.
2. Rewording of ASC’s responsibility for the Wellness account as the ASC only pays expenses from this account, reimbursed from the college, and does not hold the revenue generated from the Wellness account.
3. Adding an authorization to hold other college accounts that are not derived from Activity fees or funded by ASC (Career Resources, Erie Room and EM Statler, Going Green), and providing the authorization to process payments for student grants such as from Career Exploration Internship Program (CEIP).
4. Redefining Excess Cash Reserve or replacing the calculation with an annual rent payment defined as 15% of the prior year’s bookstore commission plus an annual budget of College Support to be determined by the ASC Board (an amount that is fiscally responsible in the ASC budget). The current formula does not take into account operating expenses for Childcare or the Business Office or the College Support that is an expense component of the ASC budget but not currently treated as an operating expense.
5. Adding requirements for reporting to the BOT or its subcommittees: quarterly financial reports, an annual report on Activity Fee usage and balances and the annual Audit report.
6. Removing “Alumni Activities” from allowable uses of Activity Fees and revising the section on how to handle unspent Activity Fees, referencing the Student Activity Fee Policy.
7. Adding goals and performance metrics for the ASC as an addendum or exhibit to the contract between the College and ASC (potential goals and performance metrics follow).
8. Requiring the SUNY Erie Community College Board of Trustees to approve substantial proposed changes to the ASC By-Laws which could impact the ASC’s mission, change or eliminate services currently provided by the ASC or if a subsidiary is created to perform a permitted function such as student housing.
9. Adding the required composition of the Board to include a majority of “disinterested” directors.
10. Adding a requirement that no college official may serve as a corporation officer.
11. Adding a requirement that an Audit committee must be comprised of independent directors.
12. Adding a contract term.
13. Adding an indemnification of the ASC by the college.
Affiliated Entities Policy – Exhibit A – Auxiliary Services Corporation

(ASC) **Potential Goals and Performance Metrics**

Auxiliary Services Corporation’s primary goal or mission is to support SUNY Erie Community College through the provision of quality, affordable ancillary services that promote and cultivate educational and social campus activities and assist in student success. Services may be self-operated or sub contracted.

**CHILD CARE:**

**Goal:** Provide quality, affordable, convenient on campus child care that assists with student retention and graduation.

**Metrics:**

1. Maintain OCFS licensing standards and maximize center enrollments to be at least 75% of licensed capacity.
2. Maximize usage of State and Federal Grants to subsidize childcare tuition for as many student parent as possible with priority given to returning students.
3. Achieve satisfactory ratings on Family Surveys conducted each semester.

**FOOD SERVICE:**

**Goal 1:** Provide quality campus dining options at competitive prices.

**Metrics:**

1. Menu price increases to be limited to major increases in cost of goods.
2. Retail cash and credit sales should at a minimum, keep pace with college enrollment declines or increases (i.e. if enrollment declines 5%, retail sales should not decline any more than 5%).
3. Erie County Health Department Inspections should reflect no critical violations.

**BOOKSTORES:**

**Goal 1:** To provide students with the correct class materials at the most affordable prices in a timely manner

**Metrics: (all proportionate to enrollment)**

1. Increased on-time textbook adoptions from faculty to enable students to get the most money back at buyback and to increase the number of used books available.
2. Increased price matches to enable students to receive the most for their money.
3. Increased textbook rentals and digital book unit sales of a minimum of 1% per year to save students on book costs.

BUSINESS OFFICE:

**Goal:** To provide accurate, timely accounting services for ASC operations and fiduciary accounts

**Metrics:**

1. No audit exceptions on the annual audit report.
2. Accounts payable to be paid within 30 days.
3. Accounts receivable to be received within 45 days or by the contractual date.
4. Vendor contracts monitored for current insurance on file and all financial terms met by the term dates.
5. Student Activity fees disbursed in accordance with established guidelines and an annual reporting of expenditures and balances provided to the Board of Trustees. Executive Director participation as a non-voting member of the Activity Fee Allocations Committee and provision of annual activity fee usage reports to the committee.

COLLEGE SUPPORT:

**Goal:** To provide supplemental financial support to the college

**Metrics:**

1. Provide an annual budget determined by the ASC Board for college programming, special events, advisory board hospitality.
2. Provide financial support for North Hospitality Cafeteria Lab classes and Culinary hotline production classes by purchasing the food and supplies used.
3. Provide personnel to assist those labs (cashier and ware washer for North and purchasing clerk for City).

LONG TERM:

**Goal:** To continually review ASC capital assets for necessary additions or replacements to ensure that the best possible services are provided for the college community.

**Metrics:**

1. Annual Capital investment by purchasing replacements for outdated or inefficient equipment or assets.
2. Pursue renovation projects to improve space utilized by the ASC.
Clarifying Addendum to the "AGREEMENT" between Erie Community College Foundation and Erie Community College effective September 1, 2013 to August 31, 2018

This clarifying Addendum in response to the Office of the State Comptroller audit of Erie Community College and consistent with existing Erie Community College Foundation's Bylaws and policies, serves to clarify certain provisions within the existing agreement. The original agreement executed by the parties September 1, 2013 "AGREEMENT" remains in full force and effect and is not changed by virtue of this clarification.

1) As noted by the Office of the State Comptroller, the Foundation is a separate legal entity, incorporated as a 501c3 not-for-profit corporation with an independent Board of Directors who solely carry the legal and fiduciary responsibilities for the activities of the Foundation. The Foundation Bylaws were revised on August 28, 2105 to be in full compliance with the NYS Non-Profit Revitalization Act of2013. The revised Bylaws include the President of the College and the Associate Vice President for Foundation and Alumni Affairs as ex officio members of the Foundation Board. At least one member of the college's Board of Trustees is included in the Board's membership as a voting member. As of January 12, 2017, no college Board of Trustee member will serve as an officer of the Foundation board.

2) The Foundation prepares an Annual Fundraising Plan inclusive of current goals and past outcomes aligned with the College's Strategic Plan- ECC Excels. The plan will be presented to the ECC Board of Trustees at a meeting following adoption by the Foundation Board of Directors.

3) The Foundation's Audit Committee Chairman or designated board officer will present the approved Foundation audit and the Foundation Annual Report to the ECC Board of Trustees after its approval from the Foundation board. This action will commence in the first quarter of the calendar year.

4) The Foundation will provide a quarterly gift (donor listing) report and quarterly management report (December, March, June and September) to the ECC Financial Health Committee.

5) The Associate Vice President of the ECC Foundation or a designated Foundation representative will provide a verbal report at each monthly ECC Board of Trustees meeting.

Richard Mason
Chairman, Erie Community College Foundation, Inc.

Date: January 12, 2017
Resolution 2017.0 1.12-1R Support for Corrective Action Plan

In accordance with Erie Community College's Corrective Action Plan for the 2015 NYS audit, the Erie Community College Foundation Board of Directors hereby approves the clarifying addendum to the agreement signed August 29, 2013 between the College and the Foundation. All actions stated in the clarifying addendum will commence January 12, 2017 and will remain in effect through the term of the agreement.
POLICY NAME: SUNY Erie Community College Policy Regarding Age & Employment

POLICY TYPE: Managerial

SUBMITTED BY: Maria Carroll, Assistant Director of Human Resources

ISSUE OR STATEMENT OF PURPOSE:

SUNY Erie Community College would like to formalize college-wide an internal Human Resources (HR) Policy regarding a minimum age of hire for employees of SUNY Erie Community College.

To respect the intent of SUNY’s Child Protection Policy, SUNY Erie Community College will only hire persons who have reached the age of 18 years old unless the person is a matriculated SUNY Erie Community College student on what would be the first day of employment with SUNY Erie Community College. The same would apply to any internship program approved by SUNY Erie Community College HR (volunteer work is not permitted).

The New York State Human Rights Law prohibits age discrimination in employment practices of individuals 18 years or older. SUNY Erie Community College will treat people 18 years and older without discrimination in all employment practices.

CORRECTIVE ACTION PLAN RECOMMENDATION (if any): N/A

NEW OR EDITED POLICY: New

DOES IT SUPERCEDE A POLICY/WHICH ONE: No prior policy exists

POLICY COMMITTEE RECOMMENDED ACTION:

Policy Committee recommends the Board of Trustees accept the Managerial policy under the Report of the Chair, Ad Hoc Committee Reports, and Policy Committee. This Policy supersedes all prior policies/procedures and practices related to Age of Employment Policy.

POLICY COMMITTEE MEMBERS PRESENT:

Kathleen Masiello-Trustee, Susan Swarts-Trustee, Michael Pietkiewicz-Senior Vice President of Operations, Tracey Cleveland-Director of Human Resources, Vice President of Enrollment Management Erik D’Aquino, Assistant Director of Human Resources Maria Carroll.
POLICY NAME: SUNY Erie Community College Policy Regarding Age & Employment Continued

DATE OF BOARD ACCEPTANCE: June 29, 2017

POLICY COMMITTEE TEAM FOLLOW-UP:
Following Trustee acceptance, this Managerial policy will be included in the SUNY Erie Community College Managerial Policy Manual. Distribution of policy to SUNY Erie Community College employees and students.

INFORMATION/INPUT CONSIDERED DURING POLICY COMMITTEE DELIBERATIONS:
Review of the SUNY’s Child Protection Policy, June 17, 2014, Memorandum from SUNY Board of Trustees from past Chancellor Nancy L. Zimpher regarding said policy and SUNY Cortland policy on Age Discrimination. The Policy has been reviewed and discussed at the Policy Committee meeting of June 9, 2017.
POLICY NAME: Anti-Hazing Policy

POLICY TYPE: Board

SUBMITTED BY: Nora Clark, Vice President of Student Affairs

ISSUE OR STATEMENT OF PURPOSE: SUNY Erie Community College recognizes that student groups, organizations and athletic teams are an integral part of campus life. They provide leadership opportunities, social and academic support, friendship, and community service. The College has an obligation to protect the environment in which they operate.

NEW OR EDITED POLICY: Edited V-D-4 Anti-Hazing Policy, approved 4/81, 6/88 and 9/00

Preface:

SUNY Erie Community College is governed under the direction of the State University of New York (“SUNY”), and its rules, regulations and procedures. Furthermore, the College recognizes the SUNY’s Rules for the Maintenance of Public Order, which includes Anti-Hazing Regulations, and its effects on the College.

Policy:

Hazing, as defined below, is prohibited by organizations affiliated with SUNY Erie either on campus or off. All students are expected to conduct themselves responsibly and respect the rights of their fellow citizens. Any departure from these standards may result in disciplinary action. Charges of Hazing will be reported and investigated by the Campus Dean of Students, Campus Safety and/or local law enforcement.

Definition of Hazing:

Hazing is defined as any action or series of actions that recklessly or intentionally endangers the mental or physical health or safety of a student for any person, including but not limited to initiation into, admission into or affiliation with any Student group or organization.
POLICY NAME: Anti-Hazing Policy - Continued

Hazing occurs if a person or group:

a. Causes or attempts to cause physical injury or other harm to a student, including but not limited to emotional distress, or engages in any conduct that presents a threat to the student’s health or safety. Hazing includes but is not limited to any physical brutality, such as whipping; beating; branding; exposure to the elements; forced consumption of any food, alcohol, drug or other substance; forced physical activities that could adversely affect the physical health, mental health or safety of any student and any activity that would subject the student to extreme mental stress, such as sleep deprivation, forced sexual conduct or forced exclusion from social contact.

b. Engages in an action or activity that has a tendency to or is intended to demean, disgrace, humiliate or degrade a student. This includes but is not limited to forced conduct that could result in extreme embarrassment or servitude, or other forced activity that could adversely affect the mental health or dignity of the student.

c. Engages in conduct that by design, intent or recklessness causes a student to be reasonably unable to pursue, or which interferes with, or attempts to interfere with, a student's academic success.

d. Causes, induces, pressures, coerces or requires a student to violate the Law or any College regulation.

The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts; they are violations of this rule. Students observing hazing are required to report it to Dean of Students or Security and may do so anonymously. Examples of hazing include, but are not limited to, paddling or other physical abuse or brutality, activities involving illegal acts of excessive fatigue and/or stress, and verbal and/or psychological abuse that compromise the dignity of individuals.

New York State Anti-Hazing Law: Education Law S.6831-B or A. 11012B

The Trustees or other governing board of every college chartered by a Regents or incorporated by a special act of the Legislature shall adopt rules and regulations for the maintenance of public order on college campuses and other college property used for educational purposes and provide a program for the enforcement thereof. Such rules and regulations shall prohibit, among other things, any action or situation which recklessly or intentionally endangers mental or physical health or involves the forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization. Such rules and regulations shall govern the conduct of students, faculty, and other staff as well as visitors and other licensees and invitees on such campuses and property. The penalties for violations of such rules and regulations shall be clearly set forth therein and shall include provisions for other appropriate disciplinary action and, in the case of an organization which authorizes such conduct, rescission of permission for that...
POLICY NAME: Anti-Hazing Policy - Continued
organization to operate on campus property. Such penalties shall be in addition to any penalty
pursuant to the Penal Law or any other Chapter to which a violator organization may be subject.

New York State Penal Law: Paragraph 120.16 Hazing in the First Degree
A person is guilty of hazing in the first degree when, in the course of another person’s initiation
into or affiliation with any organization, s/he intentionally or recklessly engages in conduct
which creates a substantial risk of physical injury to such other person or a third person and
thereby causes such injury. Hazing in the first degree is a class A misdemeanor.

New York State Penal Law: Paragraph 120.17- Hazing in the Second Degree
A person is guilty of hazing in the second degree when, in the course of another person’s
initiation, or affiliation with any organization, s/he intentionally or recklessly engages in conduct
which creates a substantial risk of physical injury to such other person or a third person. Hazing
in the second degree is a violation.

Charges of hazing are referred to and investigated by the Campus Dean of Students, Campus
Safety, and/ or the local municipal law enforcement agency having legal jurisdiction.

DOES IT SUPERCEDE A POLICY/WHICH ONE: V-D-4 Anti-Hazing Policy, approved
4/81, 6/88 and 9/00

POLICY & GOVERNANCE COMMITTEE RECOMMENDED ACTION:
Policy Committee recommends the Board of Trustees approve the Board policy under the
Committee Briefings, Policy & Governance Committee. This Policy supersedes all prior
policies/procedures and practices related to Anti-Hazing Policy.

POLICY & GOVERNANCE COMMITTEE MEMBERS PRESENT: Trustee Len Lenihan,
Trustee Kathleen Masiello, Executive Vice President for Administration and Finance Penelope
Howard, Director of Registrar Paul Lamanna, Dean of Liberal Arts and Sciences Joanne
Colmerauer, Dean of Liberal Arts and Sciences Jamie Smith; College Senate Representative
Michael Delaney; Daniel Kaufmann, Employee Relations Manager; Heather Cruz, Dean of
Students and Joan Castro, Assistant to the Provost and Executive Vice President

DATE OF BOARD APPROVAL: February 7, 2019

POLICY & GOVERNANCE COMMITTEE TEAM FOLLOW-UP:
Following Trustee approval this Board policy will be included in the SUNY Erie Community
College Board of Trustees Policy Manual. See also the Code of Student Conduct. This Policy
will be shared at orientations and onboarding for various student groups.
POLICY NAME:  Anti-Hazing Policy - Continued

INFORMATION/INPUT CONSIDERED DURING POLICY & GOVERNANCE COMMITTEE DELIBERATIONS:
New York State Anti-Hazing Law:  Education Law S.6831-B or A. 11012B
New York State Penal Law:  Paragraph 120.16 Hazing in the First Degree
New York State Penal Law:  Paragraph 120.17 Hazing in the Second Degree

The Policy has been reviewed and discussed at the Policy and Governance Committee meeting of October 12, 2018, November 16, 2018, and December 14, 2018.
POLICY NAME: Assignment & Use of College Facilities

POLICY TYPE: Board

SUBMITTED BY: Michael Pietkiewicz, Executive Vice President College of Operations

ISSUE OR STATEMENT OF PURPOSE:

Establish guidelines for the utilization of college facilities by all user groups and agencies to ensure use is consistent with the mission of SUNY Erie Community College including public good and positive economic impact. SUNY Erie Community College will make every attempt to maximize rental proceeds and generate revenue/or recover any associated costs.


Appropriate Use

The use of college facilities by all user groups and agencies will permit if consistent with the mission of the college, the goals of the board of trustees or the college administration and is in compliance with required Erie County insurance regulations.

Process Guidelines

Assignment and use of college facilities will be governed by the administrative procedures described below:

1. All groups renting SUNY Erie Community College facilities shall be charged hourly according to the preset fee schedule (Exhibit A attached).
   a. College management shall have the authority to determine reasonable charges for long term rentals of college facilities. Any negotiated contract approved by the Board of Trustees can be exempt from the Policy.
   b. Short term facility rentals require an advance deposit of 50% of total rental fees greater than $1000. Deposits are refundable if cancelled within (7) Days prior to the event.

2. SUNY Erie Community College personnel costs (Maintenance, Security, Technicians, Supervisors, etc.) for any event are to be charged hourly per the preset fee schedule (Exhibit A attached).

3. Peripheral needs of rental clients, such as dumpster and copier utilization, shall be billed at 115% of actual cost incurred by SUNY Erie Community College.

4. The college authorizes the Auxiliary Services Corporation (ASC) for the provision of personnel, equipment, supplies, good and services when such services are not available through the college.
POLICY NAME: Assignment & Use of College Facilities - Continued

5. No usage fee will be automatically waived under any circumstance (Exhibit B attached).

6. Any user may request a waiver or reduction in fees by submitting an SUNY Erie Community College Fee Reduction/Waiver Form. Requests must provide written justification of the community or college benefit derived by any waiver or reduction. All waiver requests shall be reviewed and approved by the President’s Office or deciding authority.

   a). Waiver and reduction requests will be determined on a case by case basis and SUNY Erie Community College reserves the right to deny any request. 

           1. Events receiving special waiver consideration may include, but are not limited to, those involving SUNY Erie Community College students, having a direct or charitable benefit, providing a community good, having a positive economic impact, those that are reciprocal in nature and/or those not having a substantial negative impact on SUNY Erie Community College Resources (e.g. Blood Drives).

   b). The President’s Office or deciding authority has final say in special event that do not follow the pre-set Facilities Fee Policy or Fee Schedule for both rental and personnel costs. Waiver and reduction decisions will be decided in a timely manner.

7. SUNY Erie Community College administration will provide a rental, waiver and reduction report at the meetings of the Board of Trustees.

8. Rental and labor rates are to be evaluated by administration as needed and presented for approval to the Board of Trustees when adjustments are required.

Rental Guidelines

Users and event hosts speak only for themselves in their public expressions and/or demonstrations. SUNY Erie Community College’s public relations office coordinates institutional responses to the media regarding the college’s positions involving events held at SUNY Erie Community College.

For further information on rentals, please contact SUNY Erie Community College’s Facilities Office at: (716) 851-1481

For further information on media inquiries, please contact SUNY Erie Community College’s Public Relations Office at: (716) 851-1685

DOES IT SUPERCEDE A POLICY/WHICH ONE: Yes. Existing SUNY Erie Community College Board of Trustee Policy VI-A-7 Assignment & Use of College Facilities and all other policies and procedures.
POLICY NAME: Assignment & Use of College Facilities - Continued

RELATED DOCUMENTS

Exhibit A: Estimated Flat Fee Worksheet for Facilities
Exhibit B: Automatic Fee Waiver Discontinuance Notice
Exhibit C: Facilities Fee Reduction/Waiver Request Form
Policy Governing Assignment & Use of College Facilities, VI-A-7

POLICY COMMITTEE RECOMMENDED ACTION: Approved as amended above. Policy Committee recommends the Board of Trustees approves this Board policy under the Report of the Chair, Ad Hoc Committee Reports, and Policy Committee. This Policy supersedes all prior policies/procedures and practices related to Student Activity.

POLICY COMMITTEE MEMBERS PRESENT: Trustees Kathleen Masiello, Maria Carroll-Director of Talent Management and Employee Engagement, Director of Human Resources Tracey Cleveland, Executive Vice President of Operations Michael Pietkiewicz, Chief Financial Officer and Senior VP of Administration and Finance William Reuter, Provost Academic & Student Affairs Richard Washousky

DATE OF BOARD APPROVAL: April 27, 2017

POLICY COMMITTEE TEAM FOLLOW-UP: Following Trustee approval, this policy will be included in the Board of Trustees Policy Manual.

INFORMATION/INPUT CONSIDERED DURING POLICY COMMITTEE DELIBERATIONS: In addition to the Policy Governing Assignment & Use of College Facilities, VI-A-7 the University at Buffalo Fee Schedule was also reviewed.

This Policy has been previously reviewed and discussed at the Policy Committee meetings of October 25, 2016, November 1, 2016, November 7, 2016, February 7, 2017, and March 3, 2017.


## Exhibit A

### Estimated Rental Fee Worksheet for Facilities

#### Non-Athletic

<table>
<thead>
<tr>
<th>Facility</th>
<th>Per-Hour</th>
<th># of hours</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Atrium - City Campus</td>
<td>$150.00</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Lecture Hall, Auditorium</td>
<td>$100.00</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Computer Laboratory</td>
<td>$100.00</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Classroom</td>
<td>$40.00</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Lobby</td>
<td>$30.00</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Cafeteria</td>
<td>$100.00</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Faculty Lounge</td>
<td>$25.00</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Parking Lot</td>
<td>$50.00</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td><strong>Subtotal:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Athletic

<table>
<thead>
<tr>
<th>Facility</th>
<th>Per-Hour</th>
<th># of hours</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Burt Flickinger Athletic Center</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Main Gymnasium</td>
<td>$150.00</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>1/2 Gymnasium Mini</td>
<td>$100.00</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Gymnasium Olympic</td>
<td>$75.00</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Pool</td>
<td>$200.00</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>-Lane Rental, Short Course</td>
<td>$15.00</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>-Lane Rental, Long Course</td>
<td>$20.00</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>1/2 Olympic Pool Warm-up Pool Dive Pool</td>
<td>$125.00</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Gymnasium (North &amp; South)</td>
<td>$75.00</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Athletic Fields (North &amp; South) (per game)</td>
<td>$75.00</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Track</td>
<td>$50.00</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Stadium (includes press box, scoreboard, PA system, bleachers and restrooms)</td>
<td>$50.00</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td><strong>Subtotal:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Positions

<table>
<thead>
<tr>
<th>Position</th>
<th>Hourly Rate</th>
<th># of hours (2 minimum)</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supervisor</td>
<td>$50.00</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>College Host</td>
<td>$65.00</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Security</td>
<td>$40.00</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Technicians</td>
<td>$60.00</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Maintenance</td>
<td>$40.00</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Engineer</td>
<td>$40.00</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Pool Timing Operator</td>
<td>$35.00</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Lifeguards</td>
<td>$20.00</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Student Assistant, Student Monitor</td>
<td>$10.00</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Announcer</td>
<td>$65.00</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Scoreboard Operator (per game)</td>
<td>$20.00</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td><strong>Subtotal:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Grand Total:**

---

**NOTE:** A DEPOSIT EQUAL TO 50% OF ESTIMATED RENTAL COSTS IS REQUIRED TWO (2) WEEKS IN ADVANCE FOR ALL EVENTS. PLEASE MAKE CHECKS PAYABLE TO: ERIE COMMUNITY COLLEGE.

 THESE CHARGES ARE ESTIMATED BASED ON YOUR NEEDS AND COLLEGE RENTAL POLICIES. YOUR FINAL BILL WILL REFLECT THE ACTUAL EXPENSES INCURRED FOR THIS RENTAL. THIS FORM MUST BE SIGNED AND SENT BACK TO THE COLLEGE WITH THE REQUIRED DEPOSIT.

**NAME OF USER:** ________________________________ **NAME(S) OF EVENT(S):** ________________________________

**USER REPRESENTATIVE (SIGNATURE):** ________________________________ **DATE(S) OF EVENT(S):** ________________________________

**AVP OF SECURITY (SIGNATURE):** ________________________________ **DATE:** ________________________________

**DIRECTOR OF BUILDINGS AND GROUNDS (SIGNATURE):** ________________________________ **DATE:** ________________________________
To Whom It May Concern:

For many years it has been our policy at SUNY Erie Community College to make the facilities at our three campuses available to government and municipal entities and their departments free of charge. We maintained this policy for the good of the community when our facilities were needed for classes, training, or other events.

In recent years, however, SUNY Erie Community College has faced fiscal challenges that require that we review our current policy in effect. Therefore, we are informing you that as of January 1, 2017, all government and municipal entities and departments wishing to use SUNY Erie Facilities will be required to pay a flat fee based on our existing Facilities Rental Fee Schedule.

Any user may request a waiver or reduction in fees by submitting a SUNY Erie Fee Reduction/Waiver Form. Requests must provide written justification of the community or college benefit derived by any waiver or reduction. All waiver requests shall be reviewed and approved by the President's Office or deciding authority.

We regret the necessity of making this change and ask for your understanding. If there are any questions regarding our new policy, please feel free to contact my office.

Thank you and we look forward to working with you again.

Sincerely,

Signature
# FACILITIES FEE REDUCTION/WAIVER REQUEST FORM

<table>
<thead>
<tr>
<th>Requesting Party:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Event Name:</td>
<td></td>
</tr>
<tr>
<td>Event Date(s):</td>
<td></td>
</tr>
<tr>
<td>Rational for Fee Reduction or Waiver:</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Justification for Fee Reduction or Waiver:</td>
<td></td>
</tr>
<tr>
<td>☐ Public Good:</td>
<td>Explain</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ Economic impact or benefit for WNY:</td>
<td>Explain</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ Other:</td>
<td>Explain</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Percentage of fee related to total cost of event:</td>
<td></td>
</tr>
<tr>
<td>TOTAL AMOUNT REQUESTING TO BE WAIVED:</td>
<td></td>
</tr>
<tr>
<td>Requesting Party:</td>
<td></td>
</tr>
<tr>
<td>SUNY Erie Community College Approval:</td>
<td></td>
</tr>
<tr>
<td>Signature</td>
<td>Date</td>
</tr>
<tr>
<td>Signature</td>
<td>Date</td>
</tr>
</tbody>
</table>
POLICY NAME: Athletic Participation Policy

POLICY TYPE: Managerial

SUBMITTED BY: Steven Smith, VP for Enrollment Management

ISSUE OR STATEMENT OF PURPOSE:
To provide guidelines for athletic funding and participation.

NEW OR EDITED POLICY: Edited. Athletics, last updated 10/26/17

Students who wish to participate in athletics at SUNY Erie Community College must meet the eligibility requirements as outlined in the College Catalog and Student Handbook which was established by Student Services and the Board of Trustees and must adhere to the Departments Code of Student Athlete Conduct for each sport program, for each semester of participation.

Student athletes participating at the intercollegiate level in any of the National Junior College Athletic Association (NJCAA) certified sports must be eligible to compete based on the requirements set forth by SUNY Erie Community College and the NJCAA. Student athletes are required to follow the SUNY Erie Community College Code of Student Conduct as well as Rules of Conduct established by the NJCAA.

Students in leadership positions will sign a release allowing their grades to be used to determine eligibility and for advisement purposes by College Counselors and Mentors. Student athletes will sign a NJCAA Eligibility Form giving the College permission to release his/her transcripts to the NJCAA; and allowing their grades to be used to determine eligibility and for advisement purposes by College and Department Mentors.

SUNY Erie is committed to the National Junior College Athletic Association Position Statements on Gender Equity, Substance Use and Abuse, Safety, and Coaching and Athletic Administrator Ethics which support the physical, mental, and academic wellbeing of our student athletes. We strive to create an environment where student athletes are able to fulfill their academic and athletic potential, and reach their goals.

DOES IT SUPERCEDE A POLICY/WHICH ONE: Yes. Athletics, last updated 10/26/17.
POLICY NAME: Athletics Participation Policy - Continued

POLICY COMMITTEE RECOMMENDED ACTION:
Policy & Governance Committee recommends the Board of Trustees accept this Managerial policy under the Committee Briefings, Policy & Governance Committee. This Policy supersedes all prior policies/procedures and practices related to Athletics.

POLICY & GOVERNANCE COMMITTEE MEMBERS PRESENT:
Trustee Kathleen Masiello, Provost and Executive Vice President Douglas Scheidt, Executive Vice President for Administration and Finance Penelope Howard, VP Human Resources, Equity and Inclusion Tracey Cleveland (by phone), Vice President of Enrollment Management Steven Smith, Director of Registrar Paul Lamanna, Dean of Liberal Arts and Sciences Joanne Colmerauer, Dean of Liberal Arts and Sciences Jamie Smith, Professor and College Senate Representative Michael Delaney, Dean of Students Jason Perri

DATE OF BOARD ACCEPTANCE: April 25, 2019

POLICY & GOVERNANCE COMMITTEE TEAM FOLLOW-UP:
Following Trustee acceptance, this Managerial policy will be included in the SUNY Erie Community College Managerial Policy Manual.

INFORMATION/INPUT CONSIDERED DURING POLICY COMMITTEE DELIBERATIONS:
The Policy has been reviewed and discussed at the Policy & Governance Committee meeting of March 8, 2019.
Committee Meeting: Policy Committee  
Date: January 3, 2017
Committee Chair: Kathleen Masiello
New or Edited: New

POLICY NAME: SUNY Erie Community College Board of Trustees Orientation/Onboarding/Annual Training

POLICY TYPE: Board

SUBMITTED BY: William D. Reuter, SUNY Erie Chief Administrative & Financial Officer

ISSUE OR STATEMENT OF PURPOSE: To provide new and continuing SUNY Erie Trustees continuous professional development opportunities with respect to SUNY Erie Community College policies, procedures, financial and budgetary issues, regulatory and accreditation matters, and training in matters of fiduciary responsibility as a SUNY Community College Trustee.

CORRECTIVE ACTION PLAN RECOMMENDATION (if any): The Corrective Action Plan (CAP) approved by the SUNY Erie Community College Board of Trustees on April 12, 2016 recommendation 2a Board Oversight – “The Board of Trustees will conduct an annual training for new and current Board members which will include a review of the Board of Trustees Policy Manual, College budget, accreditation requirements and applicable federal, state and local laws and regulations. There will be periodic updates as necessary in order to routinely monitor implementation and compliance of the College. A report of the training materials reviewed will be provided to the Board of Trustees as an agenda item and included in the minutes”.

NEW OR EDITED POLICY: New. The Board of Trustees will conduct an orientation for all new Trustees within 30 days of appointment. Elements of this orientation are included in Exhibit A. Trustees will annually review this policy to ensure elements of Board orientation/annual training are up to date and that all Trustees are fully briefed. Additionally, Learning Opportunities for the Board’s information are included as monthly agenda items on the Board of Trustees’ monthly meetings.

DOES IT SUPERCEDE A POLICY/WHICH ONE: No prior policy exists. Some training was informally conducted with new Trustees but no formal policy currently exists.

POLICY COMMITTEE RECOMMENDED ACTION: Policy Committee recommends the Board of Trustees approve this board policy under the Report of the Chair, Ad Hoc Committee Reports, Policy Committee.

POLICY COMMITTEE MEMBERS PRESENT – Trustees Kathleen Masiello, Susan Swarts, and Neal McCallum, Trustee Tim Callan via telephone call in, Senior Vice President of Operations Mike Pietkiewicz, EVP Academic Affairs Rick Washousky, Director of Human Resources Tracey Cleveland and Chief Administrative and Financial Officer William Reuter.

DATE OF BOARD APPROVAL: January 26, 2017
POLICY NAME: SUNY Erie Board of Trustees Orientation/Onboarding/Annual Training - Continued

POLICY COMMITTEE TEAM FOLLOW-UP: Following Trustee Approval of Policy this policy will be included in the Board of Trustee Policy Manual.

INFORMATION/INPUT CONSIDERED DURING POLICY COMMITTEE DELIBERATIONS: As prescribed by Education Law Article 126 and Part 600 of Community College Regulations, SUNY Community College Trustees have fiduciary responsibilities in administering a community college. In order that Trustees, both new to the Board as well as current members, are kept abreast of their fiduciary roles as well as having a firm grasp on the myriad of matters that they are requested to vote upon on a monthly basis, professional development both internally and externally will facilitate them fulfilling those fiduciary and professional responsibilities. Part of that internal training will be an annual orientation/onboarding at a Trustee meeting. In addition, a comprehensive Board of Trustees orientation manual will be developed by March 31, 2017 an updated regularly. This manual will be available on-line.

This Policy has been previously reviewed and discussed at the Policy Committee meeting of December 13, 2016 and the Board of Trustees meeting December 15, 2016. At the meeting of January 3, 2017 the Policy Committee unanimously approved this Policy with edits that have been made to the above.
Exhibit A: SUNY Erie Board of Trustees Orientation/Onboarding/Annual Training

Orientation of Board Members

1. Upon appointment to the Board of Trustees, each new Trustee shall be apprised of the policy on new Board member orientation by the Board Chair.

2. Within six (6) months of appointment, each new Trustee is expected to participate in a Trustee orientation and training workshop/activity offered by (a) New York Community College Trustees, Inc., (b) American Association of Community Colleges, or (c) Association of Community College Trustees.

3. The President will coordinate a campus orientation for each new Trustee, including the Student Trustee, within two months of appointment to the Board. This orientation should include a tour of all campuses and satellite locations as appropriate.

4. An orientation manual will be available on the Trustees secured SharePoint site to the new Trustee within 30 days of appointment and will consist of:

   a. Map of Campus
   b. Catalogue, schedule of courses and brochures listing all classes offered.
   c. Planning documents, such as the Strategic Plan (presently ECC Excels) and Campus Master Plan.
   d. Description of the ECC Foundation, Auxiliary Service Corporation (ASC), and campus governance organizations/groups.
   e. Demographic summaries of students and staff.
   f. Organizational charts which will also be reviewed as part of the annual budget process.
   g. Most recent accreditation report(s).
   h. Most recent approved budget and appropriate monthly updates.
   i. Most recent audits.
   j. Contracts with all bargaining units.
   k. Annual Report
   l. Minutes of the last three months of Board meetings
   m. Bylaws of the Board of Trustees
   n. College Policy/Procedures Manual
   o. Campus telephone directory, including photo directory when available
   p. Community College Regulations
   q. Trustee Directory
   r. Style Guide
Exhibit A: SUNY Erie BOT Orientation/Onboarding/Annual Training - continued

5. An in person orientation which shall include sessions with the President, the Board Chair, and with representatives of the College. During the orientation sessions, the following topics shall be addressed:

   a. Trustee roles and responsibilities
   b. Policy Making/Administration
   c. Board President and Staff relations
   d. Communication procedures
   e. Resources for Trustee education
   f. Personnel and collective bargaining
   g. SUNY Legislative and Government Relations
   h. Open Meetings Laws
   i. Board structure and organization
   j. Reimbursement of Trustee expenses incurred in connection with their official capacity as a SUNY Community College Trustee
   k. Board protocol, norms and ethics and standards of conduct
   l. Legal and fiscal responsibilities
POLICY NAME: Student Schedule Cancellation for Non-Payment

POLICY TYPE: Managerial

SUBMITTED BY: Penelope G Howard, EVP for Administration and Finance

ISSUE OR STATEMENT OF PURPOSE: To establish guidelines for managing the cancellation of student schedules for non-payment of tuition and fees.

CORRECTIVE ACTION PLAN RECOMMENDATION (if any): N/A


Cancelling Students for Non-Payment of Tuition & Fees

For each Fall and/or Spring term, the due date for payment of applicable tuition and fees will be 14 days prior to the first day of classes for that term. The term “payment” includes the following:

- Payment of balance due in full by cash, check, or credit/debit card
- Documented application of financial aid resources, to include payment plans, to the balance due
- Documented evidence of ongoing coordination with financial aid and bursar to complete documentation necessary to apply financial aid resources to balance due. Financial Aid will consider documented evidence to mean packaged students.
- Any combination of the above

All pre-registered students will be notified at least ten days prior to the due date that payment is due. Students that do not make satisfactory payment as defined above will be assessed the standard registration/late in effect at that time. Those students will then have until the last day of add/drop to satisfactorily address their past due balance as defined above before their schedules will be considered for cancellation.

For Fall and/or Spring term, the Bursar and Financial Aid Director will coordinate and manage the final list of students whose schedules will be cancelled at the end of add/drop. They will provide their recommended list to the VP of Enrollment Management and the EVP for Administration and Finance for final approval.
within 2 business days of end of add/drop period. Students will be dropped from the appropriate class for non-payment by the end of the fifth week after the add/drop period and after academic no-show roster submissions without fee or penalty. Because of the brevity of winter and summer session’s students will not be dropped but a financial hold will be placed on their account.

Students who have outstanding balances equal to or less than the cost of one class, including fees, by the end of add/drop, will not have their courses cancelled, but will have a hold flag placed on their account to keep them from registering for the next academic term, receiving official transcripts, or graduating until the balance is satisfied. In addition, these students will be subject to the debt collection policy currently in place at SUNY Erie Community College.

Students registering for courses after the payment due date as defined in this policy will also be assessed the registration/late fee in effect at that time.

All financial aid, including loan payments, will be applied first to the outstanding amount due of tuition and fees before any refunds are issued to students.

**DOES IT SUPERSEDE A POLICY/WHICH ONE:**
This policy supersedes Cancellation Non-Payment – “First Monies In” dated September 18, 2017.

**POLICY COMMITTEE RECOMMENDED ACTION:**
The Policy Committee recommends the Board of Trustees accepts the Managerial policy under the Report of the Chair and Policy Committee. This Policy supersedes all prior policies/procedures and practices related to Cancellation Non-Payment – “First Monies In” and the Cancellation Policy and replaces said policy.

**POLICY COMMITTEE MEMBERS PRESENT:**
Trustee Kathleen Masiello, Trustee Susan Swarts, Student Trustee Tokunbo Adebayo, Provost and Executive Vice President Academic Richard Washousky, Director of Human Resources Tracey Cleveland, Vice President of Enrollment Management Steven Smith, Director of Registrar Paul Lamanna, College Senate Representative Colleen Quinn, Dean of Liberal Arts and Sciences Jamie Smith, Dean of Liberal Arts and Sciences Joanne Colmerauer, Director of Talent Management and Employee Engagement Maria Carroll

**DATE OF BOARD ACCEPTANCE:** June 28, 2018

**POLICY COMMITTEE TEAM FOLLOW-UP:** Following Trustee acceptance, this Managerial policy will be included in the SUNY Erie Community College's Managerial Policy Manual.

**INFORMATION/INPUT CONSIDERED DURING POLICY COMMITTEE DELIBERATIONS:**
The most recent revision of this policy, accepted by the Board of Trustees on has been revised through collaboration of EVP Penelope Howard, VP of Enrollment Management Steven Smith, the policy committee members, Information Technology staff, Bursar staff, Registrar staff, and faculty members who recommend the Policy Committee approve this policy. The policy was reviewed and discussed at the Policy Committee meetings of May 18 and June 22, 2018.
POLICY NAME: Capital Asset Policy

POLICY TYPE: Managerial

SUBMITTED BY: Penelope Howard, Executive Vice President for Administration and Finance and Krista Woods, Chief Accountant

ISSUE OR STATEMENT OF PURPOSE: SUNY Erie seeks to establish a uniform policy with respect to capital assets and reporting requirements established by the Governmental Accounting Standards Board (“GASB”) Statement No. 34, Basic Financial Statements and Management’s Discussion and Analysis for State and Local Governments.

SUNY Erie acquires capital assets in pursuit of its mission. This policy sets forth the methods for acquiring, accounting, maintaining and disposing of capital assets. Individual cost centers will be responsible for following College policy to help ensure timely and accurate financial reporting of capital assets. This policy establishes an internal control structure over fixed assets to actively manage and protect the College from the risk of misuse, misappropriation or loss of College resources.

NEW OR EDITED POLICY: Edited Capital Asset Policy

Cost centers are principally responsible for stewardship of College assets under their control. Stewardship of capital assets involves basic safeguarding and physical security, compliance with College, state and federal record keeping requirements, keeping assets in good working condition, and using them safely and properly. See Appendix A for Classifications & Guidelines.

DOES IT SUPERCEDE A POLICY/WHICH ONE: Capital Asset Policy

POLICY COMMITTEE RECOMMENDED ACTION:
Policy Committee recommends the Board of Trustees accept the Managerial policy under Committee Briefings, Policy and Governance Committee. This Policy supersedes all prior policies/procedures and practices related to Capital Asset Policy.

POLICY COMMITTEE MEMBERS PRESENT: Trustee Kathleen Masiello, Trustee Susan Swarts, Student Trustee TK Adebayo, Executive Vice President for Administration and Finance Penelope Howard, Vice President of Enrollment Steven Smith, Vice President of Student Affairs Nora Clark, Vice President of Facilities and Security Tracy Gast, Director of Registrar Paul Lamanna, Dean of Liberal Arts and Sciences Joanne Colmerauer, College Senate Representative Michael Delaney, Dean of Students Petrina Hill-Cheatom.
POLICY NAME: Capital Asset Policy - Continued

DATE OF BOARD ACCEPTANCE: September 27, 2018

POLICY COMMITTEE TEAM FOLLOW-UP:
Following Trustee acceptance this Managerial will be included in the SUNY Erie Community College Board of Trustees Managerial Policy Manual and distributed to cost centers.

INFORMATION/INPUT CONSIDERED DURING POLICY COMMITTEE DELIBERATIONS:

The Policy has been reviewed and discussed at the Policy Committee meeting of July 13, 2018, August 17, 2018 and September 14, 2018.
Overview

Purpose
To establish a uniform policy with respect to capital assets and reporting requirements established by the Governmental Accounting Standards Board (“GASB”) Statement No. 34, *Basic Financial Statements and Management’s Discussion and Analysis for State and Local Governments.*

Policy Statement

SUNY Erie acquires capital assets in pursuit of its mission. This policy sets forth the methods for acquiring, accounting, maintaining and disposing of capital assets. Individual cost centers will be responsible for implementing this College policy to help ensure timely and accurate financial reporting of capital assets. This policy establishes an internal control structure over fixed assets to actively manage and protect the College from the risk of misuse, misappropriation or loss of College resources.

Cost centers are principally responsible for stewardship of College assets under their control. Stewardship of capital assets involves basic safeguarding and physical security, compliance with College, state and federal record keeping requirements, keeping assets in good working condition, and using them safely and properly.

Definitions

**Capital asset**—tangible or intangible property with a value greater than or equal to the capitalization threshold, that is used to support the operations of the College and that has a useful life of greater than one year.

**Trackable asset**—tangible property that is used to support the operations of the College and has a value less than the capitalization threshold. Trackable assets may include, but are not limited to, the following items:

- Laptops
- Computers
- Printers
- iPads or tablets
- Phones

The College’s ITS department is responsible for maintaining trackable assets.

**Capital asset classifications**—capital asset classifications include:

- Land and land improvements
- Building and building improvements
Capital Asset Policy Appendix A Guidelines and Procedures - Continued

- Equipment
- Capital leases
- Works of art or historical treasures
- Library collections
- Construction in progress

Cost center—a unit within the College to which related costs/expenses are charged for accounting and reporting purposes.

Acquisition cost—the cost of an asset should include any ancillary costs that are necessary to place the asset in its intended condition for use. Donated capital assets are reported at fair market value at the time of acquisition plus ancillary charges, if any.

Depreciation method—the method for allocating the cost of land improvements, building improvements, equipment and library collections over a period of time.

Residual value—the estimated fair market value of a capital asset at the end of its useful life. In order to properly calculate depreciation for an asset, the estimated residual value must be established. The College purchases assets with the intent to use such assets until their usefulness is fully exhausted; therefore, generally, the estimated residual value of an asset is zero.

Useful life—the estimated lifespan of a depreciable capital asset, during which it is expected to contribute to the institution’s mission.

Acquisition date—the date the asset is placed into service.

Accumulated depreciation—the total reduction in the value of an asset over a period of time since its acquisition.

Book value—the estimated value of an asset, net of accumulated depreciation. Book value is calculated by taking the acquisition cost less total accumulated depreciation.

Disposition—final status of an asset when it is removed from the inventory of assets and it is no longer physical property of the College.

Capital Asset Classifications and Guidelines

1. Land—surface of the earth, which can be used to support structures and may be used to grow crops, grass, shrubs and trees. Land is characterized as having an unlimited life (indefinite). Land is normally considered an asset of the College sponsor, Erie County, which Erie County holds in trust for the exclusive use and purposes of the College (as established in community college regulations 8 NYCRR part 604.1) and normally does not appear on the College’s financial statements. In the event that land is a College asset then this policy is utilized.
Capitalization costs of land may include, but are not limited to, the following:

- Purchase price, or fair market value of land at the date of acquisition
- Broker’s commissions
- Professional fees (title searches, architecture, legal, engineering, surveying, environmental assessments)
- Cost of cancellation of an unexpired lease
- Payment of noncurrent taxes accrued on the land at date of purchase

2. Land improvements—consist of betterments, site preparations and site improvements (other than buildings) that ready land for its intended use.

Land improvements include but are not limited to items such as excavation, non-infrastructure utility installation, driveways, sidewalks, parking lots, flagpoles, retaining walls, fencing, outdoor lighting, and other non-building improvements. Land is classified as either exhaustible or non-exhaustible.

- Non-exhaustible land improvements—expenditures for improvements that do not require maintenance or replacement. Expenditures for land improvements that do not deteriorate with use or passage of time are additions to the cost of the land and therefore do not depreciate. Changing the topography of the land, for example bulldozing a hill to make it flat, would be a non-exhaustible land improvement.

- Exhaustible land improvements—expenditures for improvements that are part of a site, such as parking lots, landscaping and fencing, are usually exhaustible and are depreciated.

Land improvements are normally considered an asset of the College sponsor, Erie County, which Erie County holds in trust for the exclusive use and purposes of the College and normally do not appear on the College’s financial statements. In the event that land improvements is a College asset then this policy is utilized.

Capitalization costs of land improvements may include, but are not limited to, the following:

- Costs of excavation, filling, grading and utility installation
- Driveways, sidewalks, parking lots, fencing, lighting and other non-building improvements intended to make the land ready for its intended purpose

3. Buildings—a structure permanently attached to the land, has a roof, is partially or completely enclosed by walls and is not intended to be transportable or movable.
Buildings are normally considered an asset of the College sponsor, Erie County, which Erie County holds in trust for the exclusive use and purposes of the College and normally do not appear on the College’s financial statements. In the event that a building is a College asset then this policy is utilized.

Capitalization costs of buildings may include, but are not limited to, the following:

- Original purchase or contract price of acquired or building cost of design and construction
- Expenses incurred in remodeling, reconditioning or altering a purchased building to make it available for the purchase for which it is acquired
- Expenses incurred for the preparation of plans, specifications and blueprints
- Professional fees (legal, architectural, engineering, constructional management, etc.)
- Cost of excavation, grading or filling of land specific to the building
- Cost of unpaid or accrued taxes on the building to the date of purchase
- Cost of cancellation of an unexpired lease
- Other costs required to place the building into service

4. Building improvements—capital events that materially extend the useful life of a building, increase the value of a building, or both. A building improvement should be capitalized as a betterment to an existing building or enhance the existing asset with the addition of the new component.

Building improvements should include major repairs or rehabilitation projects. Capitalization costs may include, but are not limited to, the following:

- Installation or updating of heating, cooling, ventilation, electrical, plumbing, etc.
- Roof replacement or structural changes
- Installation or upgrading of windows or doors
- Interior renovations including updating lighting fixtures, flooring, ceilings, built-in appliances
- Exterior renovations including replacement of siding, roofing and masonry

Building improvements should not include maintenance expense or minor repairs. Items that should be recorded as a general maintenance expense include, but are not limited to, the following:

- Improvements of minimal or no added life expectancy and/or added value to the building
- Plumbing, heating, cooling or electrical repairs
- Interior or exterior decorations
- Touch-up work, including painting, plastering, carpet/tile replacement or fixture updates
5. **Equipment**—fixed or movable, tangible assets to be used for College operations and the benefits of which extend beyond two years from the date acquired and placed into service. Improvements or additions to existing equipment that constitute a capital outlay or increase the value or useful life of the asset should be capitalized as a betterment and recorded as an addition to the value of the existing asset.

Costs of extended warranties and/or maintenance agreements, which can be separately identified from the piece of equipment, should not be capitalized.

Capitalization costs of equipment may include, but are not limited to, the following:

- Original contract or purchase price
- Freight, import duties, handling, in-transit insurance and storage costs
- Costs of preparation of foundations and other costs in connection with making a proper site for the asset
- Installation charges
- Parts and labor associated with the cost of assembling the equipment

6. **Capital leases**—leases of equipment and facilities should be capitalized if the lease agreement meets any one of the criteria below:

- The lease transfers ownership of the property to the College by the end of the lease term;
- The lease contains a bargain purchase option;
- The lease term is equal to seventy-five percent (75%) or more of the estimated economic life (useful life) of the leased property, or;
- The present value of the lease payments at the inception of the lease, excluding executory costs, equals at least ninety percent (90%) of the fair value of the leased property.

Leases that do not meet any of the above requirements should be recorded as an operating lease and disclosed in the notes to the financial statements.

7. **Works of art and historical treasures**—collections or individual items of significance that meet the following conditions:

- Held for public exhibition, education, or research in furtherance of public service, rather than financial gain, with an external professional appraisal.
- Protected, kept unencumbered, cared for, and preserved
- Subject to an organizational policy that requires the proceeds from sales of collection items to be used to acquire other items for collections
Capital Asset Policy Appendix A Guidelines and Procedures - Continued

Gifts of these types are recorded using the fair market value as determined by appraisal by an independent 3rd party at the date of donation. Artwork and historical treasures are classified as either exhaustible or inexhaustible.

- **Exhaustible collections or items**—items whose useful lives are diminished by display or educational or research applications.

- **Inexhaustible collections or items**—the economic benefit or service potential of these items is used up so slowly that the estimated useful lives are extraordinarily long and are not depreciated. Due to their cultural, aesthetic, or historical value, the holder of the asset applies efforts to protect and preserve the asset in a manner greater than that for similar assets without such cultural, aesthetic, or historical value.

Capitalization costs of works of art or historical treasures may include, but are not limited to, the following:

- Collection of rare books or manuscripts
- Paintings, sculptures, and designs
- Artifacts, memorabilia and exhibits

8. **Library collections**—purchased library books are recorded at cost or if acquired through contribution are recorded at fair market value at date of donation.

9. **Construction in progress ("CIP")**—CIP reflects the cumulative cost of construction work undertaken, but not yet completed. No depreciation is recorded on CIP assets until the asset is placed into service. When construction is complete, the CIP should be reclassified to a different asset classification and depreciated accordingly.

**Capitalization Thresholds and Depreciation**

Capital assets are recorded, maintained and depreciated if the total acquisition cost of the asset meets or exceeds the established capitalization thresholds.

Capitalization thresholds and estimated useful lives for the College are as follows:
## Capital Asset Policy Appendix A Guidelines and Procedures - Continued

<table>
<thead>
<tr>
<th>Asset Classification</th>
<th>Capitalization Threshold</th>
<th>Useful Life (Years)</th>
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</thead>
<tbody>
<tr>
<td>Land</td>
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<tr>
<td>Land Improvements</td>
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<td>Exhaustible land improvements</td>
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<td>Inexhaustible land improvements</td>
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<td>Buildings</td>
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<td>Building Improvements</td>
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<td>Equipment</td>
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<td>Food service and appliances</td>
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<tr>
<td>Athletic</td>
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</tr>
<tr>
<td>Audio-visual</td>
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</tr>
<tr>
<td>Communications</td>
<td>$5,000</td>
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<td>Furniture and accessories</td>
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<tr>
<td>Maintenance and grounds</td>
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</tr>
<tr>
<td>Lab, science and engineering</td>
<td>$5,000</td>
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</tr>
<tr>
<td>Law enforcement</td>
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</tr>
<tr>
<td>Vehicles</td>
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</tr>
<tr>
<td>Machinery and tools</td>
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<td>Printers and copiers</td>
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<td>Leases</td>
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<td>Library collections</td>
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<td>10</td>
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<tr>
<td>Construction in progress</td>
<td>$100,000</td>
<td>**</td>
</tr>
</tbody>
</table>

*Useful life of a capital lease is dependent on criteria of the lease.

**Useful life of construction in progress project is determined at the completion and capitalization of the project.

Depreciation expense is computed using the straight-line method, using the acquisition cost, less residual value divided by the estimated useful life of the asset.

Buildings, building improvements and exhaustible land improvements are capitalized using a half-year convention depreciation schedule in the year the asset is placed into service. One-half (½) year of depreciation will be expensed in the first and final year of the asset, regardless of the acquisition date.

Depreciation expense for equipment will begin in the month the asset is placed into service.
The College uses a “layered” depreciation procedure for library collections, where an annual layer of books/volumes purchased/donated is maintained. A ten percent (10%) charge is applied to gross/historical cost balance each layer/year. When books are disposed of, no gain or loss is recognized, even if cash is received. The disposal is recorded as a reduction of the gross library book value and the related accumulated depreciation balance. Additions in the current year will be grouped by a layer and the total gross asset value is depreciated over 10 years. In the initial year of library book additions, the College will take one-half year worth of depreciation.

**Acquisition and Maintenance of Capital Assets**

When a cost center identifies the need for an asset, a requisition must be submitted and approved, identifying the equipment or asset specifications. It is the responsibility of the cost center initiating the requisition process to ensure there are sufficient budget funds available and the asset classification category is suitable for the purchase.

Capital asset registration is generally initiated by one of the following methods:

- Purchase order receipt—the cost center initiating the requisition will create a receipt of the goods from the initial purchase order, or
- Supplier Invoice—a supplier invoice for the goods will trigger the asset registration.

The accounting office is responsible for the following:

- registering capital assets in the Enterprise Resource Planning (ERP) utilized by the College
- assigning and distributing asset tag identifiers to the cost center;
- completing requests to transfer assets to other cost centers, and;
- issuing assets to workers

The cost centers are responsible for the following:

- ensuring the asset tag is placed on the asset and providing additional information on the equipment, including serial number, model, manufacturer, location (campus, building and room) and description;
- notifying the accounting department when an asset has physically moved locations or has been transferred to a different cost center.

**Conducting physical inventory**—the purpose of the physical inventory is to verify the existence, location and condition of equipment and ensure the accuracy of the College’s accounting records. Costs centers must perform a physical inventory of all capital assets each year to reveal and reconcile any discrepancies between the accounting records and the physical assets.
Capital Asset Policy Appendix A Guidelines and Procedures - Continued

Donated capital assets—capital assets acquired by gift, donation, or payment of a nominal sum not reflective of the asset’s market value shall be assigned cost equal to the fair market value at the time of receipt.

Capital Asset Disposals

When a cost center determines an asset is no longer in use, is obsolete and/or beyond repair, damaged, and should be removed from the College’s records, an asset disposal request must be initiated in order to properly adjust the accounting records.

In addition to initiating the asset disposal request, the cost center is also responsible for the following:

- Contacting Information Technology Services (“ITS”) to properly dispose of any IT related assets. IT related assets include, but are not limited to, computer hard drives, monitors, printers, iPads, phones and laptops.
- Contacting Building and Grounds to remove and transport the capital asset to storage until scrapped/sold or released to Erie County
- Completing the ‘Request for Approval—Disposition of Perkins/VEA/VATEA/VTEA/CTEA Equipment’ for any equipment that was originally purchased with vocational education funding. The form should be completed by a cost center manager, signed and returned to the Financial Coordinator of Grants for final processing. Refer to Appendix %.

Disposal methods reasons:

- Surplused—represents a capital asset that is no longer in use or obsolete and returned to the College’s sponsor, Erie County
- Missing—signifies a capital asset that cannot be located
- Stolen—if a capital asset is determined to be stolen, the cost center must notify campus security to file a formal police report in attempt to recover the asset
- Trade-in—represents a capital asset that has been exchanged towards the full or partial acquisition cost of a new/used asset
- Scrapped—represents capital assets that are no longer useable and/or beyond repair

Sale of capital assets—when an asset is sold, a gain or loss must be recognized when;

- Cash is exchanged and the amount paid does not equal the net book value of the asset, or
- Cash is not exchanged and the asset is not yet fully depreciated or has a residual value at the time of disposition.
Appendix B

THE STATE EDUCATION DEPARTMENT
Office of Postsecondary Access, Support, and Success
89 Washington Avenue / Room EBA 971
Albany, NY 12234
518-474-3719

Request for Approval
Disposition of Perkins/VEA/VATEA/VTEA/CTEA Equipment

INSTRUCTIONS

➢ The attached form applies to equipment originally purchased with funds from the Vocational Education Amendments (VEA) of 1968, the Vocational Education Act (VEA) of 1984, the Vocational and Applied Technology Education Act (VATEA) of 1990, the Vocational and Technical Education Act (VTEA) of 1998 or the Career and Technical Education Act of 2006.

➢ Complete this form to obtain disposition approval of equipment which had a unit value of $5,000 or greater at the time of purchase.

➢ An external professional appraiser must establish the current unit value of the equipment. This appraisal does not need to be submitted to SED, but must be retained as documentation in your files.

➢ Select from the disposition options A-G shown on page 2 and enter the appropriate option next to the corresponding equipment item(s) that you list on page 3.

➢ The completed form, signed in blue ink by the Chief Executive Officer, must be submitted to SED, at the above address. If SED approval is granted, one copy of this form, signed by the designated SED official, will be returned for your files.
Request for Approval
Disposition of Perkins VEA/VATEA/VTEA/CTEA Equipment

OPTIONS

A. Traded in, with credit applied to the following career/vocational program(s):

B. Transferred to the following educational program(s) within the institution:

C. Transferred to the following educational agency(s):

D. Donated to the following non-educational, nonprofit agency:

E. Refunded, to be applied to the following career/vocational program:

F. Scrapped.

G. Lost or stolen (explain):
Appendix B

Request for Approval
Disposition of Perkins VEA/VATEA/VTEA/CTEA Equipment

Name of Institution: ___________________________________________________________

Description of equipment proposed for disposition (attach additional sheets if necessary):

<table>
<thead>
<tr>
<th>Item Name/Description</th>
<th>Serial Number</th>
<th>Project # Under Which Purchased</th>
<th>Original Cost</th>
<th>Current Value</th>
<th>List from Options on Page 2</th>
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Total Current Value of Equipment: $
Appendix B

Request for Approval
Disposition of Perkins VEA/VATEA/VTEA/CTEA Equipment

CERTIFICATION

I certify that for the equipment listed for disposition, an external professional appraiser has established the current unit value, and that this equipment will be disposed of as stated.

Institution Signature: _______________________________ Date: ____________________
Chief Executive Officer

SED Approval Signature: _______________________________ Date: ____________________
Unit Manager
Collegiate Development Programs

Updated 3/2018
POLICY NAME: Cardholder Data Policy

POLICY TYPE: Managerial

SUBMITTED BY: Daniel Bartkowiak, Information Security Officer, ITS

ISSUE OR STATEMENT OF PURPOSE:
This security policy has been created to abide by standards set forth by the Payment Card Industry Data Security Standard (PCI DSS).

CORRECTIVE ACTION PLAN RECOMMENDATION (if any): N/A

NEW OR EDITED POLICY: New

Introduction
This security policy has been created to abide by standards set forth by the Payment Card Industry Data Security Standard (PCI DSS). PCI DSS is not required by law, but failure to comply will put the college's ability to accept credit card payments at risk and may subject the college to fines.

Applicability and Authority
This policy applies to all employees that interact with cardholder data. Throughout the rest of this document, this group of people will be referred to as merchants. Authority to enforce controls and regulations established in this document come from the Chief Information Officer.

Payment Processing
No cardholder data should be transmitted into or stored in any medium including, but not limited to paper, cell phones, files or e-mail accounts. The sole exception is the console at the point of sale during the time of the transaction.

Training Requirements
Merchants must participate in PCI DSS awareness training upon hire and at least annually. Merchants must also review this policy annually. Multiple methods of communicating awareness is required. Methods may include, but are not limited to, posters, web based training, and memos.

Procedure Reference
The accompanying procedure referenced in the Resources section of this document outlines appropriate physical and technical instructions.
POLICY NAME: Cardholder Data Policy

**Policy and Procedure Management**
SUNY Erie's Information Technology Services (ITS) department may modify policies and procedures from time to time as required, provided that all modifications are consistent with federal laws, New York laws and SUNY policies.

**Exhibit A:** Cardholder Data Procedure:  
https://myecc.ecc.edu/ITS-Security/Documents/CardholderDataProcedure.docx

ITS-Security at SUNY Erie:  
https://myecc.ecc.edu/ITS-Security/Pages/default.aspx  
Laws, Policies, and Procedures that are applicable to SUNY Erie

**DOES IT SUPERCEDE A POLICY/WHICH ONE:** No

**POLICY COMMITTEE RECOMMENDED ACTION:**  
Policy Committee recommends the Board of Trustees accept the Managerial policy under the Report of the Chair, Ad Hoc Committee Reports, and Policy Committee. This Policy supersedes all prior policies/procedures and practices related to Cardholder Data Policy.

**POLICY COMMITTEE MEMBERS PRESENT:** Trustee Kathleen Masiello, Student Trustee Rebecca Krakowiak, Provost of Academics Richard Washousky, Executive Vice President of Institutional Advancement and Efficiency Michael J. Pietkiewicz, Vice President of Enrollment Management Steven Smith, Director of Registrar Paul Lamanna, and College Senate Representative Michael Delaney

**DATE OF BOARD ACCEPTANCE:** February 22, 2018

**POLICY COMMITTEE TEAM FOLLOW-UP:**  
Following Trustee acceptance, this Managerial will be included in the SUNY Erie Managerial Policy Manual and distributed to Officers defined above.

**INFORMATION/INPUT CONSIDERED DURING POLICY COMMITTEE DELIBERATIONS:**  
The Policy has been reviewed and discussed at the Policy Committee meeting of February 9, 2018.  
Documentation Referenced:  
M&T's Auditing Body https://www.securitymetrics.com/  
Payment Card Industry Standards https://www.pcisecuritystandards.org/  
EXHIBIT A

Introduction
SUNY Erie must follow standards set forth by the Payment Card Industry Data Security Standard (PCI DSS). PCI DSS is not required by law, but failure to comply will put the college's ability to accept credit card payments at risk and be subjugated the college to fines from the Payment Card Industry. This procedure includes internal controls as well as periodic compliance training.

Definitions:

Cardholder Data - Full magnetic stripe or the PAN as well as cardholder name, expiration date and service code.

Cardholder Data Environment - Area of computer system network that possesses cardholder data or sensitive authentication data and those systems and segments that directly attach or support cardholder processing, storage, or transmission.

Console - Screen, computer, keyboard, mouse, and card swipe used by merchant to input cardholder data and transmit cardholder data to the Payment Gateway.

Compromise - Intrusion into computer system where unauthorized disclosure, modification, or destruction of cardholder data is suspected.

Encryption - Process of converting information into an unintelligible form except to holders of a specific cryptographic key. Use of encryption protects information between the encryption process and the decryption process (the inverse encryption) against unauthorized disclosure.

Input methods:
Card swipe - USB device that reads magnetic strip on the back of the credit card and outputs the data to the matching fields on the Payment Gateway.

Manual entry - Typing in the cardholder data on the merchant's keyboard.

Network Security Scan - Automated tool that remotely checks ECC's external IP addresses for vulnerabilities. Non-intrusive test involves reporting on services available to external network (that is, services available to the Internet). Scans identify vulnerabilities in operating systems, services, and devices that could be used by hackers to target the company's private network.

Payment Gateway - The website in which the cardholder data is entered.
Point of sale (POS) - The physical area in which the customer supplies the card to the merchant.

Applicability and Authority

This procedure is for the use of all employees that interact with cardholder data. Authority to enforce controls established in this document come from the Chief Information Officer. Employees must acknowledge and agree to follow this procedure when there is a suspected compromise of hardware or data. Merchants must acknowledge and agree to the principals outlined in this policy.

Cardholder Security Roles
Merchant Staff - The merchant staff are any employees with direct access to cardholder data at the point of sale. It is up to the merchant staff to report suspicious activity of any kind.

Merchant Management - Merchant management is responsible for reporting any security concerns to ITS Administration. Merchant management is also responsible for coordination of training and dissemination of materials. Materials include this procedure for incident escalation.

ITS Staff - Employees that support applications and hardware. ITS staff must look out for any suspicious activity and report it to ITS Administration. ITS Staff also must perform an annual inventory of Merchant devices.

ITS Administration - ITS Administration will work with merchant staff and ITS staff to resolve any escalated security events.

Service Providers
PCI DSS requires that all service providers are validated annually. Erie Community College currently uses PayPal as their lone service provider. The Information Security Officer is responsible for validation of PCI compliance.

Payment Processing
The only permissible entry and transmission of cardholder data is in the PayPal Payflow Gateway website using Internet Explorer, Firefox, or Chrome web browser. Ellucian redirects the card entry transactions to the PayPal Payflow Gateway and is entirely segregated from the credit card transaction.

All transactions that involve the transfer of credit card information must be performed on systems approved by Erie Community College’s ITS department.
Payments in which the physical credit card is taken at the point of sale must be swiped and only into the PayPal Payflow gateway.

**Training Requirement**
Merchants must receive training on the following topics:
- Verify persons claiming to be a service or repair person before allowing them access to POS Equipment.
- Not installing or replacing devices without verification.
- Report suspicious activity on all POS equipment.
- Escalation of security issues to appropriate personnel.
- The principals outlined in this policy.

**Inventory**
ITS staff will keep an inventory of Credit Card swipe devices. An audit will be done annually in which the physical device's serial number is checked against the recorded inventory. Additional observations will be noted as well (unexpected attachments, cables plugged into device, missing security labels, broken or different colored casing, different serial number and other external markings). Audits will have proper documentation reviewing results and time the audit was run.

**Technical Controls**
Merchant point of sale computers must have virus definitions updated at least daily. The PayPal Payflow gateway uses encryption to transmit cardholder data to PayPal. Every year, an external IP address scan of the Payment Gateway is required.

**Validation**
M&T Bank, our acquirer, calls for us to validate PCI Compliance annually. They have partnered with Security Metrics for validation requirements. ITS's Information Security Officer must complete the Self-Assessment Questionnaire and perform an external IP address scan of the payment gateway. Any vulnerabilities detected by the scan must be resolved by ITS staff in a timely manner.

**Escalation Method**
Upon the discovery of malicious activity, it is the Employee's duty to immediately report the incident or activity to the suitable personnel. Appropriate methods involve direct phone calls to their respective management contact. Emails, text messages, and other methods may be too slow and can be overlooked. If the management person contacted does not answer the phone or is not available, proceed to call the next applicable management contact. Management personnel to speak with in the event of a compromise are listed below.
Escalation Procedure for Merchant Staff and ITS Staff
1. Once compromise has been noticed or possible compromise may occur, contact the appropriate management personnel.
2. Describe, in detail, the reason for suspicion of compromise, when the incident happened, where the issue was discovered, and any ideas of the scope of the compromise.
3. Answer the management personnel's follow-up questions honestly and accurately.
5. When report of the incident is complete, document the incident in a service desk ticket and reference the management person the incident was reported to.

Escalation Procedure for Merchant Management and ITS Administration
1. Listen to the employee's account of the incident or potential incident.
2. Ask any follow-up questions to attain pertinent information about the incident and how to contain or prevent it.
3. Direct the employee to document the incident in a service desk ticket and to add your name to the ticket for reporting purposes.
4. Either direct the employee to continue work or to wait for further instruction depending on the severity and status of the security incident.
5. Contact the Information Security Officer and share all details of the escalated report. If the Information Security Officer is unavailable, call the Director of Communication Systems or Network Administration Specialist.

Escalation handling for Information Security Officer or available ITS Administration member
1. Inquire about any possible relevant details. If needed, visit the site to inspect the hardware or application in question.
2. Locate the source of the compromised system and disconnect breached systems from the network.
3. Research the logs and access reports to find intrusion points to patch vulnerabilities exploited.
4. Assess scope of the damage.
5. Meet with ITS-Security team to share findings and discuss a path forward.
6. Follow up with employee or employees that discovered and escalated the incident.
<table>
<thead>
<tr>
<th>Merchant Management Contacts</th>
<th>ITS Administration Contacts</th>
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<tbody>
<tr>
<td>Business Manager</td>
<td>Information Security Officer</td>
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<tr>
<td>716-851-1856</td>
<td>716-270-2951</td>
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<tr>
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<td>Director of Network Systems Administration</td>
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<td></td>
<td>716-270-2954</td>
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</tbody>
</table>

**Resources**
ITS-Security PCI Compliance Project:  
[https://myecc.ecc.edu/ITS-Security/Pages/PCI-Compliance.aspx](https://myecc.ecc.edu/ITS-Security/Pages/PCI-Compliance.aspx)
POLICY NAME:  Code of Student Conduct Policy

POLICY TYPE:  Managerial

SUBMITTED BY: Petrina Hill-Cheatom, Dean of Students II, M.Ed. and Tracy Gast, Vice President for Security and Facilities

ISSUE OR STATEMENT OF PURPOSE:

SUNY Erie wishes to update its Code of Student Conduct Policy and procedure, formally known as policy V-A-6, in order to be in compliance with the State University of New York (SUNY) Board of Trustees (BOT), state and federal regulations, and professional stands for Conduct Administrators.

SUNY Erie’s Code of Student Conduct will:

- Revise conduct regulations;
- Explain applicable procedures, definitions and SUNY Board of Trustees policies;
- Include regulations and or procedures as per state, federal and professional guidelines developed by the SUNY Student Conduct Association (SUNY-SCA) and the Council for the Advancement of Standards in Higher Education (CAS);
- Clarify and expand the rights of students (i.e., due process and fair play for students going through disciplinary proceedings);
- Define academic dishonesty content;
- Define procedures and clarify content;
- Revise Adjudicating Committee procedures and training script for members;
- Result in a SUNY Erie Student Code of Conduct Procedure Manual for all students

NEW OR EDITED POLICY:

Any student found to have committed or to have attempted to commit the following misconduct is subject to the disciplinary sanctions outlined in Article IV of the SUNY Erie Code of Student Conduct:

1. Acts of dishonesty, include but are not limited to the following:

   a. Academic-cheating, plagiarism, collusion or other forms of academic dishonesty.
b. Furnishing false information or documentation to any College official, faculty member, or office.

c. Forgery, alteration, or misuse of any College document, record, or instrument of identification.

2. Disruptive conduct is defined as conduct that is disruptive to the normal operations of the College, which include but are not limited to obstruction of teaching, administration, disciplinary proceedings, other College activities, demonstrations, public functions on or off campus, or of other authorized non-College activities when the conduct occurs on SUNY Erie premises.

3. Harassment is defined as threats, intimidation, coercion, physical abuse, verbal abuse, bullying, stalking and/or other conduct that places a reasonable person in fear of physical harm, through words, actions or objectively disrupts a person’s daily activities, including education and employment and which threatens or endangers the health or safety of any person. Harassment does not include conduct protected by the First Amendment.

Title IX of the Education Amendments of 1972 prohibits sex-based discrimination in education programs or activities that receive federal financial aid. Discrimination based on sex includes student sexual harassment and sexual violence. Sexual violence includes acts of rape, sexual assault, sexual battery, and sexual coercion.

Students desiring to file a complaint or an alleged Title IX violation must file with the Office of Equity and Diversity.

Sexual Misconduct

4. Sexual assault. Any form of sexual intercourse (anal, oral, or vaginal) however slight, or attempted sexual intercourse, without consent. Intercourse means penetration by a tongue, finger, or oral copulation by mouth to genital contact or genital to mouth contact.

   a. Sexual violence. Any sexual act perpetrated against a person’s will, including but not limited to the use of physical force or threats, or in circumstances in which the person is unable, due to incapacitation, to give consent. Acts falling into the category of sexual violence include but are not limited to nonconsensual sexual intercourse.

   b. Nonconsensual intimate touching. Any unwelcome intentional intimate touching of another, which does not constitute sexual violence, without the consent of the other person or in circumstances in which the person is unable, due to incapacitation, to give consent.

5. Sexual harassment. Unwelcomed sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature directed at a person that places that person in reasonable fear of physical harm, or objectively disrupts employment, education, research, living or other activities.

6. Intimate Partner Violence Also referred to as “Relationship Violence” or Dating Violence is defined as causing or attempting to cause physical or sexual assault or abuse, placing another in reasonable fear of serious bodily injury, restricting another’s liberty or freedom of movement, or stalking, where such conduct is directed against
POLICY NAME: Code of Student Conduct Policy—Continued

a person by someone with whom she/he is or has been in a romantic or intimate relationship. Whether there was such a relationship will be determined by its length, type, and frequency of interaction.

7. Stalking is defined as a pattern of conduct with a continuity of purpose composed of a series of acts or communications over a period of time, including following the targeted person, without proper justification. Such conduct causes a reasonable person to suffer substantial emotional distress, or to be in fear of bodily injury. Stalking can occur face-to-face; by telephone calls, voice messages, electronic messages, web-based messages, and text messages; by delivery of unwanted gifts; by trespassing; and by surveillance or other types of unwanted observation.

8. Hazing is defined as any action or series of actions that recklessly or intentionally endangers the mental or physical health or safety of a student for any person, including but not limited to initiation into, admission into or affiliation with any Student group or organization. Hazing occurs if a person or group:
   a. Causes or attempts to cause physical injury or other harm to a student, including but not limited to emotional distress, or engages in any conduct that presents a threat to the student’s health or safety. Hazing includes but is not limited to any physical brutality, such as whipping; beating; branding; exposure to the elements; forced consumption of any food, alcohol, drug or other substance; forced physical activities that could adversely affect the physical health, mental health or safety of any student and any activity that would subject the student to extreme mental stress, such as sleep deprivation, forced sexual conduct or forced exclusion from social contact.
   b. Engages in an action or activity that has a tendency to or is intended to demean, disgrace, humiliate or degrade a student. This includes but is not limited to forced conduct that could result in extreme embarrassment or servitude, or other forced activity that could adversely affect the mental health or dignity of the student.
   c. Conduct that by design, intent or recklessness causes a student to be reasonably unable to pursue, or which interferes with, or attempts to interfere with, a student’s academic success.
   d. Causes, induces, pressures, coerces or requires a student to violate the Law or any College regulation.

The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts; they are violations of this rule. Students observing hazing are required to report it to Dean of Students or Security and may do so anonymously.
Examples of hazing include, but are not limited to, paddling or other physical abuse or brutality, activities involving illegal acts of excessive fatigue and/or stress, and verbal and/or psychological abuse that compromise the dignity of individuals.

9. Invasion of Privacy is defined as engaging in acts of voyeurism, peeping, spying or recording another person in any location where a reasonable expectation of privacy exists.
POLICY NAME: Code of Student Conduct Policy—Continued

10. Any conduct that constitutes a violation of the laws of the United States, the State of New York, County of Erie, City of Buffalo, or any other civil jurisdiction.

11. Failure to comply or following a reasonable request issued by College officials or College Safety Officers acting in the performance of their duties and/or failure to identify oneself to these persons when requested to do so constitutes a violation of the Code of Student Conduct. See the Reasonable Request Policy for more information.

12. Attempted or actual theft of and/or damage to College property or the property of a member of the College community or other personal or public property, on or off campus.

13. It is unlawful to possess, use, sell, distribute or provide illegal drugs or any controlled substance. Possession or use of any illegal drug or paraphernalia is prohibited.

Use, possession, manufacturing, or distribution of marijuana, heroin, narcotics, or other controlled substances except as expressly permitted by law.

SUNY Erie regulations regarding drug violations are categorized as the following:

**Drug Violation Category I**

It shall be a category I violation for a person to possess and/or use of drugs or drug paraphernalia.

**Drug Violation Category II**

It shall be a category II violation for a person to possess or use illegal drugs or misuse/abuse prescription drugs to another person.

**Drug Violation Category IV**

It shall be a category IV violation to sell, manufacture, distribute, or intend to distribute illegal or prescription drugs.

All students who are charged with a drug violation case will be reviewed on a case-by-case basis. Students will be subject to a Student Code of Conduct violation and or law according to the applicable criminal statute.

14. Smoking of tobacco products including smoke producing instruments (which include but are not limited to electronic E- Cigarettes, vaping, hookahs) are prohibited. Use of vaporized products is also against College policy on all campuses. Smoking products described above is prohibited in all campus buildings and within 10
feet of any point of entry or exit of any campus building. (Effective July 17, 1997, SUNY Erie Community College became a smoke free College.)

The use of any such products by students, faculty, staff, guests and contractors is prohibited on all properties owned or leased by SUNY Erie, including (but not limited to):

- All interior and exterior spaces on every campus and property or facilities owned or leased by the College, including classrooms, auditoriums, athletic facilities, work areas, walkways, parking lots, breezeways, private offices, conference and meeting rooms, lounges and cafeterias, hallways, restrooms, elevators, stairs and stairwells including:

15. Unauthorized possession, duplication or use of keys to any College premises or unauthorized entry to premises or use of equipment owned or leased by SUNY Erie.

16. Parking and Traffic Regulations

All eligible SUNY Erie community members will be issued a Vehicle Registration Permit upon the completion of vehicle registration and the payment of the required fee(s), if applicable. The Vehicle Registration Permit must be clearly displayed. The permit number must be visible.

Parking is prohibited at all times on the roadways (except as posted), sidewalks, lawns, grounds, lanes, and throughways of parking areas. The College may have illegally parked vehicles towed away at the owner’s expense. All unpaid parking tickets, towing charges, and storage costs will be the responsibility of the owner and must be paid before the vehicle is released.

SUNY Erie’s city campus parking lot locations are reserved for SUNY Erie students only. Faculty, staff, and visitors attending programs or meetings at SUNY Erie are welcomed, but unfortunately, free parking is unavailable through the College. For your safety, all affiliates must have identification. SUNY Erie ID cards or event/program confirmations are required.

Parking rules and regulations are subject to change for certain campus events, special occasions, and emergencies. Restrictions will be posted by the College Safety Office and will be strictly enforced.

For additional information on vehicle registration, permits, permanent or temporary handicapped parking permits, parking policies, parking fines, parking penalties, and liabilities, please reference the Official Compilation of Codes, Rules, and Regulations of the State University of New York, Section 560.3 - Campus Rules and Regulations [8 CRR-NY 560.3NY-CRR]
POLICY NAME: Code of Student Conduct Policy-Continued

Fines

Parking fines not paid or appealed within 30 days of receipt of the summons will be doubled. Students who have outstanding parking fines are barred from registering for class or receiving their transcript. Employees who have outstanding parking fines for more than 90 days will have the fines deducted from their paychecks. Vehicles parked on campus with outstanding parking fines are subject to either towing or the placement of an immobilization boot on the vehicle.

Appeals

Appeal requests must be directed to the College Safety Office within 30 days of summons issuance. Attempts to appeal summonses later than this date will not be processed. You will receive notification of the hearing date and time via a letter mailed to the address that you stipulate on the parking summons. The decision of the hearing safety officer is final. Therefore, it is imperative that you are prepared for your defense. All documentation must be submitted to the hearing officer at the time of your appeal. It is solely your responsibility to provide any necessary documents. You have 15 days from your hearing date to comply with the judgement of the safety officer. If you are found guilty, additional penalties will be incurred after 15 days. Cancellation and rescheduling an appeal may only be made one time.

Appeals based on the following will not be successful:

- Ignorance of the regulation.
- Inability to find a permitted parking space.
- Operation of the vehicle by another person.
- Failure of the Safety officer to ticket previously for similar offenses.
- Inability to pay fine.
- Disagreement with the parking rules and regulations.
- Failure to display current parking permit, vehicle registration, or inspection.
- Improper display of the parking permit.

17. Unauthorized entry to College facilities. Unauthorized access or entry to College property, buildings, structures, facilities.

18. Violation of any College policy, rule, or regulation published in hard copy or available electronically on the College website.

19. Use, possession, manufacturing, or distribution of alcoholic beverages (except as expressly permitted by College regulations and permits).
POLICY NAME: Code of Student Conduct Policy-Continued

Alcoholic beverages may not, in any circumstance, be used by, possessed by or distributed to any person under 21 years of age.

A person under 21 years of age may not make arrangements with any person to purchase or procure alcoholic beverages.

A person may not misrepresent their age, or in any way alter, deface, or falsify their identity as offered as proof of age, with the intent of purchasing alcoholic beverages, whether for their own use or the use of any other person.

A person may not sell, deliver, furnish or otherwise provide alcoholic beverages to any person less than 21 years of age.

Drinking games, in the form of hazing or other potentially dangerous drinking behaviors are prohibited. Disruptive or conduct that is hazardous related to use of alcohol beverages is prohibited.

No person shall be coerced to drink or abuse alcohol.

Alcohol may not be served to intoxicated persons.

Approved alcohol events will subscribe to the philosophy of responsible and legal use of the products represented.

Open containers of alcoholic beverages in public or in areas on the grounds of the College are not permitted except at approved events.

20. Illegal or unauthorized possession of firearms, explosives, knives, chemical spray (e.g. Mace) or other weapons, or dangerous chemicals on College premises or use of any such item, even if legally possessed, in a manner that harms, threatens or causes fear to others. College Safety and Security Officers are permitted to carry chemical spray in the commission of their duties.

21. Tampering with fire safety alarms, firefighting equipment or any other safety devices or emergency equipment.

22. Participating in an on-campus or off-campus demonstration, riot or activity that disrupts the normal operations of the College and/or infringes on the rights of other members of the College community. (See Freedom of Assembly Policy)

23. Leading or inciting others to disrupt scheduled and/or normal activities within any SUNY Erie campus building or area.
POLICY NAME: Code of Student Conduct Policy-Continued

24. Obstruction of the free flow of pedestrian or vehicular traffic on College premises or parking lots under the control of College-sponsored or supervised functions.

25. Conduct that is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or procuring another person to breach the peace on College premises or at functions sponsored by, or participated in by, the College or members of the academic community. Disorderly Conduct includes but is not limited to: Any unauthorized use of electronic or other devices to make an audio or video record of any person while on College premises without his/her prior knowledge, or without his/her effective consent when such a recording is likely to cause injury or distress. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room, or restroom.

26. Theft or other abuse of computer facilities and resources, including but not limited to:
   a. Theft of a personal or business computer.
   b. Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
   c. Unauthorized transfer of a file.
   d. Use of another individual’s identification and/or password.
   e. Use of computing facilities and resources to interfere with the work of another student, faculty member or College Official.
   f. Use of computing facilities and resources to send obscene or abusive messages.
   g. Use of computing facilities and resources to interfere with normal operation of the College computing system.
   h. Use of computing facilities and resources in violation of copyright laws.
   i. Any other violation of the SUNY Erie Computer Use Policy.

27. Abuse of the Code of Student Conduct System, consists of but is not limited to:
   a. Failure to obey the notice from the Dean of Students or the Adjudicating Committee to appear for a meeting or hearing as part of the adjudication process.
   b. Falsification, distortion or misrepresentation of information in the process of an investigation and or administrative meeting or hearing process.
   c. Disruption or interference with the orderly conduct of an Adjudication Committee.
   d. Engaging in a conduct code proceeding in bad faith.
   e. Attempting to discourage an individual’s proper participation in or use of, the Student Conduct System.
   f. Attempting to influence the impartiality of a member of Adjudicating Committee.
   g. Failure to comply with the sanction(s) as imposed by the Adjudicating Committee.
   h. Influencing or attempting to influence another person to commit an abuse of the Student Code of Conduct.

Enforcement and appropriate sanction of any violation 1-27 will be determined by the Dean of Students and or an adjudicating committee.
POLICY NAME: Code of Student Conduct Policy-Continued

28. Students are required to engage in responsible social conduct that reflects positively on the College community and to model good citizenship in their conduct at all times.

29. In order to provide a learning environment free from disruption use of cell phones are prohibited in the classroom and must be put away at the time of instruction. Students may not text, answer or read messages on their cell phone while in a classroom setting unless given expressed permission by the instructor to do so.

DOES IT SUPERCEDE A POLICY/WHICH ONE: Yes, V-A-6 Student Code of Conduct

POLICY COMMITTEE RECOMMENDED ACTION:
Policy Committee recommends the Board of Trustees accept the Managerial policy under Committee Briefings, Policy & Governance Committee. This Policy supersedes all prior policies/procedures and practices related to V-A-6 Student-Code of Conduct.

POLICY COMMITTEE MEMBERS PRESENT: Trustee Kathleen Masiello, Trustee Susan Swarts, Student Trustee TK Adebayo, Executive Vice President for Administration and Finance Penelope Howard, Vice President of Enrollment Steven Smith, Vice President of Student Affairs Nora Clark, Vice President of Facilities and Security Tracy Gast, Director of Registrar Paul Lamanna, Dean of Liberal Arts and Sciences Joanne Colmenera, College Senate Representative Michael Delaney, Dean of Students Petrina Hill-Cheatom

DATE OF BOARD ACCEPTANCE: September 27, 2018

POLICY COMMITTEE TEAM FOLLOW-UP:
Following Trustee acceptance, this Managerial policy will be included in the SUNY Erie Community College Board of Trustees Managerial Policy Manual. The Code of Student Conduct will be distributed at orientation and available on the SUNY Erie website.

INFORMATION/INPUT CONSIDERED DURING POLICY COMMITTEE DELIBERATIONS:
List documentation that was referenced in creating and/or updating this policy.

3. SUNY Policies:
   • Rules for Maintenance of Public Order 3653
   • Sexual Violence Prevention and Response
   • Student Conduct Part 500 (8 NYCRR)
   • Campus Conduct 3650
POLICY NAME: Code of Student Conduct Policy-Continued


The Policy has been reviewed and discussed at the Policy & Governance Committee meetings of October 20, 2017, May 18, 2018, June 22, 2018 and September 14, 2018.
POLICY NAME: College Contracts Policy

POLICY TYPE: Managerial

SUBMITTED BY: Penelope G. Howard, EVP for Administration and Finance

ISSUE OR STATEMENT OF PURPOSE: This policy establishes which offices have authority to sign college contracts and creates a procedure for signing contracts.

NEW OR EDITED POLICY: Edited to include rescission of IV-A-3 Articulation and Affiliation Agreements. Policy, last approved 09/00.

A. Definitions

   Educational Services Agreement. An academic agreement between the College and an external party where either party provides an academic product without a financial commitment. These include Articulation Agreements, Affiliation Agreement, Service Learning Agreements, Internship Agreements, and MOU’s.

   Business Service Agreement. An agreement between the College and an external party where either party provides a product or service with a financial commitment. Please reference the Purchasing for Good, Commodities, Professional Services and Specialized Products Policy.

   Workforce Agreement. An agreement between the division of Workforce Development (WFD) and an outside party where WFD provides a service to an external party for a fee.

B. The President is hereby authorized to sign, on behalf of the Board of Trustees, all agreements and contracts between the College and an external party, subject to Board of Trustees acceptance.

C. The President may delegate to the Provost and Executive Vice President the authority to sign Educational Services Agreements.

D. The President may delegate to the Executive Vice President for Administration and Finance the authority to approve normal operating purchases and to sign Business Service Agreements. The Executive Vice President for Administration and Finance may delegate the authority to approve certain Business Service Agreements to the Purchasing Director.
E. The president may delegate to the Executive Vice President for Administration and Finance and the Provost and Executive Vice President the joint authority to approve Workforce Agreements.

DOES IT SUPERCEDE A POLICY/WHICH ONE: Yes, College Contract Policy last accepted 06/27/19.

POLICY & GOVERNANCE COMMITTEE RECOMMENDED ACTION: Policy & Governance Committee recommends the Board of Trustees accept the Managerial policy under Committee Briefings, Policy and Governance Committee. This Policy supersedes all prior policies/procedures and practices related to College Contracts Policy, including IV-A-3 Articulation and Affiliation Agreements.

POLICY & GOVERNANCE COMMITTEE MEMBERS PRESENT: Trustee Kathleen Masiello, Executive Vice President for Administration and Finance Penelope Howard, Director of Human Resources Tracey Cleveland, Director of Registrar Paul Lamanna, Dean of Liberal Arts and Sciences Joanne Colmerauer, and Dean of Liberal Arts and Sciences Jamie Smith

DATE OF BOARD ACCEPTANCE: August 29, 2019

POLICY & GOVERNANCE COMMITTEE TEAM FOLLOW-UP: Following Trustee acceptance, this Managerial policy will be included in the SUNY Erie Community College Managerial Policy Manual.

INFORMATION/INPUT CONSIDERED DURING POLICY & GOVERNANCE COMMITTEE DELIBERATIONS:

Monroe Community College 2.4 College Contracts Policy

The Policy has been reviewed and discussed at the Policy & Governance Committee meeting of August 16, 2019.
POLICY NAME: College Naming Rights Policy

POLICY TYPE: Board

SUBMITTED BY: Executive Vice President of Institutional Advancement and Efficiency
                Michael J. Pietkiewicz

ISSUE OR STATEMENT OF PURPOSE: To ensure that all college buildings, facilities, grounds, equipment
or other assets are named in a manner consistent with the vision, mission and values of Erie Community
College, and to establish general guidelines for the “naming of things” in recognition of philanthropy for the
benefit of Erie Community College.

NEW OR EDITED POLICY: Edited VI-A-1 Naming of a Designated College Area & Naming Rights Fee Structure Athletics Facilities approved 6/00, 9/00 and 6/03.

The Erie Community College Foundation seeks to generate support by providing opportunities for naming
rights in the form of philanthropic support and sponsorships. This Naming Rights Policy will insure that the
reputation and integrity of Erie Community College is maintained and that a fair, equitable and transparent
process is in place by providing a framework for the Erie Community College Foundation to seek new
opportunities that generate financial support to advance Erie Community College’s mission.

This policy applies to the naming of all permanent physical facilities of Erie Community College, as well as
programmatic support, in recognition of a donor’s generosity. Because such gifts will be substantial in amount
and may reflect on Erie Community College in perpetuity, naming opportunities and the terms and conditions
associated with such naming, shall be generally based on the most current (March 2010) SUNY Opportunities
Policy and Procedure guidelines and parallel practices of other NYS Community Colleges -- while reflecting
the specific needs and conditions of Erie Community College and the Erie Community College Foundation.
Naming values once agreed to by all parties are not subject to change.

Naming is a form of donor recognition. It is not intended to reflect actual or replacement cost, nor does it
restrict where a gift is spent unless otherwise specified by the donor or committed to by the Foundation in the
process of securing the gift.
Policy Name: College Naming Rights Policy – Continued

Types of Facilities:
Major facility: Any large or prominent facility. Examples include large or well-known structures, academic buildings, facilities that receive frequent visits by the general public; prominent interior spaces such as an atrium, auditorium, library, major conference rooms, the floor of a building, a playing surface; and prominent exterior spaces, such as college access/circulation roads, athletic fields, and quadrangles or open/natural spaces used for educational purposes, or as a student amenity.

Minor facility:
A space or facility which has a lower public profile or utilization by the general public including classrooms, offices, lounges, laboratories, work spaces or small conference rooms. In case of doubt, a facility should be considered minor.

A. Policy
1. The naming of a physical or non-physical asset of Erie Community College is appropriate when a significant gift, as stated per campaign goals and objectives or in relationship to the overall cost of a physical or non-physical asset, is received for the benefit of the College through the Erie Community College Foundation, Inc. and the donor has expressed an interest in or directed his/her donation(s) to a specific program, building or facility.

2. A physical or non-physical asset may be named on behalf of an Individual, business or legal entity.

3. The naming of a physical or non-physical asset in recognition of a donor or a donor’s honoree implies a promise to that donor that the asset will be maintained in perpetuity and, if change is unavoidable, that an alternative means of recognizing the donor or honoree will be found.

4. All combinations of gifts, pledges, and irrevocable deferred gift arrangements are acceptable forms of philanthropy to support naming commitments.

   With respect to deferred gifts, while the naming commitment may be immediate, the required gift amount may be set higher because of the delay in the Foundation’s receipt of the gift.

   Naming right pledge payments must be completed within 5 years. The Erie Community College Foundation may elect not to formally recognize the naming right until a minimum of 50 percent of the pledged funds has been received.

5. Buildings, campus grounds or other physical facilities cannot be named for individuals currently employed by Erie Community College, Erie County, the State of New York or elected officials currently in office.
Policy Name: College Name Rights Policy – Continued

6. To support the naming of a non-physical asset (e.g. center, institute, program, academic unit) through the establishment of an endowment, the amount of the endowed gift must be sufficient to generate annual earnings that would be necessary to sustain the non-physical asset on a permanent basis. The Foundation has set a minimum expectation of earnings of 5% annually. The funding required to establish an endowment will be determined on a case-by-case basis specific to the building, facility, space or program.

7. All naming agreements will allow for modification or removal of the naming if a future action or event occurs that will cause irreparable injury to the college’s image, reputation, or ability to pursue its mission.

All such decisions must be first reviewed by Foundation Board of Directors and Board of Trustees Executive Committee and approved by the College President.

8. All proposed names for major facilities must be held in strict confidence during the review and approval process. There will be no general communication, public discussion or commitment made with regard to the proposed naming before all the necessary approvals have been completed.

B. Procedure

1. All permanently named building and grounds must be first vetted and approved by the Erie Community College Foundation which, in turn, will make a recommendation with appropriate documentation to the College President. For gifts which the President considers substantial, the President will convene a committee comprising of Erie Community College’s Board of Trustees’ Officers, the College President, and the Executive Committee of the Erie Community College Foundation. That will, in turn, make a decision on the naming rights opportunity.

If approved, the naming rights agreement will be made available to the Erie Community College Board of Trustees via electronic delivery within 48 hours of the Committee’s approval for the Board of Trustees’ ratification.

2. All other non-permanent physical assets and non-physical assets must be approved by the Erie Community Foundation and College President.

3. Each naming opportunity shall be reviewed carefully by the Office of the President, with all deliberate speed for compliance with applicable law, including laws related to prohibited gifts and ethical principles, especially where there is direct or indirect business or other continuing relationship between the donor and the College, the State University of New York, Erie County and/or their respective officers or employees.

4. All proposed naming rights shall be held in strict confidence during the review and approval process.
Policy Name: College Naming Rights Policy – Continued

5. The Foundation is legally required to maintain a record of all named physical and non-physical assets. Philanthropy related to naming rights is included the Foundation’s quarterly reports to the Board of Trustees, in the Foundation’s Annual Report and in its federally reported 990 and annual audit. In addition to these publicly available reports, the Foundation will provide a copy of the records to the Erie Community College Trustees at the Annual meeting and to SUNY when requested.

Minimum gift required for consideration of naming rights

The Foundation, in consultation with the College President or his/her designees, shall establish appropriate levels of philanthropy that result in naming opportunities on a project specific basis. As a rule, named Endowments shall be sufficient to be self-sustaining with the principal maintained as a restricted gift in perpetuity and distributions based on interest earned on the gift.

DOES IT SUPERCEDE A POLICY/WHICH ONE: Policy VI-A-1 Naming of a Designated College Area & Naming Rights Fee Structure Athletics Facilities approved 6/00, 9/00 and 6/03.

POLICY COMMITTEE RECOMMENDED ACTION:
Policy Committee recommends the Board of Trustees approve the Board policy under the Report of the Chair, Ad Hoc Committee Reports, and Policy Committee. This Policy supersedes all prior policies/procedures and practices related to College Naming Rights Policy.

POLICY COMMITTEE MEMBERS PRESENT: Trustee Kathleen Masiello, Trustee Susan Swarts, Student Trustee Rebecca Krakowiak, Executive Vice President of Institutional Advancement and Efficiency Michael J. Pietkiewicz, Vice President of Enrollment Steven Smith, Director of Registrar Paul Lamanna, and College Senate Representative Michael Delaney


POLICY COMMITTEE TEAM FOLLOW-UP:
Following Trustee approval this Board Policy will be included in the Erie Community College Board of Trustees Policy Manual, and shared with the Executive Committee of the ECC Foundation and its full membership.

INFORMATION/INPUT CONSIDERED DURING POLICY COMMITTEE DELIBERATIONS:
-ECC By-Laws
-ECC Foundation By-Laws
-SUNY Document 9252, Procedure Title: Naming Opportunities on State University Campuses
-Monroe Community College-Foundation Naming Opportunities Guidelines
Policy Name: College Naming Rights Policy – Continued

-Hudson Valley Community College-Foundation Policy on Naming of Facilities, Programs and Support Funds
-Suffolk County Community College-June 26, 2008 Board of Trustees meeting minutes

The Guidelines for Naming Space and Facilities document was reviewed by members of the Erie Community College Senior Executive Staff, members of the ECC Foundation Board and members of the ECC Board of Trustees. This Policy was reviewed and discussed by the Policy Committee on October 20, 2017 and November 17, 2017.
POLICY NAME: Confidentiality of Library Records

POLICY TYPE: Board

SUBMITTED BY: Dr. Jamie D. Smith, Dean of Liberal Arts and Sciences

ISSUE OR STATEMENT OF PURPOSE: To establish Erie Community College’s policy regarding the confidentiality of library records.

CORRECTIVE ACTION PLAN RECOMMENDATION (if any): Not applicable


The libraries of Erie Community College’s circulation records and other records identifying the names of library users shall be confidential.

All librarians and library employees shall be advised that such records shall not be made available to any agency of state, federal or local government except pursuant to such process, order or subpoena as may be authorized under authority of, and pursuant to, federal, state or local law relating to civil, criminal or administrative discovery procedures or legislative investigative power. The American Library Association Policy Manual, section B.1.2 Professional Ethics & Confidentiality for Librarians of the American Library Association Policy Manual, point 3 states: “Librarians must protect each user’s right to privacy with respect to information sought or received, and materials consulted, borrowed, or acquired.”

Erie Community College libraries will resist the issuance of enforcement of any such process, order or subpoena until such a time as a proper showing of good cause has been made in a court of competent jurisdiction. Upon receipt of such process, order or subpoena, Erie Community College’s Library Officers will consult with legal counsel to determine if such process, order or subpoena is in proper form and if good cause has not been shown, will insist that such defects be cured before providing the requested information.


POLICY COMMITTEE RECOMMENDED ACTION:
Policy Committee recommends the Board of Trustees approve the Board policy under the Report of the Chair, Ad Hoc Committee Reports, and Policy Committee. This policy supersedes all prior policies/procedures and practices related to Confidentiality of Library Records.
POLICY NAME: Confidentiality of Library Records - Continued

POLICY COMMITTEE MEMBERS PRESENT: Trustee Kathleen Masiello, Student Trustee Rebecca Krakowiak, Vice President of Enrollment Management Erik D’Aquino, Provost and Executive Vice President Academic Richard Washousky, Director of Registrar Paul Lamanna, College Senate Representative Michael Delaney.

DATE OF BOARD APPROVAL: December 14, 2017

POLICY COMMITTEE TEAM FOLLOW-UP:
Following Trustee approval, this Board policy will be included in the Erie Community College Board of Trustees Policy Manual, and shared with the Office of the Provost and all library staff, legal counsel and campus security.

INFORMATION/INPUT CONSIDERED DURING POLICY COMMITTEE DELIBERATIONS:
American Library Association Policy Manual
The policy has been reviewed and discussed at the Policy Committee meeting of October 20, 2017.
POLICY NAME: Consensual/Romantic Relationship Policy
POLICY TYPE: Managerial
SUBMITTED BY: Tracey Cleveland, VP of HR, Equity and Inclusion

ISSUE OR STATEMENT OF PURPOSE:

SUNY Erie Community College is committed to protecting the safety and well-being of its faculty, staff, and students while maintaining educational and working environments that are free from discrimination and harassment.

As such, SUNY Erie prohibits any sexual or romantic relationship when there is an existing supervisory, evaluative, or instructional relationship, and such relationship must be disclosed to ensure there is no future supervisory, evaluative or instructional relationship between individuals.

The College recognizes that there may be times when faculty or staff may exercise power and authority over other faculty, staff, or students, whether due to current supervisory, instructional, or other professional responsibility, or perceived influence or control over an educational or work experience. In such cases, a power imbalance is created. This power or authority may impede the real or perceived freedom of the faculty, staff, or student to refuse to enter into a sexual or romantic relationship or to terminate or alter that sexual or romantic relationship. A sexual or romantic relationship under these conditions may result in a loss of objectivity and create a conflict of interest in evaluative, supervisory, instructional, or other professional roles.

The College will make allowances for current relationships which pre-date this policy. However, if such an existing relationship exists, those individuals are required to report their relationship to the Vice President of Human Resources, Equity and Inclusion immediately. The College will then arrange alternate supervisory roles to ensure that those in a consensual romantic or sexual relationship with a subordinate be removed from any evaluation of the subordinate, and from any activity or decision that may appear to reward, penalize, or otherwise affect the status of that subordinate.

Any employees who fail to follow the terms of this policy will face disciplinary measures up to and including termination.

CORRECTIVE ACTION PLAN RECOMMENDATION (if any): N/A

NEW OR EDITED POLICY: New

DOES IT SUPERCEDE A POLICY/WHICH ONE: Consensual Relationship Statement
POLICY NAME: Consensual/Romantic Relationship Policy - Continued

POLICY & GOVERNANCE COMMITTEE RECOMMENDED ACTION: Policy & Governance Committee recommends the Board of Trustees accept this Managerial policy under the Committee Briefings, Policy & Governance Committee. This policy supersedes all prior policies/procedures and practices related to the Consensual Relationship Statement.

POLICY & GOVERNANCE COMMITTEE MEMBERS PRESENT:
Trustee Kathleen Masiello, Provost and Executive Vice President Douglas Scheidt, Executive Vice President for Administration and Finance Penelope Howard, VP  Human Resources, Equity and Inclusion Tracey Cleveland (by phone), Vice President of Enrollment Management Steven Smith, Director of Registrar Paul Lamanna, Dean of Liberal Arts and Sciences Joanne Colmerauer, Dean of Liberal Arts and Sciences Jamie Smith, Professor and College Senate Representative Michael Delaney, Dean of Students Jason Perri

DATE OF BOARD ACCEPTANCE: March 28, 2019

POLICY & GOVERNANCE COMMITTEE TEAM FOLLOW-UP: Following Trustee Acceptance, this policy will be included in the Board of Trustee Managerial Policy Manual.

INFORMATION/INPUT CONSIDERED DURING POLICY & GOVERNANCE COMMITTEE DELIBERATIONS:
Information/input was received and reviewed from Finger Lakes Community College, Geneseo Community College, Niagara Community College, Fulton Community College and SUNY Administration in the creation of this policy.

The Policy has been reviewed and discussed at the Policy & Governance Committee meeting of February 8, 2019 and March 8, 2019.
POLICY NAME: Course Prerequisites, Corequisites, and Waivers

POLICY TYPE: Managerial

SUBMITTED BY: Dr. Jamie D. Smith, Dean of Liberal Arts and Sciences

STATEMENT OF PURPOSE:
To define the responsibilities associated with prerequisite and corequisite courses with regard to the College for departments, faculty and students; and to further define the procedure for waiving prerequisites and/or corequisites.

This policy ensures that students are aware that some courses require prerequisites or corequisites.

This policy addresses the need for faculty to provide information in a timely manner, in order for prerequisite and corequisites to be printed in the College Catalog.

NEW OR EDITED POLICY: Edited IV-A-7 Course Prerequisites approved 6/88 and 9/00.

Definition
A prerequisite is a required course that prepares a student for advanced courses in a chosen field. A corequisite is a required course to be taken simultaneously with a designated course. When a prerequisite or corequisite is required, the information will be included in the College Catalog listed on the website and in other college publications.

Advisement and Accuracy of Information
Advisement of course prerequisites and corequisites is the responsibility of the assigned student advisor or Department Chair. Accuracy of information listed in the catalog, on the website, and in any college publications is the responsibility of the Department Chair and the Dean of Academics.

Student Responsibility
Students are responsible for fulfilling the prerequisite or co-requisite requirements. Failure to complete these requirements without an approved waiver may result in removal from the academic program.

Waiver
When a prerequisite or corequisite is to be waived, the Department Chair or instructor of the class in question is required to sign the advisement form, which is turned in to the Registrar’s office upon registration of courses. The Registrar is unable to override a prerequisite or corequisite requirement without the approved signature of an advisor, Academic Dean, or faculty member, or a transcript from the transferring college.
POLICY NAME: Course Prerequisites, Requisites, and Waivers - Continued

DOES IT SUPERCEDE A POLICY/WHICH ONE: IV-A-7 Course Prerequisites approved 6/88 and 9/00.

POLICY COMMITTEE RECOMMENDED ACTION:
Policy Committee recommends the Board of Trustees accepts this Managerial policy under the Report of the Chair, Ad Hoc Committee Reports, and Policy Committee. This Policy supersedes all prior policies/procedures and practices related to Course Prerequisites, Corequisites, and Waivers.

POLICY COMMITTEE MEMBERS PRESENT:
Kathleen Masiello-Trustee, Student Trustee Rebecca Krakowiak, Vice President of Enrollment Management Erik D’Aquino, Executive Vice President of Operations Michael Pietkiewicz, Provost/Executive Vice President of Academic Affairs Richard Washousky

DATE OF BOARD ACCEPTANCE: August 31, 2017

POLICY COMMITTEE TEAM FOLLOW-UP:
Following Trustee acceptance, this Managerial policy will be included in the Erie Community College Managerial Policy Manual.

INFORMATION/INPUT CONSIDERED DURING POLICY COMMITTEE DELIBERATIONS:
The current Policy IV-A-7 Course Prerequisites were reviewed and discussed with Academic Deans. The Policy was reviewed and discussed at the Policy Committee meeting of July 14, 2017 and August 4, 2017.
Committee Meeting: Policy & Governance Committee  Date: November 16, 2018
Committee Chair: Kathleen Masiello
New or Edited: New

POLICY NAME: Disclosure of Conflict of Interest Policy

POLICY TYPE: Managerial

SUBMITTED BY: HR – Tracey Cleveland & Maria Carroll

ISSUE OR STATEMENT OF PURPOSE: SUNY Erie desires to formalize a written policy to broadly address the requirement to disclose conflicts and potential conflicts of interest to insure transparency and protect public trust. This applies to personal and financial conflicts, as well as potential future conflicts.

CORRECTIVE ACTION PLAN RECOMMENDATION (if any): N/A

NEW OR EDITED POLICY: New

The President and the Trustees recognize that all members of the College community, including but not limited to employees, faculty, and SUNY Erie Advisory Councils, must observe standards of ethical conduct to fulfill the College’s mission with integrity and enhance public confidence in the institution. The purpose of this policy is to set forth rules of ethical conduct and procedures for disclosing potential conflicts of interest.

Definitions:

Interest - A monetary, personal, or material benefit.

Relationship - A familial kinship, personal association, or business interest.

Familial Relationship - The definition of family member includes spouse/partner, parent, child, brother, sister, grandparent, grandchild, niece, nephew, aunt, uncle, cousin, legal guardian, or any similar connection by marriage (e.g., father-in-law, grandparent-in-law) or domestic partnership. Family relationships include such connections whether they are biological, by adoption, or through other formal means (e.g., foster parent/child, step-family); this may also include past relationships where parties cannot be neutral (e.g., ex-spouse).

Personal and/or Romantic Relationships – A marital or other committed relationship; a family relationship as defined above; consensual sexual or romantic relationship; a close personal friendship; or a significant business relationship. This may also include past relationships where parties cannot be neutral (e.g., former business partner, ex-boyfriend/ex-girlfriend).

Conflict of Interest - Any relationship or activity that has the potential to compromise or bias, or appears to compromise or bias, a person’s professional judgment or ability to make objective and fair employment, academic, and/or procurement decisions. A conflict of interest may exist when an
independent observer might reasonably question whether an individual’s professional actions or decisions are determined by considerations of family, personal, and/or romantic relationships.

Policy:

Nepotism can create situations such as favoritism and conflicts of interest, which violate equal opportunity laws in the workforce and the student body. Even when a family, personal, and/or romantic relationship has no direct influence on employment, academics, research, or procurement, action may be required to eliminate perceived favoritism when the relationship has the potential to negatively impact the educational/work environment.

College employees must exercise good judgment to identify and report situations where a family, personal, and/or romantic relationship may call into question the integrity of a decision which affects terms and conditions of employment, hiring, academic progress, research, or procurement. Employees are required to disclose the relationship if there is any doubt as to whether or not it is a conflict, rather than fail to disclose in cases where a relationship exists, or has existed in the past.

When a potential conflict of interest arises, the individual in conflict has a duty to avoid or eliminate the conflict, and disclose the situation to the Vice President of Human Resources. Failure to report a conflict of interest may result in appropriate administrative action by the College. Knowingly acting and/or persisting in a conflict of interest is unethical and may be subject to disciplinary action, up to and including termination. The College reserves the right to determine if the violation warrants discipline.

The College will attempt to resolve conflict problems so that no one is unfairly disadvantaged. This policy cannot cover all conceivable ethical conflicts and employees are asked to think carefully about situations not specifically prohibited herein. Employees are required to disclose all potential circumstances where there could be the appearance of a conflict of interest. In addition, the President will determine a list of employees that are required to annually disclose any and all potential conflicts of interest, financial or otherwise, based on their role within the College.

Examples of potential conflicts of interest:
The following examples illustrate situations that may constitute a conflict of interest. This list is not exhaustive and does not limit the scope of this policy.

1. Favoring of Outside Interests for Personal Gain
   a. Exerting influence on the discussion of, or voting on, a College decision relating to agreements, programs, and/or services to the advantage of the individual or to a person with whom the individual has a relationship.
b. Exerting influence on the decision to purchase, lease or terms of lease services, equipment or materials for the College to the advantage of the individual or to a person with whom the individual has a relationship.

c. Exerting influence on students to purchase services or materials to the advantage of the individual or to a person with whom the individual has a relationship. This would include accepting payment for goods or services directly from a student outside of a standard and acceptable method of sale (e.g. sale through campus bookstores would be an example of an appropriate standard method of sale of goods to students).

d. Engaging in a College agreement or service contract with a third party in which either the individual or a person with whom the individual has a relationship has a financial or other interest.

e. Managing (or supervising or controlling) and/or directing (or guiding/mentoring or conducting) a College program to serve the needs of a third party in which either the individual or a person with whom the individual has a relationship has a financial or other interest.

f. Soliciting or accepting gifts or special favors for personal gain from private organizations or individuals with whom the College does business, or from students or colleagues, without complete disclosure in accordance with this policy. Other applicable County guidelines on ethics and gifts also apply.

2. Inappropriate Use of College Personnel, Resources, or Assets

a. Using College students or staff on College time to carry out work for an enterprise in which either the individual or a person with whom the individual has a relationship has a financial or other interest.

b. Unauthorized and non-reimbursed use of College resources or facilities to benefit a private concern in which the individual or a person with whom the individual has a relationship has a financial or other interest.

3. Inappropriate Use of Information

a. Is defined as disclosing confidential information, using information for personal gain or other unauthorized purposes, information acquired because of the individual's relationship to the College; such information might include knowledge of forthcoming developments requiring contractor selection, etc.
4. Employment and Evaluative Decisions Regarding Employees With Whom You Have a Relationship

Participation in the interview/selection, supervision, evaluation, discipline or other employment-related decision(s) of a student or employee with whom the individual has a relationship, or direct supervision of same is not allowed. (See Definitions above).

Any employees falling within the definition of Family Member above cannot work directly or indirectly for each other where there is direct or indirect management decision oversight, compensation or performance decision oversight by either person, including a matrix reporting relationship. The same restriction may apply for employees falling within the other “Personal Relationship” definitions above.

As of the effective date of this policy, any reporting structure where such conflicts may currently exist (including existing structures in place prior to the policy taking effect) must be reported to Human Resources and will be modified to change the reporting structure to the appropriate next-level manager.

Potential conflicts under Article 4 must be disclosed in advance to the appropriate area VP or AVP. Failure to do so may result in disciplinary action.

5. Engaging in other employment, which interferes with the performance of an employee’s professional obligation at the College is prohibited. This includes but is not limited to calling in sick to the College in order to work a second job. Employees are also expected to prioritize their primary role within the College over any extended hours/additional duties/overtime etc. to prevent conflicts in administration of their work for the College. Discovery of abuse of this policy is subject to disciplinary action.

DOES IT SUPERCEDE A POLICY/WHICH ONE: No

POLICY & GOVERNANCE COMMITTEE RECOMMENDED ACTION:
Policy Committee recommends the Board of Trustees accept this Managerial policy under Committee Briefings, Policy & Governance Committee. This Policy supersedes all prior policies/procedures and practices related to Disclosure of Conflict of Interest.

POLICY & GOVERNANCE COMMITTEE MEMBERS PRESENT: Trustee Kathleen Masiello, Trustee Susan Swarts, Student Trustee Tokunbo Adebayo, Provost and Executive Vice President Richard Washousky,
POLICY NAME: Disclosure of Conflict of Interest Policy - Continued

Executive Vice President for Administration and Finance Penelope Howard, Vice President of Enrollment Management Steven Smith, Vice President of Student Affairs Nora Clark, Dean of Liberal Arts and Sciences Joanne Colmerauer, Dean of Liberal Arts and Sciences Jamie Smith, College Senate Representative Colleen Quinn, Employee Relations Manager Daniel Kaufman, Director of Human Resources Maria Carroll and Dean of Students Petrina Hill-Cheatom

DATE OF BOARD ACCEPTANCE: December 13, 2018

POLICY & GOVERNANCE COMMITTEE TEAM FOLLOW-UP: Following Trustee acceptance, this Managerial policy will be included in the SUNY Erie Community College Managerial Policy Manual, and new staff orientation

INFORMATION/INPUT CONSIDERED DURING POLICY COMMITTEE DELIBERATIONS: Reviewed nepotism/family employment policies from several other SUNY colleges (University at Buffalo, Cayuga Community College, SUNY Sullivan, Finger Lakes Community College) and reviewed best practices of other organizations through general online search.

The Policy has been reviewed and discussed at the Policy & Governance Committee meeting of June 22, 2018, August 17, 2018, September 14, 2018, October 12, 2018 and November 16, 2018.
POLICY NAME: Donation of Equipment, Vehicles, Computer Hardware/Software, Merchandise, Supplies or Other In-Kind (non-monetary) Items of Value

POLICY TYPE: Board

SUBMITTED BY: Penelope Howard, Executive Vice President for Administration and Finance

ISSUE OR STATEMENT OF PURPOSE: To supplement College resources and to advance the mission of SUNY Erie Community College through the in-kind donation of equipment, vehicles and other items of value via the Erie Community College Foundation. The intent of this policy is to ensure that donated items are properly approved, recorded and valued before acceptance and prior to any encumbrance incurred by the College from the donation by affirming that all donations will be received through the Erie Community College Foundation.

NEW OR EDITED POLICY: Edited Donation of Equipment, Vehicles, Computer Hardware/Software, Merchandise, Supplies or Other In-Kind (non-monetary) Items of Value

The SUNY Erie Board of Trustees delegates the acceptance of in-kind donations to the Erie Community College Foundation.

SUNY’s Policy 9600 “Foundations Guidelines” authorizes state-operated campuses to contract with campus-related foundations to “support fundraising, real property management or other activities and functions that are not specifically vested with the campus. Fundraising activities allow for receipt and management of charitable gifts on behalf of the campus.”

In addition, in accordance with the College’s operating agreement with the Erie Community College Foundation (“the Foundation”), the Foundation shall serve as the “means of receiving and managing gifts” and “support the educational objectives including, but not limited to, fund raising on behalf of the College.” The Foundation maintains its own comprehensive gift policy.

Therefore, to support the separation of the College and the Foundation:

- All donations will proceed through the proper processes established by the Foundation. This includes monetary and in-kind, non-monetary donations, including those of equipment, vehicles (new or used; lab...
POLICY NAME: Donation of Equipment, Vehicles, Computer Hardware/Software, Merchandise, Supplies or Other In-Kind (non-monetary) Items of Value - Continued

or otherwise), computer hardware/software, merchandise, supplies, or other items of value.

- A completed Erie Community College Foundation, Inc. In-Kind Donation Form (Exhibit A) must be submitted to the Director of Donor Engagement at the Foundation before the gift is accepted. It is the responsibility of the donor to assign a realistic market value to all donations regardless of value and to obtain a completed certified appraisal form for those gifts with a value in excess of $5000.

The Foundation will determine the usefulness of a particular donation considering such things as age, yearly maintenance costs, educational program suitability, general College usefulness, or any other applicable conditions, prior to acceptance by the Foundation of potential gift items after consulting the appropriate department/faculty/administrator.

Gifts of chemicals or of a potentially hazardous nature must be reviewed by the SUNY Erie’s Chemical Safety Officer and/or Manager of Environmental Health and Safety. Their recommendations for acceptance must be included as part of the approval process.

All donations, monetary and non-monetary, will be reported to the President and the Board of Trustees through the agreed upon terms regarding written notifications from the Foundation.

DOES IT SUPERCEDE A POLICY/WHICH ONE? Yes, Donation of Equipment, Vehicles, Computer Hardware/Software, Merchandise, Supplies or Other In-Kind (non-monetary) Items of Value

POLICY & GOVERNANCE COMMITTEE RECOMMENDED ACTION: Policy & Governance Committee recommends the Board of Trustees approve this Board policy under Committee Briefings, Policy and Governance Committee. This Policy supersedes all prior policies/procedures and practices related to the Donation of Equipment, Vehicles, Computer Hardware/Software, Merchandise, Supplies or Other In-Kind (non-monetary) Items of Value Policy.

POLICY & GOVERNANCE COMMITTEE MEMBERS PRESENT: Trustee Kathleen Masiello, Trustee Leonard Lenihan, Executive Vice President for Administration and Finance Penelope Howard, Provost and Executive Vice President of Academic and Student Affairs Douglas Scheidt, Employee Relations Manager Daniel Kaufmann, Dean of Liberal Arts and Science Joanne Colmerauer, Dean of Liberal Arts and Science Jamie Smith and Dean of Students Petrina Hill-Cheatom

DATE OF BOARD APPROVAL: December 19, 2019

POLICY & GOVERNANCE COMMITTEE TEAM FOLLOW-UP: Following Board of Trustee Approval, a copy of this policy will be transmitted to the Foundation and included in the SUNY Erie Community College Board of Trustee Policy Manual.
POLICY NAME: Donation of Equipment, Vehicles, Computer Hardware/Software, Merchandise, Supplies or Other In-Kind (non-monetary) Items of Value - Continued

INFORMATION/INPUT CONSIDERED DURING POLICY COMMITTEE DELIBERATIONS:

Erie Community College Foundation In-Kind Donation Form (Exhibit A)
SUNY Policy 9600 Foundation Guidelines
Erie Community College Foundation Operating Agreement – April 2019
Policy and Procedures 2018 Foundation – draft

This Policy has been reviewed and discussed at the Policy & Governance Committee meetings October 11, 2019 and November 8, 2019. The policy was reviewed by the EVP of Institutional Advancement & Efficiency/Executive Director of the Foundation and the Director of Donor Engagement of the Foundation.

History

<table>
<thead>
<tr>
<th>Item:</th>
<th>Date:</th>
<th>Explanation:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy adopted</td>
<td>June 1988</td>
<td></td>
</tr>
<tr>
<td>BOT Review/Reaffirmed</td>
<td>September 2000</td>
<td></td>
</tr>
<tr>
<td>BOT Review/Reaffirmed</td>
<td>April 2010</td>
<td>Donation of Equipment/Materials/Other to the College</td>
</tr>
<tr>
<td>Revised, Renamed and BOT Approved</td>
<td>January 27, 2017</td>
<td>Donation of Equipment, Vehicles, Computer Hardware/Software, Merchandise, Supplies or Other In-Kind (non-monetary) Items of Value</td>
</tr>
<tr>
<td>Revised and BOT Approved</td>
<td>December 19, 2019</td>
<td></td>
</tr>
</tbody>
</table>

SUNY Erie Cross References

<table>
<thead>
<tr>
<th>Policy Name or Procedure:</th>
<th>Where to find:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
SUNY ERIE-ECC FOUNDATION, INC.,
IN KIND DONATION

STEP 1 - Donor: ________________________________ Today’s Date:__________

Address:______________________________________________________________

City:______________________________State________________Zip_____________

Phone:______________________________

Contact Person___________________________E-mail__________________

ITEM DONATED:_______________________________________________________

ITEM VALUE:_________________ □ New Merchandise □ Used Merchandise

□ GIFT VALUE OVER $5,000
A certified appraisal document for used merchandise/equipment or catalog
pricing for new merchandise/equipment is required.

FACULTY/STAFF CONTACT NAME:_______________________________________

DEPARTMENT:_________________________________________________________

PHONE:_________________________ E-MAIL______________________________

STEP 2 - Send this completed form & any supporting documents to the
Foundation Office.  DATE REVIEWED : _______________

STEP 3 - DELIVERY DATE:
PHOTO PROOF OF DELIVERED ITEMS MUST BE SENT TO FOUNDATION
BEFORE DONATION LETTER WILL BE SENT TO DONOR.

STEP 4 - ITEMS WILL BE LISTED ON THE NEXT FOUNDATION REPORT TO
INFORM THE BOARD OF TRUSTEES

121 Ellicott St., Room 160 * (716) 851-1992 * Fax No. (716) 270-4418
* Email: fcongengo@ecc.edu
REVISED 12/2019
POLICY NAME: Drug and Alcohol Free Workplace Policy

POLICY TYPE: Managerial

SUBMITTED BY: Human Resources

ISSUE OR STATEMENT OF PURPOSE:

It is federally mandated by The Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act of 1989 (the “Acts”) that SUNY Erie Community College (hereinafter “SUNY Erie”) publish its policies regarding the possession, use, or distribution of illicit drugs and alcohol by students, employees and guests on campus and at college events held off campus.

In conformity with the Acts, as an institution of higher education, SUNY Erie sets forth this policy that will:

- Set standards of conduct that clearly prohibit the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees;
- Describe the legal sanctions under local, state, or federal law for the unlawful possession or distribution of illicit drugs and alcohol;
- Describe drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to employees and students; and
- Clarify that the institution will impose sanctions on students, guests and employees and define those sanctions, up to and including expulsion or termination of employment, and give notice that the College will refer violators for prosecution.

This policy will be reviewed biennially by designated SUNY Erie personnel from the Campus Security, Human Resources and Student Affairs departments for effectiveness and consistency in application and to ensure conformance with current laws and regulations.


Overview

This policy applies to all SUNY Erie Community College employees, students, and guests (including vendors). Any violation of this policy will result in disciplinary action, up to and including termination and/or expulsion, and may have legal consequences.
The unlawful manufacture, distribution, dispensation, possession, or use of illegal drugs, controlled substances or alcohol on all College campuses and work locations, or in the course of performing duties of employment with the College, is absolutely prohibited.

All provisions herein also apply to off-campus activities that are sponsored by the institution, student-sponsored social activities (including activities that are funded wholly or in part by student fees), or professional meetings attended by employees that the campus authorizes and/or which use any campus resources.

The only exception to what follows in this policy will be for alcoholic beverages for College-sanctioned special events. Alcoholic beverages are only allowed on College premises for special events when expressly approved in writing in advance by the President’s Office, and with the acquisition of a New York State Liquor License through College Food Service.

Lawful and appropriate use of alcoholic beverages by employees at social events shall be permitted during events sponsored and/or approved by the College.

Alcohol:

_Prohibited behaviors involving alcohol:_

1. Alcohol use, sale/distribution, and possession.
2. Impairment/Behavior: Use of alcohol that leads to impairment which causes an inability to perform in an academic setting, disorderly, destructive, or violent behavior to self or to the community.
3. Misrepresentation: A person may not misrepresent their age, or in any way alter, deface or falsify their identity as offered as proof of age, with the intent of purchasing alcoholic beverages, whether for their own use or the use of any other person.

Drugs & Controlled Substances:

"Controlled substances" refers to the hundreds of chemicals listed in the Controlled Substances Act by the federal government. All so-called "street drugs" (heroin, cocaine, crack, marijuana, speed, acid, etc.) are controlled substances.

_Prohibited Behaviors Involving Drugs:_

1. Illegal drugs and controlled substances, as well as drug paraphernalia, may not be possessed, used, or distributed on campus.
2. Consumption, being under the influence, displaying, selling, distributing, possessing unlawful controlled substances, and/or synthetic materials.
3. Drug Paraphernalia: Use, display or possession of any paraphernalia associated with unlawful drugs and/or controlled substances, or synthetic materials. This includes altered or constructed devices used to conceal or consume illegal drugs and controlled substances.
4. Look-alike Drugs: Possession, consumption, distribution, use of and/or forcing another to ingest “imitation drugs” or synthetic materials that are either not intended for human consumption or used to elicit effects similar to an illegal drug or a substance or drug being used for an unintended purpose (i.e. synthetic cannabis, herbal incense, and or herbal smoking blends, Whip-it and other similar products).

**Policy**

- Alcohol and other controlled substances shall not be consumed or ingested by any student on campus or a campus-sponsored event/activity.

- Alcohol or other controlled substances shall not be consumed or ingested by any employee while on duty, while conducting College business, while assigned to drive a College vehicle or while driving a personal vehicle for College business.

- No employee (which includes student employees throughout this policy) will report for work or will work impaired by any controlled substance, alcohol or lawful prescription or over-the-counter medication. “Impaired” shall be defined as under the influence of a substance when an employee’s motor senses (i.e. sight, hearing, balance, reaction or reflex) or judgment are, or may be reasonably be presumed to be, materially affected, impacting the employee’s ability to perform job functions.

- Employees and students will be subject to criminal, civil and disciplinary penalties if they use, distribute, sell, attempt to sell, possess or purchase controlled substances while on any SUNY Erie property, are performing in a work-related or student/academic capacity, or attending any campus activity.

- An employee should contact the immediate supervisor or Human Resources in advance to review any circumstance when the employee believes (or reasonably should be expected to know) that his/her job performance may be affected by use of a lawful prescription or over-the-counter medication. In those work locations where it is permitted, an employee may possess and use a controlled substance which is properly prescribed for him or her by a physician. While prescription drugs are not prohibited, they should not render an employee unfit for duty. These situations are to be addressed confidentially, on a case-by-case basis. It may be necessary for the employee to provide certification from the physician that the prescribed substance does not adversely impact his/her fitness to perform his/her job.

- New York State prohibits on-the-job use and impairment due to alcohol and/or controlled substances. Under Section 72 of the Civil Service Law, an employee may be required to undergo medical testing if a supervisor has a reasonable suspicion that the employee is unable to perform his or her job duties caused by the use of drugs or alcohol (which includes addiction to or misuse of prescribed drugs), under New York State's policy governing alcohol and/or substance abuse in the workplace.

- Employees may also be required to undergo appropriate drug or alcohol testing when the College has reason to believe that such employees have used or may be under the influence of alcohol, illegal drugs or controlled substances (“reasonable suspicion”).
Employees who experience significant work performance problems or who become involved in significant incidents or accidents which are reasonably believed to be caused by substance abuse may be required to undergo appropriate drug testing.

The College will comply with all applicable laws regarding drug and alcohol use and testing, including regulations regarding drug testing for persons who hold a Commercial Driver’s License (CDL) or who operate College vehicles. All drug and alcohol testing will be conducted by appropriate personnel and submitted to an independent laboratory for analysis.

Exhibit 1 and Exhibit 2 summarize Federal and New York/Local laws, respectively, which may apply where there is an unlawful possession and/or distribution of illicit drugs and alcohol.

Violation of this policy may result in:
- Referral to an appropriate alcohol or drug treatment program;
- Application of disciplinary procedures consistent with applicable laws, rules, regulations and collective bargaining agreements. Violations will constitute severe misconduct and may result in immediate termination, violators may be subject to referral for criminal prosecution to the fullest extent of applicable, federal, state and local laws.
- Student violations will be referred to the Dean of Students for disciplinary action up to and including dismissal and/or legal action.

I. Legal Sanctions

Attached Exhibit 1 summarizes Federal Laws and attached Exhibit 2 summarizes New York/Local laws which may apply to the unlawful possession or distribution of illicit drugs and alcohol.

II. Disciplinary Sanctions

It is the policy of SUNY Erie that employees, students, and visitors (in appropriate circumstances) will be subject to criminal, civil and disciplinary penalties if they use, distribute, sell, attempt to sell, possess or purchase controlled substances while on any SUNY Erie property, while performing in a work-related or student/academic capacity or while attending any campus activity.

Employees who violate this policy may be referred to an appropriate alcohol or drug treatment program, and will be subject to disciplinary procedures consistent with applicable laws, rules, regulations and collective bargaining agreements. Violations of this policy will be considered severe misconduct and may result in immediate termination, as well as subject the violator to criminal prosecution, SUNY Erie will pursue sanctions for violations of this policy to the fullest extent of applicable, federal, state and local law.

New York State prohibits on-the-job use of or impairment from alcohol and controlled substances. An employee may be required to undergo medical testing if a supervisor has a reasonable suspicion that the
employee is unable to perform his or her job duties due to the use of drugs or alcohol (which includes addiction to or misuse of prescribed drugs), under New York State's policy governing alcohol and substance abuse in the workplace.

SUNY Erie will make every effort to maintain a drug and alcohol-free workplace. That effort will include drug and alcohol awareness education programs, an Employee Assistance Program and the implementation and strict enforcement of this policy.

Employees who discover a violation of any provision of the Policy, have a duty to notify their supervisor and/or Human Resources immediately.

Students who discover a violation of any provision of the Policy, have a duty to notify the Dean of Students.

Pertaining to student violations, SUNY Erie’s regulations regarding drug violations are categorized according to levels and violations range from level 1-4. Students who are charged with a violation of the Code of Student Conduct will be processed through the conduct system and will be reviewed on a case-by-case basis to determine responsibility and disciplinary action. Simultaneously, a student may be charged criminally and prosecuted, independent of action taken by the College.

Questions concerning this policy should be referred to Human Resources (employees) or the Dean of Students (students). Individuals who discover illegal activity should contact Campus Security immediately.

Employees who refuse to consent to drug and alcohol testing will be charged with gross misconduct, which may result in disciplinary action, up to and including termination.

III. Employees are expected to:

- Acknowledge and consent to this policy, which is a term and condition of continued employment.

- Abide by the terms of this policy.

- Notify Human Resources of any criminal drug statute conviction for a violation occurring at the workplace or at a work site, no later than five (5) working days after such conviction, as required by the Federal Drug-Free Workplace Act of 1988.

- As a term and condition of employment, those employees holding a CDL as a requirement of their position must notify Human Resources of any violations, including violations that occur on personal time. Such a violation may impact an employee’s CDL and his/her continued employment at SUNY Erie.
IV. Health Risks Associated with Drug and Alcohol Abuse

SUNY Erie is committed to supporting an environment which fosters academic success and continual learning, as well as the health and well-being of the members of its community. The use and/or abuse of illegal drugs and alcohol carries possible health risks to the individual user as well as the campus community and the community at large. Health risks associated with use and abuse of alcohol and illegal drugs may include damage to major organs such as the brain, heart, lungs and liver, as well as medical problems such as high blood pressure, cancer, heart attack, or stroke.

Listed below are some of the health risks associated with using/abusing alcohol and various drugs. (Please note that the dangers associated with substance abuse are not limited to the conditions listed below.)

Alcohol and illicit drugs are toxic substances that affect the mind, body and spirit. Excessive drinking causes health risks including damage to your organs (liver, heart and digestive tracts), impaired physiological responses (decreased brain activity, digestion and blood circulation), and mental and emotional disorders (loss of memory, impaired judgment and personality changes). Very high doses cause respiratory depression and may result in death.

Alcohol consumption has been demonstrated to be a contributing factor in instances of violent crimes and deaths from drunk driving. Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome leading to irreversible mental and physical abnormalities. In addition, research indicates that children of alcoholic parents are at greater risk than other children of becoming alcoholics.

Drug abuse is dangerous and can lead to death. An overdose can cause psychosis, convulsions, coma and death. Continuous use of drugs can lead to organ damage, mental illness and malnutrition. Drugs consumed via injection increase the risk of AIDS, hepatitis and other diseases. Drug abuse can also contribute to aggressive and violent behavior, mental illness, and exacerbate suicidal tendencies.

V. Resources Available

A. Employees:

The College offers prevention education programs designed to increase awareness of the dangers of drug and alcohol abuse, including annual online compliance training, and available support services.

Any employee who seeks rehabilitation through an inpatient program may be eligible for an unpaid leave of absence, in accordance with the Family and Medical Leave Act.

1. An Employee Assistance Program (“EAP”) is available for employees who wish to seek assistance in addressing drug or alcohol related problems, as well as other personal and family matters. All new employees are provided with information regarding the EAP upon
hire during their onboarding (orientation) session. EAP information is posted on the myecc.ecc.edu – HR - Wellness portal. An EAP representative also attends on site events and offers regular “orientations” on campus for employees. EAP is free and confidential to all employees and members of their household. The most current EAP provider information will be attached as Exhibit 3 to this policy.

2. The health insurance plans offered to employees may also provide coverage for drug and alcohol treatment programs.

B. Students:

Exhibit 4 lists a number of services and support for both students and employees in need of assistance.

VI. Policy Distribution:

This policy will be annually distributed to students and staff in the following ways:

- Written policy will be emailed to SUNY Erie email addresses
- Posted on the College Catalog online
- Distributed in the Code of Student Conduct and yearly Student Planner publications
- Distributed through New Student Orientation Student sessions-Support Through Advisement, Registration, Transition (START)
- Posted on the SUNY Erie website – MyECC portal
- Distributed for acknowledgment signature to new employees as part of the new employee onboarding process
- Annual compliance re-circulation via any and all methods above.

CONTACTS

Questions regarding the terms of this policy should be directed to:

- Human Resources
- Deans of Students
- Campus Safety


POLICY & GOVERNANCE COMMITTEE RECOMMENDED ACTION:

Policy & Governance Committee recommends the Board of Trustees accept the Managerial policy under Committee Briefings, Policy and Governance Committee. This Policy supersedes all prior policies/procedures and practices related to Drug and Alcohol Free Workplace Policy.
POLICY & GOVERNANCE COMMITTEE MEMBERS PRESENT:
Trustee Len Lenihan, Trustee Kathleen Masiello, Student Trustee Tokunbo Adebayo, Provost and Executive Vice President Douglas Scheidt, Executive Vice President for Administration and Finance Penelope Howard, Director of Human Resources Tracey Cleveland, Vice President of Enrollment Management Steven Smith, Vice President of Student Affairs Nora Clark, Director of Human Resources Maria Carroll, Director of Registrar Paul Lamanna, Dean of Liberal Arts and Sciences Joanne Colmerauer, Dean of Liberal Arts and Sciences Jamie Smith and College Senate Representative Michael Delaney

DATE OF BOARD ACCEPTANCE: February 7, 2019

POLICY & GOVERNANCE COMMITTEE TEAM FOLLOW-UP: Following Trustee acceptance, this Managerial policy will be included in the SUNY Erie Community College Board of Trustees Managerial Policy Manual and distributed as described above.

INFORMATION/INPUT CONSIDERED DURING POLICY & GOVERNANCE COMMITTEE DELIBERATIONS:

SUNY Guidance on Complying with the Drug-Free Schools and Campuses Regulations; Policies of SUNY Plattsburgh, SUNY Stonybrook, SUNY New Paltz, SUNY Rockland, Onondaga Community College, and Monroe Community College.
The proposed policy is in agreement with the Code of Student Conduct Policy approved by the Board of Trustees, September 27, 2018, and is in agreement with the drug and alcohol procedures as documented in the Code of Student Conduct Manual for 2018.
Reviewed by Erie County Attorney.

The Policy has been reviewed and discussed at the Policy & Governance Committee meeting of December 14, 2018 and January 11, 2019.
## Exhibit 1: Sample - Summary of Federal Drug Law

### Federal Trafficking Penalties for Schedules I, II, III, IV, and V (except Marijuana)

<table>
<thead>
<tr>
<th>Schedule</th>
<th>Substance/Quantity</th>
<th>Penalty</th>
<th>Substance/Quantity</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>II</td>
<td>Cocaine 500-4999 grams mixture</td>
<td><strong>First Offense:</strong> Not less than 5 yrs. and not more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than $5 million if an individual, $25 million if not an individual.</td>
<td>Cocaine 5 kilograms or more mixture</td>
<td><strong>First Offense:</strong> Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than $10 million if an individual, $50 million if not an individual.</td>
</tr>
<tr>
<td>II</td>
<td>Cocaine Base 28-279 grams mixture</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>IV</td>
<td>Fentanyl 40-399 grams mixture</td>
<td><strong>First Offense:</strong> Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than $8 million if an individual, $20 million if not an individual.</td>
<td>Fentanyl 400 grams or more mixture</td>
<td><strong>First Offense:</strong> Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than $10 million if an individual, $20 million if not an individual.</td>
</tr>
<tr>
<td>I</td>
<td>Fentanyl Analogue 10-99 grams mixture</td>
<td><strong>Second Offense:</strong> Not more than 10 yrs. and not more than 20 yrs. If death or serious bodily injury, not less than 15 yrs. or more than 20 yrs. Fine of not more than $1 million if an individual, $5 million if not an individual.</td>
<td>Fentanyl Analogue 100 grams or more mixture</td>
<td><strong>Second Offense:</strong> Not more than 10 yrs. and not more than 20 yrs. If death or serious bodily injury, not less than 15 yrs. or more than 20 yrs. Fine of not more than $1 million if an individual, $5 million if not an individual.</td>
</tr>
<tr>
<td>I</td>
<td>Heroin 100-999 grams mixture</td>
<td><strong>Second Offense:</strong> Not more than 10 yrs. and not more than 20 yrs. If death or serious bodily injury, not less than 15 yrs. or more than 20 yrs. Fine of not more than $1 million if an individual, $5 million if not an individual.</td>
<td>Heroin 1 kilogram or more mixture</td>
<td><strong>Second Offense:</strong> Not more than 10 yrs. and not more than 20 yrs. If death or serious bodily injury, not less than 15 yrs. or more than 20 yrs. Fine of not more than $1 million if an individual, $5 million if not an individual.</td>
</tr>
<tr>
<td>I</td>
<td>LSD 1-9 grams mixture</td>
<td><strong>First Offense:</strong> Not less than 10 yrs. and not more than 20 yrs. or more than Life. Fine $1 million if an individual, $5 million if not an individual.</td>
<td>LSD 10 grams or more mixture</td>
<td><strong>First Offense:</strong> Not less than 10 yrs. and not more than 20 yrs. or more than Life. Fine $1 million if an individual, $5 million if not an individual.</td>
</tr>
<tr>
<td>II</td>
<td>Methamphetamine 5-49 grams pure or 50-499 grams mixture</td>
<td><strong>First Offense:</strong> Not less than 10 yrs. and not more than 20 yrs. or more than Life. Fine $1 million if an individual, $5 million if not an individual.</td>
<td>Methamphetamine 50 grams or more pure or 500 grams or more mixture</td>
<td><strong>First Offense:</strong> Not less than 10 yrs. and not more than 20 yrs. or more than Life. Fine $1 million if an individual, $5 million if not an individual.</td>
</tr>
<tr>
<td>II</td>
<td>PCP 10-99 grams pure or 100-999 grams mixture</td>
<td><strong>First Offense:</strong> Not less than 10 yrs. and not more than 20 yrs. or more than Life. Fine $1 million if an individual, $5 million if not an individual.</td>
<td>PCP 100 grams or more pure or 1 kilogram or more mixture</td>
<td><strong>First Offense:</strong> Not less than 10 yrs. and not more than 20 yrs. or more than Life. Fine $1 million if an individual, $5 million if not an individual.</td>
</tr>
</tbody>
</table>

### Substance/Quantity

<table>
<thead>
<tr>
<th>Penalty</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any Amount Of Other Schedule I &amp; II Substances</td>
<td><strong>First Offense:</strong> Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than Life. Fine $1 million if an individual, $5 million if not an individual. <strong>Second Offense:</strong> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine $2 million if an individual, $10 million if not an individual.</td>
</tr>
<tr>
<td>Any Drug Product Containing Gamma Hydroxybutyric Acid Flunitrazepam (Schedule IV) 1 Gram</td>
<td><strong>First Offense:</strong> Not more than 10 yrs. If death or serious bodily injury, not more than 15 yrs. Fine not more than $500,000 if an individual, $2.5 million if not an individual. <strong>Second Offense:</strong> Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than $1 million if an individual, $5 million if not an individual.</td>
</tr>
<tr>
<td>Any Amount Of Other Schedule III Drugs</td>
<td><strong>First Offense:</strong> Not more than 5 yrs. Fine not more than $250,000 if an individual, $1 million if not an individual. <strong>Second Offense:</strong> Not more than 10 yrs. Fine not more than $500,000 if an individual, $2 million if other than an individual.</td>
</tr>
<tr>
<td>Any Amount Of All Other Schedule IV Drugs (other than one gram or more of Flunitrazepam)</td>
<td><strong>First Offense:</strong> Not more than 1 yr. Fine not more than $100,000 if an individual, $250,000 if not an individual. <strong>Second Offense:</strong> Not more than 4 yrs. Fine not more than $200,000 if an individual, $500,000 if not an individual.</td>
</tr>
<tr>
<td>Any Amount Of All Schedule V Drugs</td>
<td><strong>First Offense:</strong> Not more than 3 yrs. Fine not more than $25,000 if an individual, $100,000 if not an individual. <strong>Second Offense:</strong> Not more than 6 yrs. Fine not more than $50,000 if an individual, $250,000 if not an individual.</td>
</tr>
</tbody>
</table>

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### NYS ABC Law

#### Special Provisions Relating to Liquor

<table>
<thead>
<tr>
<th>§ 65-a. Procuring alcoholic beverages for persons under the age of 21 years</th>
<th>Specifics</th>
<th>Sentence</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any person who misrepresents the age of a person under the age of 21 years for inducing the sale of any alcoholic beverage, as defined in the alcoholic beverage control law, to such person.</td>
<td>A fine of not more than $200, or imprisonment up to five days, or both.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>§ 65-b. Offense for one under age of 21 years to purchase or attempt to purchase an alcoholic beverage through fraudulent means.</th>
<th>Specifics</th>
<th>Sentence</th>
</tr>
</thead>
</table>
| No person under the age of 21 years shall present or offer to any licensee, or to the agent or employee of such licensee, any written evidence of age, which is false, fraudulent, or not actually his own, for the purpose of purchasing or attempting to purchase any alcoholic beverage. | 1<sup>st</sup> violation: a fine of not more than $100 and/or up to 30 hours of community service. Also may order completion of an alcohol awareness program.  
2<sup>nd</sup> violation: a fine of $50 to $350 and/or up to 60 hours of community service. Also shall order completion of an alcohol awareness program if not previously completed.  
3<sup>rd</sup> and subsequent violations: a fine of $50 to $750 and/or up to 90 hours of community service, shall order evaluation by an appropriate agency to determine whether the person suffers from the disease of alcoholism or alcohol abuse. Payment for such evaluation shall be made by such person. If person elects to participate in recommended treatment, the court shall order that payment of such fine and community service be suspended pending the completion of such treatment.  
In addition to these penalties, the court may suspend such person's license to drive a motor vehicle and the privilege of an unlicensed person of obtaining such license: 1<sup>st</sup> violation: a three month suspension; 2<sup>nd</sup> violation: a six month suspension; 3<sup>rd</sup> or subsequent violation: a one year suspension or until the holder reaches the age of 21, whichever is the greater period. | |

<table>
<thead>
<tr>
<th>§ 65-c. Unlawful possession of an alcoholic beverage with the intent to consume by persons under the age of 21 years.</th>
<th>Specifics</th>
<th>Sentence</th>
</tr>
</thead>
<tbody>
<tr>
<td>No person under the age of 21 years shall possess any alcoholic beverage with the intent to consume such beverage.</td>
<td>A fine up to $50 and/or completion of an alcohol awareness program and/or up to 30 hours of community service.</td>
<td></td>
</tr>
</tbody>
</table>
In 2018, all employees of SUNY Erie may take advantage of your no-cost Employee Assistance Program (EAP) benefit offered through our new provider, Child and Family Services EAP.

You and anyone in your household can receive confidential consultation and counseling for a wide range of personal and family problems, including but not limited to:

- depression
- concerns about your children
- gambling problems
- concerns about caring for or supporting an ill or aging relative
- personal budgeting problems
- nutritional concerns
- marital difficulties
- alcohol and drug abuse
- work stress
- concerns or questions about child care options
- legal concerns
- smoking cessation

EAP has multiple, convenient office locations, and daytime as well as evening appointments are available in order to accommodate your work schedule. Visit the EAP website for a description of EAP Services and to request an appointment at EAP.cfsbny.org

- Click on Employees
- Your User Name is: EAP4U
- Your Password is: 716employee

Contact EAP for more information or to make an appointment.

Buffalo/Erie County: (716) 681-4300
Outside of Erie County: (800) 888-4162
SUNY ERIE COMMUNITY COLLEGE
DRUG AND ALCOHOL
PROGRAM AND SERVICES

Internal SUNY Erie resources

SUNY Erie Student Support Center

City Campus  North Campus  South Campus
45 Oak Street, Room 150  Building S, Room 213  Building 5, Room 5200
(716) 851-1188  (716) 851-1488  (716) 851-1653

SUNY Erie College Safety and Security

Emergency: 911
Dispatch Center: 270-6600

City Campus  North Campus  South Campus
Post Building, Room 102  Building S, Room 115  Building 5, Room 5223
(716) 851-1133  (716) 851-1433  (716) 851-1633

Changing College Student Alcohol Behavior (CCSAB) Grant

Dr. Marvin Wilson – CCSAB Project Director, SUNY Erie, (716) 270-6439
Petrina Hill-Cheatom – SUNY Erie, Dean of Students II, City Campus, (716) 851-1120

Alcohol echeckup To Go: https://interwork.sdsu.edu/echeckup/usa/alc/coll/index.php?id=ecc
to enable students to screen for early intervention of alcohol use.

Education to Recovery

SUNY Erie, City Campus, 45 Oak Street, Room 153, (716) 270-5393

SUNY Erie Health Offices

City Campus  North Campus  South Campus
Post, Room 228  Building S, Room 152B  Building 5, Room 5109
(716) 851-1199  (716) 851-1499  (716) 851-1699

Dean of Students Offices

City Campus  North Campus  South Campus
Post, Room 167  building G, Room 157  Building 5, Room 5212
(716) 851-1120  (716) 851-1420  (716) 851-1620
External SUNY Erie resources

**Erie County Council for Prevention of Alcohol & Substance Abuse (ECCPASA)**
1625 Hertel Avenue
Buffalo, New York 14216
Robin Mann, Executive Director, robin@eccpasa.org, (716) 831-2298 x102

**Horizons Health Services for Mental Health and Substance Abuse Services**
www.horizon-health.org
(716) 831-1800, as per the SUNY Erie agreement with Horizon’s employee and/or student must identify themselves when making a referral.

**NYS Office of Alcoholism and Substance Abuse Services**
http://www.oasas.ny.gov
Need help? Looking for a treatment provider or treatment facility? If you or someone you care about needs help contact 1-877-8-HOPENY (1-877-846-7369)

**Exhibits:** A description of the applicable legal sanction under local, State or Federal law for the unlawful possession or distribution of illicit drugs and alcohol are provided:

**Exhibit 1:** Federal Trafficking Penalties

**Exhibit 2:** NYS Penal Law: Controlled Substances Offenses, Offenses Involving Marijuana and Criminal Diversion of Prescription Medications and Prescriptions.

**Additional Resources & Hotlines:**
- Start Your Recovery, StartYourRecovery.org
- CAGE Questionnaire, A Screening Test for Alcohol Dependence, https://counsellingresource.com/quizzes/drug-testing/alcohol-cage/
- College Drinking- Changing the Culture, https://www.collegedrinkingprevention.gov/
- National Helpline for Substance Abuse Referral Services 1-866-684-6303
- NYS AIDS Hotline 1-800-541-AIDS (2437), en espanol 1-800-344-7432
- NYS AIDS Counseling & Testing (free and anonymous) 1-800-828-0064
- NYS Alcohol and Substance Abuse Hotline 1-800-522-5353
- National Clearinghouse for Alcohol and Drug Info 1-800-SAY-NO-TO (729-6686)
- Referral Services 1-877-726-4727
- Poison Control Info 1-800-336-6997
Alcohol Use and Your Health CDC publication
https://www.cdc.gov/alcohol/pdfs/alcoholyourhealth.pdf

Related Information:

SUNY Drug-Free Schools and Communities Act/Drug-Free Work Place Act Compliance

SUNY Policy for Alcohol and/or Drug Use Amnesty in Sexual Violence Cases

SUNY Policies on Sexual Violence Prevention and Response
POLICY NAME: Wire/Electronic Funds Transfer Security Policy

POLICY TYPE: Managerial

SUBMITTED BY: Daniel Bartkowiak, Information Security Officer, ITS

ISSUE OR STATEMENT OF PURPOSE:
This policy has been created to satisfy security procedure defined in section 4-A-201 of the uniform commercial code and required by the New York State Education Law §6304(12).

CORRECTIVE ACTION PLAN RECOMMENDATION (if any): N/A

NEW OR EDITED POLICY: New

Introduction
This security policy has been created to satisfy the need of a procedure defined in section 4-A-201 of the uniform commercial code and required by the New York State Education Law §6304(12). A bank wire transfer is a message to the receiving bank requesting them to effect payment in accordance with the instructions given. Electronic funds transfer (EFT) is the electronic transfer of money from one bank account to another account.

Applicability and Authority
This policy applies to the State University of New York (SUNY) - Erie Community College (ECC) Business Manager/Treasurer and associated Administrative Assistant. The Board of Trustees authorizes these two positions the permission to initiate EFT and wire transfers out of SUNY – ECC’s bank accounts. No other SUNY - ECC personnel has permission to initiate EFT and wire transfers out of Erie Community College bank accounts.

Procedure Reference
The accompanying procedure, Exhibit A and the SUNY ECC Information Security website https://myecc.ecc.edu/ITS-Security/Pages/default.aspx outlines appropriate physical and technical instructions.

Policy and Procedure Management
SUNY – ECC’s Information Technology Services (ITS) department may modify policies and procedures from time to time as required, provided that all modifications are consistent with federal laws, New York laws and SUNY policies Laws, Policies and Procedures that are applicable to Erie Community College.
POLICY NAME: Wire/Electronic Funds Transfer Security Policy

DOES IT SUPERCEDE A POLICY/WHICH ONE: No

POLICY COMMITTEE RECOMMENDED ACTION:
Policy Committee recommends the Board of Trustees accept the Managerial policy under the Report of the Chair, Ad Hoc Committee Reports, and Policy Committee. This Policy supersedes all prior policies/procedures and practices related to Wire/Electronic Funds Transfer Security Policy and Procedure.

POLICY COMMITTEE MEMBERS PRESENT: Trustee Kathleen Masiello, Trustee Susan Swarts, Student Trustee Rebecca Krakowiak, Vice President of Enrollment Management Steven Smith, Director of Registrar Paul Lamanna, and College Senate Representative Michael Delaney

DATE OF BOARD APPROVAL: December 14, 2017

POLICY COMMITTEE TEAM FOLLOW-UP:
Following Trustee acceptance, this Managerial will be included in the Erie Community College Managerial Policy Manual. And distributed to Officers defined above.

INFORMATION/INPUT CONSIDERED DURING POLICY COMMITTEE DELIBERATIONS:
M&T Bank Digital Services Agreement https://resources.mtb.com/Views/DSA.htm#K16

The Policy has been reviewed and discussed at the Policy Committee meeting of October 20, and November 17, 2017.
EXHIBIT A

Resources Technical Procedure

https://myecc.ecc.edu/ITS-Security/Documents/EFTWireTransfersProcedure.docx

Introduction

This instruction has been created to satisfy the need of a security procedure defined in section 4-A-201 of the uniform commercial code and required by the New York State Education Law.

Applicability and Authority

This procedure applies to Erie Community College’s Business Manager/Treasurer and associated Administrative Assistant. They will be referred to as “officers” throughout this document. The Board of Trustees authorizes these two officers permission to initiate EFT and wire transfers out of Erie Community College’s bank accounts. No other Erie Community College personnel has permission to initiate EFT and wire transfers out of Erie Community College bank accounts.

Technical Procedure

1. Boot dedicated banking personal computer
2. Log into Erie Community College domain with user domain credentials
3. Open designated web browser (Chrome, Firefox or Internet Explorer) and navigate to “https://www.mtb.com/business/commercial-banking” or open shortcut placed on the desktop
4. Make sure the text box with “https://www.mtb.com/business/commercial-banking” is green with accompanied lock graphic:
5. Click Arrow to the right of “Log In” and select the “Web InfoPLUS” for wire transfers or “Commercial Services” for EFTs
6. Enter User ID and Passcode, when complete, click “LOG IN”
7. Make sure the user ID text box is highlighted yellow, if not, close the browser and perform steps 3-5 again. If it is not yellow a second time, restart and perform steps 1-5
8. Enter officer’s respective assigned 4 digit PIN into physical fob. (Wire transfers only)
9. Log in with username and PIN on the fob provided from M&T (Wire transfers only)
10. Perform EFT or Wire transactions as needed
11. Verify desired transaction status via summary page for confirmation
12. Click “Log Out” when work is completed
13. When banking is complete, click the Windows Icon ( ) then Power and Shut down to turn off the banking computer.
EXHIBIT A - Continued

Technical Security Controls
A fob has been supplied by the bank. The fob authenticates the officer’s credentials when he/she logs in. User names and passwords for bank login are unique for each officer. Electronic Fund Transfer usernames follow the format of Erie Community College’s domain user login (e.g. Smith@ecc.edu).

Physical Security Controls
Assigned fobs shall be secured by locking office doors when the officer is not present. Dedicated banking terminals shall be used for banking purposes only, thus reducing the chances of malware and other threats from compromising this EFT transfer process. Terminals shall be powered off when not performing banking duties to limit exposure.

Policy and Procedure Management
Information Technology Services may modify these policies and procedures from time to time as required provided that all modifications are consistent with federal laws, New York laws and SUNY policies.
POLICY NAME: Employee Breastfeeding/Lactation Policy

POLICY TYPE: Managerial

SUBMITTED BY: Maria Carroll, Director of Human Resources

ISSUE OR STATEMENT OF PURPOSE:

As part of our family-friendly policies and benefits, SUNY Erie supports breastfeeding mothers by accommodating the mother who wishes to express breast milk during her workday when separated from her newborn child.

In 2018 SUNY Erie was recognized by the Erie County Department of Health as a “breastfeeding-friendly workplace,” a requirement of this designation is memorializing and distributing our policy on expressing breast milk at work.

SUNY Erie Community College acknowledges the worksite accommodation law in the U.S. Patient Protection and Affordable Care Act enacted in March 2010, which amends the Fair Labor Standards Act (FLSA), and Section 206-c of the New York State Labor Law.

NEW OR EDITED POLICY: New.

No employee shall be harassed or discriminated against for breastfeeding or expressing breast milk during the work period, and reasonable efforts will be made to assist employees in meeting their infant feeding goals while at work.

The lactation accommodation provisions are a reasonable time to express breast milk at work, a private area for breast milk expression and mutual adherence to employer/employee responsibilities. These accommodations are clarified below.

Any act found to be intentional that invades a nursing mother’s privacy or impedes her right to express breast milk at work shall be treated as a disciplinary offense and reported to the appropriate manager.

This policy shall be communicated to all current employees and included in new employee orientation training.
Lactation Accommodation Provisions:

- **Reasonable Time to Express Milk at Work**
  Employees shall be provided reasonable time to express milk while at work for up to three years following the child’s birth, each time the employee has need to express milk.
  Employees may use usual break and meal periods for expressing milk. If additional time is needed to express milk, employees may use accrued leave, leave without pay, or may make up the time (e.g. flex) if such an arrangement is pre-approved with their supervisor(s). All breaks must be appropriately recorded in the employee’s weekly time entries.

- **A Private Area for Milk Expression**
  Employees will be provided with a private place, other than a bathroom, that is shielded from view and free from intrusion from co-workers and the public, to express breast milk. The room can be a designated space for lactation. If this is not practical or possible, a vacant office, conference room, or other small area can be used so long as it is not accessible or visible to the public or other employees while the nursing employee is using the room to express milk.

  The room will:
  - Be in close proximity to the employee’s work station, when possible
  - Have a door equipped with a functional lock or, if this is not possible, the room will have a sign advising that the room or location is in use and not accessible to other employees or the public
  - Be well lit
  - Ensure privacy by covering any windows with a curtain, blind, or other covering
  - Contain, at a minimum, a chair and a small table, counter, or other flat surface and an electrical outlet.
  - Ideally, be situated nearby access to clean water

  Each campus health office is the designated lactation space that meets the criteria outlined above for employees who do not have a private office suitable for expressing milk. An employee who will need to utilize this space should contact the campus nurse prior to their return to work from maternity leave to discuss use of the space and scheduling needs.

**Employer Responsibilities:**

SUNY Erie will:
- Maintain the cleanliness of the room or location set aside for the use of employees expressing breast milk at work.
- Notify employees returning to work following the birth of a child of their rights under New York State Labor Law 206-c and the national worksite lactation accommodation law in the U.S. Patient Affordable Care Act. This notice may either be provided individually to affected employees or to all employees generally through posting in a central location.
Employee Responsibilities:
Breastfeeding employees utilizing lactation support services will:

- Give supervisors advance notice of the need for lactation accommodations, preferably prior to their return to work following the birth of the child. This will allow supervisors the opportunity to work out logistical/scheduling issues.
- Maintain the designated area by wiping the pump (if provided) and surfaces with microbial wipes so the area is clean for the next user.
- Insure the safekeeping of expressed breast milk stored in any refrigerator on the premises. Breast milk can be stored in a general company refrigerator, in a refrigerator provided in the lactation room, or in the employee’s personal cooler. Any breast milk stored in a shared refrigerator must be labeled with the name of the employee and the date of expressing the breast milk. Any nonconforming products stored in the refrigerator may be disposed of. Employees storing milk in the refrigerator assume all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage, refrigeration and tampering.

DOES IT SUPERCEDE A POLICY/WHICH ONE: N/A

POLICY & GOVERNANCE COMMITTEE RECOMMENDED ACTION:
Policy & Governance Committee recommends the Board of Trustees accept the Managerial policy under Committee Briefings, Policy and Governance Committee. This Policy supersedes all prior policies/procedures and practices related to Employee Breastfeeding/Lactation Policy.

POLICY & GOVERNANCE COMMITTEE MEMBERS PRESENT: Trustee Len Lenihan, Trustee Kathleen Masiello, Executive Vice President for Administration and Finance Penelope Howard, VP Human Resources, Equity and Inclusion Tracey Cleveland, Director of Human Resources Maria Carroll, Vice President of Enrollment Management Steven Smith, Director of Registrar Paul Lamanna, Dean of Liberal Arts and Sciences Joanne Colmerauer, Dean of Liberal Arts and Sciences Jamie Smith and College Senate Representative Michael Delaney

DATE OF BOARD ACCEPTANCE: December 13, 2018

POLICY & GOVERNANCE COMMITTEE TEAM FOLLOW-UP:
Following Trustee acceptance, this Managerial policy will be included in the SUNY Erie Community College Managerial Policy Manual.

INFORMATION/INPUT CONSIDERED DURING POLICY & GOVERNANCE COMMITTEE DELIBERATIONS:
Catholic Charities and sample policy from Society of Human Resources Management.

The Policy has been reviewed and discussed at the Policy & Governance Committee meeting of November 16, 2018.
POLICY NAME: SUNY Erie Employee Separation Policy

POLICY TYPE: Managerial

SUBMITTED BY: Maria Carroll, Assistant Director of Human Resources

ISSUE OR STATEMENT OF PURPOSE: There is a need for a procedure surrounding the separation of SUNY Erie employees, particularly with an eye on collecting keys and College equipment, as well as providing an avenue for exit interviews. This was implemented in 2015-2016.

PURPOSE: SUNY Erie Community College would like to ensure that the separation process for separating employees is handled in an organized and consistent manner. The process described in this policy will help to facilitate a smooth transition for employees separating from SUNY Erie.

APPLICABILITY OF THE POLICY AND PROCEDURE: This policy applies to all employees that voluntarily separate from employment at SUNY Erie.

PROCEDURES AND RESPONSIBILITIES: The following checklist must be completed by the departing employee in order to officially exit from SUNY Erie Community College.

☐ Employees must complete SUNY Erie Community College’s exit survey. This survey can be accessed at the following link: http://studentvoice.com/ecc/eccexitSurvey.

☐ Employees may request an in-person exit interview by contacting the Human Resource (HR) Department at 716-851-1840.

☐ Employees must return all SUNY Erie property in their possession to HR prior to their last day of work, which includes your SUNY Erie ID card. A receipt for their return will be provided to you. Appointments are strongly recommended. To schedule an appointment, please contact HR at (716) 851-1840.

Employees must turn in the following items to the Human Resources department located in South Campus Building 1:

☐ All keys for all College facilities.

☐ All electronic equipment that is the property of SUNY Erie Community College (i.e. laptop, tablet, cell phone, projector, etc.).
POLICY NAME: SUNY Erie Employee Separation Policy continued

☐ Identification badge(s).
☐ SUNY Erie Community College credit cards or travel cards.
☐ Parking permit (if applicable).
☐ All tools, equipment, and uniforms (if applicable).
☐ Department property (e.g. textbooks).
☐ Any other property of Erie Community College.

These items may not be left with your department/coworkers when you depart, they must be returned to HR so they can be properly inventoried and re-issued.

☐ If an employee plans to continue employment with SUNY Erie on a part time basis after his/her separation, the Department Chair or supervisor must notify the Human Resources Department of this immediately to ensure the separating employee remains active in the Colleague system.

☐ Employees must remove their personal property from SUNY Erie Community College facilities including lockers and office space. SUNY Erie is not responsible for lost, stolen, or discarded personal property left by a separating employee after their last day of work.

CORRECTIVE ACTION PLAN RECOMMENDATION (if any): N/A

NEW OR EDITED POLICY: Edited. Formerly ECC Offboarding Policy and Checklist.

DOES IT SUPERCEDE A POLICY/WHICH ONE: No

POLICY COMMITTEE RECOMMENDED ACTION:
The Policy Committee recommends the Board of Trustees accepts the Managerial policy under the Report of the Chair, Ad Hoc Committee Reports, and Policy Committee. This Policy supersedes all prior policies/procedures and practices related to Employee Separation Policy.

POLICY COMMITTEE MEMBERS PRESENT:
Kathleen Masiello-Trustee, Susan Swarts-Trustee, Michael Pietkiewicz-Senior Vice President of Operations, Tracey Cleveland-Director of Human Resources, Vice President of Enrollment Management Erik D’Aquino. Assistant Vice President of College Safety and Security Tracy Gast, Assistant Director of Human Resources Maria Carroll.

DATE OF BOARD ACCEPTANCE: June 29, 2017
POLICY NAME: SUNY Erie Employee Separation Policy continued

POLICY COMMITTEE TEAM FOLLOW-UP:
Following Trustee acceptance, this Managerial policy will be included in the Erie Community College Managerial Policy Manual. Distribution of policy to ECC employees and students.

INFORMATION/INPUT CONSIDERED DURING POLICY COMMITTEE DELIBERATIONS:
The previous ECC Offboarding Policy and Checklist was reviewed and considered. The Policy has been reviewed and discussed at the Policy Committee meeting of April 10, 2017 and June 9, 2017.
INSTRUCTIONS: *This checklist must be completed by a Human Resources representative for all employees that depart employment by Erie Community College.*

Employee Name: ______________________ Employee Classification: FT/RPT/PT

Union: ______________________ Department/Campus: ______________________________

**HR Meeting and Exit Survey:** Employees are responsible for completing the ECC’s online exit survey. They may schedule an in-person exit interview if preferred. Please initial the following once you have confirmation that the employee has met this requirement.

- [ ] Employee has completed ECC’s exit survey.
- [ ] Employee has met with a representative from Human Resources regarding his/her departure from employment.

**ECC Property:** Employees must turn in the following items to the Human Resources department. When an employee returns the items listed below, please initial that they have been received, and follow the instructions listed (if applicable) to ensure that the materials are returned to the correct party.

<table>
<thead>
<tr>
<th>ECC Property Item</th>
<th>Date Received</th>
<th>Initial once Received</th>
<th>Instructions for HR</th>
<th>Initial when Complete</th>
</tr>
</thead>
<tbody>
<tr>
<td>All keys for College facilities (list key #’s)</td>
<td></td>
<td></td>
<td>Hand-deliver to South Security</td>
<td></td>
</tr>
<tr>
<td>All electronic equipment that is the property of ECC (i.e. laptop, iPad, cell phone) List:</td>
<td></td>
<td></td>
<td>Submit Helpdesk Ticket</td>
<td></td>
</tr>
<tr>
<td>Identification Badge(s)</td>
<td></td>
<td></td>
<td>Hand-deliver to South Security</td>
<td></td>
</tr>
<tr>
<td>ECC Credit Cards or Travel Cards Parking Permit (if applicable)</td>
<td></td>
<td></td>
<td>Return to Business Office</td>
<td></td>
</tr>
<tr>
<td>All tools, equipment, and uniform(s) (if applicable) Security personnel must surrender all firearms to the Head of Security</td>
<td></td>
<td></td>
<td>Notify appropriate department (if applicable) N/A</td>
<td></td>
</tr>
<tr>
<td>All other ECC property Please specify property item(s):</td>
<td></td>
<td></td>
<td>Please return property item to correct department (if applicable)</td>
<td></td>
</tr>
</tbody>
</table>

- [ ] HR has provided employee with receipt of returned items.

Employee Signature ___________________________________________ Date: ____________________

Name of Employee Collecting Property/Completing form: (print) ______________________________
Committee Meeting: Policy & Governance Committee | Date: December 14, 2018
Committee Chair: Kathleen Masiello - members present page 2
New or Edited: Edited VI-A-6 Emergency Weather Closing Policy

POLICY NAME: Emergency Closing Policy

POLICY TYPE: Managerial

SUBMITTED BY: Penelope Howard, Executive Vice President for Administration and Finance

ISSUE OR STATEMENT OF PURPOSE: To establish guidelines for emergency closings.

NEW OR EDITED POLICY: Edited VI-A-6

PURPOSE:
To define the authority and purpose of emergency campus closings for SUNY Erie Community College. Specific procedures related to the execution of this policy to include specific responsibilities and communications of emergency events will be maintained separately.

POLICY:
The President or his/her official designee has the authority to cancel classes or close singular or all campuses, in part or whole, due to any uncontrollable emergency.

In the event that such an event is called, employees directly impacted by the closing of their primary work location or cancellation of classes for which they teach or assist who have already reported to work, may leave work, or not come to work, unless they have been designated as essential (see Essential Personnel Policy and applicable collective bargaining MOU). Time off from work for each employee affected by an official emergency closing will be treated as defined in their governing union contract.

An employee who is officially designated as essential, or who is otherwise required to work during an officially declared emergency closing, will receive normal pay for hours worked per applicable contract and MOU’s.

The President or his/her official designee is granted sole authority to declare that classes or campuses, in part or as a whole, are cancelled or closed. This authority extends to the suspension of related services or activities, in part or whole, due to emergency conditions. Any employees who are excused without a formally declared suspension of operations will have the absence charged to personal leave balances as defined under the liberal leave policy.

Should the President or his/her official designee declare an emergency facility closing, cancellation of classes, or suspension of services, in part or as a whole, only those employees directly impacted by the declared emergency as defined above, will be excused or approved under this policy. This policy does not extend to
POLICY NAME: Emergency Closing Policy - Continued

employees in non-impacted classes, facilities, or services. This decision to close will be communicated through all appropriate channels.


POLICY & GOVERNANCE COMMITTEE RECOMMENDED ACTION:
Policy & Governance Committee recommends the Board of Trustees accept the Managerial policy under Committee Briefings, Policy and Governance Committee. This Policy supersedes all prior policies/procedures and practices related to Emergency Closing Policy.

POLICY & GOVERNANCE COMMITTEE MEMBERS PRESENT: Trustee Len Lenihan, Trustee Kathleen Masiello, Executive Vice President for Administration and Finance Penelope Howard, Director of Registrar Paul Lamanna, Dean of Liberal Arts and Sciences Joanne Colmerauer, Dean of Liberal Arts and Sciences Jamie Smith; College Senate Representative Michael Delaney; Daniel Kaufmann, Employee Relations Manager; Heather Cruz, Dean of Students and Joan Castro, Assistant to the Provost and Executive Vice President

DATE OF BOARD ACCEPTANCE: February 7, 2019

POLICY & GOVERNANCE COMMITTEE TEAM FOLLOW-UP:
Following Trustee acceptance, this Managerial policy will be included in the SUNY Erie Community College Managerial Policy Manual.

INFORMATION/INPUT CONSIDERED DURING POLICY & GOVERNANCE COMMITTEE DELIBERATIONS:
The Policy has been reviewed and discussed at the Policy & Governance Committee meeting of December 14, 2018.
POLICY NAME: Enterprise Resource Planning (ERP) System Account Policy

POLICY TYPE: Managerial

SUBMITTED BY: Daniel Bartkowiak, Information Security Officer

ISSUE OR STATEMENT OF PURPOSE: This policy has been created to ensure only legitimate and documented changes to Enterprise Resource Planning (ERP) system accounts take place.

NEW OR EDITED POLICY: New

Applicability

This policy applies to all of SUNY Erie’s employees, including student workers who have been assigned ERP system accounts.

SUNY Erie Employees

After a SUNY Erie employee’s account has been created, all adjustments to that employee’s account information which the employee can update or adjust as necessary must be made from within the ERP system by that respective employee.

Change requests sent to departments such as Human Resources, Payroll or ITS departments will not be accepted.

If an employee needs help with the ERP system, assistance will be provided by the employee’s assigned Payroll representative or another on-duty Payroll employee if the assigned Payroll representative is unavailable.

Privileged Accounts

Users with the assigned permission to edit other employees’ self-changeable account information within the ERP system are prohibited from making any changes to another employee’s account without the expressed written consent of the Vice President of Human Resources and the Director of Enterprise Resource Planning.

Any SUNY Erie Employee that needs help with making ERP system account changes must be directed to his/her Payroll representative.
POLICY NAME: Enterprise Resource Planning (ERP) System Account Policy-Continued

Procedure Management

Information Technology Services (ITS) may modify its procedures from time to time as required. All modifications must be consistent with federal laws, New York laws and SUNY policies.

Resources

ITS-Security at SUNY Erie:
https://myecc.ecc.edu/ITS-Security/Pages/default.aspx
Laws, Policies and Procedures that are applicable to Erie Community College

Payroll at SUNY Erie:
https://myecc.ecc.edu/payroll/Pages/default.aspx

DOES IT SUPERCEDE A POLICY/WHICH ONE: No

POLICY & GOVERNANCE COMMITTEE RECOMMENDED ACTION:
Policy & Governance Committee recommends the Board of Trustees accept the Managerial policy under Committee Briefings, Policy and Governance Committee. This Policy supersedes all prior policies/procedures and practices related to Enterprise Resource Planning (ERP) System Account Policy.

POLICY & GOVERNANCE COMMITTEE MEMBERS PRESENT:
Trustee Kathleen Masiello, Trustee Leonard Lenihan, Executive Vice President for Administration and Finance Penelope Howard, Provost and Executive Vice President of Academic and Student Affairs Douglas Scheidt, Vice President of Student Affairs Nora Clark, Vice President of Human Resources, Equity & Inclusion Tracey Cleveland, Employee Relations Manager Daniel Kaufmann, Dean of Liberal Arts and Science Joanne Colmerauer, Professor Michael Delaney, Director of Registration Paul Lamanna, Dean of Liberal Arts and Science Jamie Smith

DATE OF BOARD ACCEPTANCE: June 27, 2019

POLICY & GOVERNANCE COMMITTEE TEAM FOLLOW-UP:
Following Trustee acceptance, this Managerial policy will be included in the SUNY Erie Community College Managerial Policy Manual.

INFORMATION(INPUT CONSIDERED DURING POLICY & GOVERNANCE COMMITTEE DELIBERATIONS:
Human Resources, Payroll, and ITS collaboration.

The Policy has been reviewed and discussed at the Policy & Governance Committee meeting of May 10, 2019.
POLICY NAME: Financial Internal Controls

POLICY TYPE: Board

SUBMITTED BY: William D. Reuter, ECC Chief Administrative & Financial Officer

ISSUE OR STATEMENT OF PURPOSE: To provide SUNY Erie Trustees timely and accurate financial information on decisions impacting the annual budget and setting forth the type of monthly and ad hoc financial reporting provided to the Trustees as well as a description of the annual budget process in order to assist the SUNY Erie Board of Trustees in fulfilling its fiduciary responsibility in administering a community college.

CORRECTIVE ACTION PLAN RECOMMENDATION (if any): The Corrective Action Plan (CAP) approved by the ECC Board of Trustees on April 12, 2016 recommendation 1a Board Oversight – “Board of Trustees policies addressing financial decisions will be revised to include: (1) specific enumerated dollar or percentage thresholds and (2) categories or budgeted line items as appropriate when Board of Trustees approval is required for changes in the adopted budget. These policies will align with SUNY Regulations”; CAP 1b Board Oversight – “Additionally, Board of Trustees policies will be revised to require Board approval for: (2) any contract extending beyond the upcoming fiscal year”.

NEW OR EDITED POLICY: New.

Overview

The College falls under several jurisdictions when it comes to the preparation and adoption of its budget. The College Budget must be approved and adopted by the College’s Board of Trustees, reviewed by the Erie County Executive and submitted to the Erie County Legislature with recommendations, approved by the Erie County Legislature, and approved by the State University of New York (SUNY) in accordance with an Erie County Legislative resolution that establishes the budgetary timeline (discussed further below) as well as state statute. In addition, the Erie County Fiscal Authority (Control Board) normally opines on SUNY Erie’s operating budget and financial projections, since SUNY Erie is a component unit of Erie County and is within the Authority’s scope of review.

Overall Budget Amendments

Section 602.9 of Community College Rules state that in regards to amendments of college operating budgets that “within the total approved college operating budget, the college trustees may transfer appropriations from one function or object of expense account to another” and that “amendments to increase the total
POLICY NAME: Financial Internal Controls - Continued

college operating budget may be effected by the college trustees with the approval of the sponsor and State University trustees.”

Budget Transfers

Throughout the year, the College is permitted to reallocate its individual departmental budgets by transferring funds between functions and within objects of expense. Although functional costs (instructional, library, student affairs, etc.) may increase/decrease, the overall budget will not change. In addition, budget transfers are permitted within objects of expense but the overall budget for the objects of expense (personnel, fringe benefits, contractual services, equipment) will not change. Transfers are not permitted from one fund to another (grant to operating or vice versa).

The College has traditionally budgeted expenses such as equipment and travel at an Executive Vice President level with subsequent budget transfers to operating departments based upon approved expenditures. This high level budgetary control ensures expenditures are necessary, consistent with the College’s strategic plan, and provides assurance that the overall budget will not be exceeded. Each year, the College analyzes its revenues and expenditures. Budget reallocation may be required if a particular area of expenditure is underfunded due to unanticipated expenses and reallocation is provided if it is consistent with achieving institutional goals and objectives as long as the overall budget is not affected.

For requested budget transfers exceeding $50,000, the President will authorize such transfer and will include on the subsequent Financial Health subcommittee agenda a report of and the reasons for such budget transfer. A compilation of all budget transfers will be maintained and will be made available for review by the College President and/or Board of Trustees upon request.

Budget transfers requests are submitted electronically by the originating department using the attached form (Exhibit) and require supervisory approval prior to submission for processing. Such transfer requests must provide justification/explanation and generally are done within an operating department moving funds from one contractual services account to another (such as from office supplies to instructional supplies).

Budget Process/Timeline

In January of each year, a memo is sent to all operating units in the College establishing the format and guidelines for budget consideration. Each unit is asked to establish priorities in line with the Strategic Plan and Program Review and within the scope of available resources. The priorities establish the determining factors in building the budget. Each unit submits its budget request electronically in February. The Executive Vice Presidents meet with all operating units, and reviews and discusses their individual requests. At that time,
information justifying the proposed budgets is presented. The request must demonstrate how proposed expenditures tie into the Strategic Plan and Program Review and how they would contribute to achieve the College’s mission and institutional goals.

After the budget proposals are presented and reviewed, the information is summarized and prioritized by the Executive Vice Presidents and reviewed with the President and Executive team. Tentative decisions are then made regarding available funding and the requests received based upon an institutional priority. The process can be repeated several times because information is received regarding salaries, retirement-systems percentages, health-insurance rates, and other similar factors as well as enrollment, state aid, tuition and fees, and other factors impacting estimated revenues.

Budget information is brought before the Board of Trustees Financial Health Subcommittee beginning in March or prior and the budget review process may take several meetings of this committee before a recommendation is made to the full Board of Trustees. The Board of Trustees will review the significant financial factors affecting the College’s budget – enrollment, tuition and fees, state aid, county contributions, staffing, benefit costs and contractual services.

As far as required budget dates/timelines, the previously mentioned Erie County Legislative resolution requires the SUNY Erie Board of Trustees to submit a recommended budget to the Erie County Executive prior to May 10th with the Erie County Executive required to submit his/her recommended SUNY Erie budget to the Erie County Legislature on or before June 1st. The Legislature has until the last regularly scheduled meeting in the month of June to act on SUNY Erie’s budget. Under normal circumstances, the Legislature’s Community Enrichment Committee will request the College to make a presentation on the budget request and respond to any questions. Additionally, prior to the Legislature taking final action a Public Hearing is required. After legislative action on the budget is taken, the tuition and fee schedule along with the operating budget is sent to the SUNY Board of Trustees for its approval.

**Monthly Financial Reporting**

On a monthly basis, there are several finance related reports provided to the Financial Health Committee and then to the full Board of Trustees. Most are informational, some need Board approval and are duly noted. Those reports are as follows:

1. Monthly and year-to-date revenue and expenditure reports which provide a budget monitoring report on key revenue and expenditure accounts, as well as enrollment reporting and the financial impact of such enrollment.
2. Finance Dashboards – provides graphical display of key revenue and expenditure accounts monthly, year-to-date and variance analysis.

3. Vendor Report – provides report of any vendor payment(s) exceeding $10,000 from the start of the College’s fiscal year. Amounts reflect all expenditures – grant and/or operating combined as well as a brief explanation as to the reason for the vendor payment.

4. Petty Cash - action by the Erie County Legislature in approving Plan “C” authorized the SUNY Erie Board of Trustees to establish and maintain petty cash funds for specified College purposes with the list of all expenditures made from such petty cash funds to be presented to the Board of Trustees at each regular meeting. When presented, Board of Trustees’ approval of such expenditure is requested.

5. Disposal of Materials – an itemized listing of material to be surpluses, scrapped and or donated is provided detailed by campus, asset number along with original cost and remaining book value. When presented, Board of Trustees’ approval of such disposal is requested in order to remove the asset from the College’s records and so that the surplus material can be turned over to the Erie County Division of Purchasing for disposal.

6. Facility Rentals – recap by month and cumulative fiscal year-to-date of all outside facility usages and the fees charged/waived.

7. Health Insurance Utilization – monthly and year-to-date analysis of health insurance utilization compared to premiums paid. On an annual basis provides information relative to new rates set for the calendar year.

8. Facility/Capital Projects – provides a brief overview of the county capital projects along with facility enhancements done internally by SUNY Erie staff.

9. Management Letter – A report is provided monthly to the Financial Health Committee addressing the status of any progress towards addressing management letter comments issued by the College’s independent auditing firm from the previous year’s audit.

**Ad Hoc Reports**

On a less frequent basis, there are several finance-related reports provided to the Financial Health Committee and then to the full Board of Trustees. Those reports are as follows:

1. Community college chargebacks which identifies SUNY chargeback rates to use for billing purposes along with reports by municipality and community college where chargebacks are being paid to and where the Erie County residents are coming from. Information is also shared detailed by academic program at Niagara County Community College as well as the entire SUNY system as to what programs Erie County residents are taking.
2. Erie County Budget – both the Executive recommended along with Legislative adopted County annual budget as it impacts SUNY Erie’s operating and capital budget. Generally first information provided starting in October with monthly updates until December.

3. SUNY Budget – provides a recap of the SUNY recommended budget followed by the Governor proposal, the Senate and Assembly version all culminating in a State budget on or around April 1st which provides the operating and capital match from the State of New York. Generally first information provided starting in November and monthly updates until April.

4. College Audit – annually upon the completion of the College audit, the College’s independent audit firm will provide a draft of the audited financial statements and accompanying management letter, for review and discussion at a Financial Health Committee meeting. After review, the audit and management letter will be provided to the full Board of Trustees for its information. College audited financial statements are included as a discrete presentation in Erie County’s audited financial statements. Audit results are generally presented in February or March.

5. Auxiliary Services Corporation (ASC) Audit – annually upon the completion of the ASC audit, the ASC’s independent audit firm will provide a copy of the audited financial statements and accompanying management letter, for review and discussion at a Financial Health Committee meeting. After review, the audit and management letter will be provided to the full Board of Trustees for information. ASC’s audited financial statements are included as a discrete presentation in the colleges audited financial statements. Audit results are generally presented in January or February.

6. Foundation Audit – annually upon the completion of the Foundation audit, the Foundation’s independent audit firm will provide a copy of the audited financial statements and accompanying management letter, for review and discussion at a Financial Health Committee meeting. After review, the audit and management letter will be provided to the full Board of Trustees for information. Foundations audited financial statements are included as a discrete presentation in the colleges audited financial statements. Audit results are generally presented in January or February.

7. Contract renewals/extensions specific to facilities/financial operations such as architecture/engineering firm approval and cell company lease agreements.

8. Collective Bargaining Agreements along with negotiation updates are generally provided to the Board of Trustees at its monthly meeting. Any agreements negotiated either primarily by the College (Faculty Federation of ECC and Administrator’s Association of ECC) or by the County which the college participates in negotiations (CSEA and AFSCME) are brought before the Board of Trustees along with a resolution approving such agreement. Oftentimes, negotiations, collective bargaining and other labor matters are discussed as part of Executive session.

9. Most contracts/agreements involve academics and or student affairs and are reviewed by the Curriculum and Student Success Committee, and with subsequent approval recommendation to the full
POLICY NAME: Financial Internal Controls - Continued

Board of Trustees. Prior to submission to the Committee, the Chief Administrative and Financial Officer reviews the contract/agreements. Any contract/agreement requiring County Attorney review/approval is sent to the County Attorney before/after the Board of Trustee meeting dependent upon the timeframe of submission.

10. Contracts for professional services are covered under a separate Board of Trustee policy but if the contract is in excess of $10,000, depending upon the nature of the service to be provided, the contract would be reviewed by the applicable Board of Trustee committee and the full Board of Trustees. Amounts in excess of $50,000 also require County approval.

11. Any contract/agreement that requires the College to indemnify the other party must be approved by the Board of Trustees through the applicable Board committee structure.

DOES IT SUPERCEDE A POLICY/WHICH ONE: No prior policy exists. Other than the discussion on budget transfers most other covered topics included in Exhibit A are part of normal, historical Board/Committee reporting, as well as the followed budget practices/timelines.

POLICY COMMITTEE RECOMMENDED ACTION: Pending review and approval by the Financial Health Committee of the SUNY Erie Board of Trustees, the Policy Committee recommends the Board of Trustees approve this Board policy under the Report of the Chair, Ad Hoc Committee Reports, Policy Committee.

Policy Committee Members Present – Trustees Kathleen Masiello, Susan Swarts, and Neal McCallum, Trustee Tim Callan via telephone call in, Senior Vice President of Operations Mike Pietkiewicz, EVP Academic Affairs Rick Washousky, Director of Human Resources Tracey Cleveland and Chief Administrative and Financial Officer William Reuter.

DATE OF BOARD APPROVAL: January 26, 2017

POLICY COMMITTEE TEAM FOLLOW-UP: Following Trustee Approval, this policy will be included in the Board of Trustee Policy Manual.

INFORMATION/INPUT CONSIDERED DURING POLICY COMMITTEE DELIBERATIONS: As prescribed by Education Law Article 126 and Part 600 of Community College Regulations, SUNY Community College Trustees have fiduciary responsibilities in administering a community college. In order to construct a policy to properly address this fiduciary responsibility the following activities/actions were undertaken:

1. Contacted SUNY Comptroller’s Office, SUNY Legal Counsel as well as OSC audit. No specific guidance provided.
2. Discussed with College’s Independent Audit Firm, general comments received.
3. Reviewed detailed OSC audit report as well as work done by Review Panel.
POLICY NAME: Financial Internal Controls - Continued


6. Community College Business Officers Association survey. Most survey results were centered on budget transfers and the level for which the Board of Trustees reviews such transfers. Reviewed Suffolk County Community College’s Internal Control & Policies & Procedures Manual which centered on budget transfers and the annual budget process.

7. Reviewed existing BOT Policies covering wireless telephones, travel, procurement, journal entries and consultants. Separate policy to be written regarding College investments/cash management controls.

8. Reviewed GFOA’s “Best Practices in Community College Budgeting”.

This Policy has been previously reviewed and discussed at the Policy Committee meetings of December 13, 2016 and January 3, 2017. The draft Policy was also emailed to Financial Health Committee members on a couple of occasions requesting feedback.

At the meeting of January 3, 2017 the Policy Committee unanimously approved this Policy with edits that have been made to the above. The Policy was reviewed and discussed at the Financial Health Committee on January 17, 2017 and approved for Board of Trustee adoption.

The Financial Health Committee did express some concerns on the need to pre-approve budget transfers over a certain dollar threshold but agreed to give the above Policy an opportunity and if need be, to re-visit the Policy at a later point in time.
TO: Jean Klar, Financial Coordinator – SOUTH CAMPUS
DATE: 
DEPARTMENT: 

NOTE: Equipment, personnel and fringe benefit accounts cannot be utilized as a funding source for budget transfers, and you cannot transfer funds to/from one fund into a different fund. Grant related transfers should be emailed directly to Jean Klar at Klar@ecc.edu.

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Justification/Explanation (Required – attach requisition if possible)

STOP

PRINT COPY OF THIS FORM FOR YOUR RECORDS, AND REFER TO DIRECTIONS BELOW FOR ELECTRONIC SUBMISSION.

- Save a copy of this form by selecting “File” from the pull-down menu, and “Save As” and give it a name and location to save to.

- Email the saved file as an attachment to the appropriate Supervisor(s). Please put “Budget Transfer” in the subject line of the email, and place the following message in the body of the email:

  "Please review the attached Budget Request Form. If approved, please FORWARD this email message back to me saying it is APPROVED."

- Upon receipt of APPROVED email from Supervisor(s), FORWARD approved message(s) to Klar@ecc.edu for final processing.

IMPORTANT: Failure to use the FORWARD key on your email messages will prevent the Form from being attached and could delay transfer approval.

FOR Chief Accountant USE ONLY:
Date Transfer Input: ________________ Transfer # ________________
Date Confirmation Sent to Department: ________________
POLICY NAME: Freedom of Expression and Assembly Policy

POLICY TYPE: Board

SUBMITTED BY: Tracy Gast, Associate Vice President College Safety and Security

ISSUE OR STATEMENT OF PURPOSE:

Freedom of Expression at SUNY Erie Community College

Freedom of thought and expression is essential to any institution of higher learning. Uncensored speech—which does not include a right to harass, injure, or silence others—is essential in any academic community, and will be defended. Members of the college community should understand that standards of civility, consideration and tolerance must shape our interactions with each other. Infringing on the expression of views—either by interfering with a speaker, defacing distributed notices or removing properly posted materials—will not be tolerated.

Events and Speakers, Campus Demonstrations

SUNY Erie reserves the right to control the time, place and manner of events that occur on any of the college’s three campuses or its affiliated properties. The college does not seek to censor the expression of ideas, but rather to maintain campus safety and order. Protestors may be assigned to particular places on campus by facility managers or College Safety officials in order to facilitate necessary college activities and operations.

Demonstrations by members of the campus community may occur on campus, but must not disrupt the regular operation of the college. The scheduling of speakers and events shall give 72 hours’ notice to both College Safety and pertinent college officials. (These officials can be determined by College Safety.) In addition, organizers must consult with college officials for a departmental- or employee-sponsored event, or with the Dean of Students for a student- or student-organization sponsored event regarding the logistical arrangements.

Guidelines for Dissent and Protest

Dissent and protest is not only a student right, but it is welcome at SUNY Erie. Disruption of college activities is not, and such behavior will not be tolerated. Students and members of the college community are free to support causes by orderly means that do not disrupt the regular operation of the college community.

Students and members of the college community are welcome to distribute literature where it will not interfere with classes or other college functions. Protesters may neither impede nor harass people wishing to attend an event, or to see or hear a speaker. Disruption, force or threat of force are not acceptable forms of protest at SUNY Erie, and may require intervention by both local law enforcement and College Safety. College officials may also choose to impose disciplinary sanctions on members of the SUNY Erie community who violate college guidelines.
POLICY NAME: Freedom of Expression and Assembly Policy-Continued

Individual members of the college community speak only for themselves in their public expressions and/or demonstrations. SUNY Erie’s public information officer coordinates all institutional responses to the media regarding the college’s positions.

For further information, please contact SUNY Erie’s Office of College Safety at:

City Campus: (716) 851-1133
North Campus: (716) 851-1433
South Campus: (716) 851-1633

NEW OR EDITED POLICY: New

DOES IT SUPERCEDE A POLICY/WHICH ONE: No prior policy exists.

RELATED DOCUMENTS
Academic Freedom IV-A-1
Student-Code of Conduct V-A-6
Policy Governing Conduct and Public Order on Campus, V-A-6a

POLICY COMMITTEE RECOMMENDED ACTION: Policy Committee recommends the Board of Trustees accepts the Board policy under the Report of the Chair, Ad Hoc Committee Reports, and Policy Committee. This Policy supersedes all prior policies/procedures and practices related to Freedom of Expression and Assembly.

POLICY COMMITTEE MEMBERS PRESENT: Trustees Kathleen Masiello, Trustee Susan Swarts, Executive Vice President of Operations Michael Pietkiewicz, Director of Human Resources Tracey Cleveland, Vice President of Enrollment Management Erik D’Aquino, Assistant Vice President of College Safety and Security Tracy Gast, Assistant Director of Human Resources Maria Carroll, Erie County Attorney Leslie Ortiz-Fogg

DATE OF BOARD APPROVAL: June 29, 2017

POLICY COMMITTEE TEAM FOLLOW-UP: Following Trustee acceptance, this Board Policy it will be included in the Board of Trustees Policy Manual.

INFORMATION/INPUT CONSIDERED DURING POLICY COMMITTEE DELIBERATIONS:
Policies from SUNY Rules for the Maintenance of Public Order Document Number 3653, the State University of New York at Buffalo 8 NYCR Part 536 Maintenance of Public Order, Board of Trustees Rules-Maintenance
POLICY NAME: Freedom of Expression and Assembly Policy-Continued

of Public Order 8 NYCRR Part, 535, Monroe Community College, Niagara University. The Erie County Attorney Leslie Ortiz-Fogg Assistant County Attorney, reviewed and approved this policy. The Policy has been reviewed and discussed at the Policy Committee meetings of October 13, 2016, October 18, 2016, November 1, 2016, February 7, 2017, March 3, 2017, April 10, 2017 and June 9, 2017.
POLICY NAME: Fund Balance Reserve Policy

POLICY TYPE: Board

SUBMITTED BY: Penelope G Howard, EVPFAF

ISSUE OR STATEMENT OF PURPOSE: The SUNY Erie Board of Trustees proposes to create a Fund Balance Reserve Policy that strikes a balance between affordable tuition and sufficient fund balance. The Board recognizes that the maintenance of a fund balance is essential to the preservation of the financial integrity of the College and is fiscally advantageous for both the College and its constituents. This policy establishes goals and provides guidance concerning the desired level of fund balance to be maintained by the College in order to mitigate financial risk that can occur from unseen revenue fluctuations, unanticipated expenditures and similar circumstances.

NEW OR EDITED POLICY: New

Fund balance is a measurement of available financial resources and is the difference between total assets and total liabilities in each fund. GASB (Government Accounting Standards Board) Statement 54 distinguishes fund balance classification based on the relative strength of the constraints that control the purposes for which each specific amount can be spent. Beginning with the most restrictive constraints, SUNY Erie fund balance amounts will be reported in the following categories:

1. **Committed Fund Balance** – Defined as the assets that can be used only for the specific purposes determined by a formal action of the Board of Trustees. Commitments may be changed or lifted only by amending the formal action that imposed the original restriction. Commitments may consist of “permanently” restricted (i.e. baseline fund balance amount) or temporarily restricted (i.e. Board commitment to a future project).

2. **Assigned Fund Balance** – Defined as amounts that are intended to be used by the College for specific purposes. Intent can be expressed by the Board of Trustees or by a College administration designee to whom the Board of Trustees delegates authority. This category indicates that the defined resources are, at a minimum, intended to be used for the purpose of the assigned designation (i.e. current year ERP implementation).

3. **Unassigned Fund Balance** – Defined as all amounts not contained in other classifications and is the residual classification for fund balance. Unassigned amounts are available for any legal purpose by joint action of the College President and Board of Trustees.
POLICY NAME: Fund Balance Reserve Policy - Continued

The responsibility for designating funds to specific classifications shall be as follows:

**Committed Fund Balance** - the Board of Trustees is responsible for strategic oversight of the College and its use of resources. In order to establish, modify, or rescind a fund balance commitment, a formal action must be taken by the Board of Trustees.

**Assigned Fund Balance** – the Board of Trustees or its College administration designee, are authorized to assign fund balance amounts to a specific purpose in accordance with this Fund Balance Reserve Policy.

**Policy Statement on Minimum Fund Balance Reserve**
It is the goal of the College to achieve and maintain a total fund balance reserve amount at each fiscal year end of not less than two months’ worth of operating expenditures and no more than three months. If the total fund balance reserve at fiscal year-end falls below the minimum two month goal, unless doing so is approved by and is part of the Board of Trustees’ strategic management of the reserve funds, the College shall develop a restoration plan to achieve and maintain the minimum fund balance. If the total fund balance reserve exceeds the three month maximum, it shall be deemed a surplus and the Board of Trustees will work with executive College management to determine how to best use those funds in support of the College’s mission.

**Order of Expenditure of Funds**
When multiple categories of fund balance are available for expenditure (i.e. a project is funded by both committed/assigned dollars and unassigned fund balance), the College will start with the most restricted category and spend those funds first before moving to spend funds from the next less restricted category with available funds.

**DOES IT SUPERCEDE A POLICY/WHICH ONE:** No

**POLICY & GOVERNANCE COMMITTEE RECOMMENDED ACTION:**
Policy & Governance Committee recommends the Board of Trustees approve this Board policy under Committee Briefings, Policy and Governance Committee. This Policy is new.

**POLICY & GOVERNANCE COMMITTEE MEMBERS PRESENT:**
Trustee Len Lenihan, Trustee Kathleen Masiello, Student Trustee Tokunbo Adebayo, Provost and Executive Vice President Douglas Scheidt, Executive Vice President for Administration and Finance Penelope Howard, Director of Human Resources Tracey Cleveland, Vice President of Enrollment Management Steven Smith, Vice President of Student Affairs Nora Clark, Director of Human Resources Maria Carroll, Director of Registrar Paul Lamanna, Dean of Liberal Arts and Sciences Joanne Colmerauer, Dean of Liberal Arts and Sciences Jamie Smith and College Senate Representative Michael Delaney

**DATE OF BOARD APPROVAL:** February 7, 2019.
POLICY NAME: Fund Balance Reserve Policy - Continued

POLICY & GOVERNANCE COMMITTEE TEAM FOLLOW-UP:
Following Trustee approval, this Board policy will be included in the SUNY Erie Community College Board of Trustees Policy Manual.

INFORMATION/INPUT CONSIDERED DURING POLICY & GOVERNANCE COMMITTEE DELIBERATIONS:

- Governmental Accounting Standards Board (GASB) 54
- SUNY Reserve Policy Operating Funds: General IFR, SUTRA and Stabilization Funds – for state operated colleges

The Policy has been reviewed and discussed at the Policy & Governance Committee meetings of November 16, 2018, December 14, 2018, January 11, 2019; the Financial Health Committee meeting of November 27, 2018 and the Board of Trustees meeting December 13, 2018 (in draft form.)
POLICY NAME: General Education Competency Assurance

POLICY TYPE: Board

SUBMITTED BY: Dr. Jamie D. Smith, Dean of Liberal Arts, Science & Initiatives; Joanne Colmerauer, Dean of Liberal Arts & Science; Dr. Erikson Neilans, Faculty Chair, General Education Committee

ISSUE OR STATEMENT OF PURPOSE: To establish institutional commitment to achieving general education proficiency in our graduates.

NEW OR EDITED POLICY: Edited

SUNY Erie will ensure students earning a degree meet the necessary general education competencies. The College will certify that graduates complete these general education competencies by fully satisfying the SUNY Erie Institutional Learning Outcomes and applicable SUNY General Education Requirements within their degree program. These general education competencies align with the standards set by New York State Department of Education, State University of New York system and Middle States Commission of Higher Education.

DOES IT SUPERCEDE A POLICY/WHICH ONE: IV-A-12 General Education Computation Skills Level Policy, last approved 09/00.

POLICY & GOVERNANCE COMMITTEE RECOMMENDED ACTION:

Policy & Governance Committee recommends the Board of Trustees accept the Board policy under Committee Briefings, Policy and Governance Committee. This Policy supersedes all prior policies/procedures and practices related to General Education Computation Skills Level Policy Statement.

POLICY & GOVERNANCE COMMITTEE MEMBERS PRESENT: Trustee Kathleen Masiello, Executive Vice President for Administration and Finance Penelope Howard, Director of Human Resources Tracey Cleveland, Director of Registrar Paul Lamanna, Dean of Liberal Arts and Sciences Joanne Colmerauer, and Dean of Liberal Arts and Sciences Jamie Smith

DATE OF BOARD APPROVAL: August 29, 2019

POLICY & GOVERNANCE COMMITTEE TEAM FOLLOW-UP:
Following Trustee approval, this Board policy will be included in the SUNY Erie Community College Board of Trustees Policy Manual.
INFORMATION/INPUT CONSIDERED DURING POLICY & GOVERNANCE COMMITTEE DELIBERATIONS:

The policy has been updated to be evergreen and representative of the professional standards and best practices.

The General Education information from the following bodies have been considered:

- New York State Department of Education
- State University of New York
- Middle States Commission on Higher Education

The following internal college bodies have been consulted on this policy:

Board of Trustees’ Policy Committee
Academic Standards
General Education Committee
College Senate voted to approve October 8, 2019
Committee Meeting: Policy & Governance Committee | Date: March 8, 2019
Committee Chair: Kathleen Masiello
New or Edited: Edited VII-B-1 ECC Hiring Policy and VII-B-2 Personnel Appointments when Board of Trustees Does not Meet in Consecutive Months

POLICY NAME: Hiring Policy

POLICY TYPE: Board

SUBMITTED BY: Tracey Cleveland, VP of HR, Equity and Inclusion

ISSUE OR STATEMENT OF PURPOSE: This policy defines when the Board of Trustees must approve new titles or hires.

SUNY Erie Community College (SUNY Erie) strives to hire qualified individuals who are committed to serving students and the community. SUNY Erie is committed to equal opportunity in educational programs, admissions, and employment. It is the policy of SUNY Erie to provide equal opportunity for all qualified applicants, students, and employees and to prohibit discrimination per Title VII of the Civil Rights Acts of 1964. SUNY Erie does not discriminate on the basis of race, color, religion, national origin, age, sex (including pregnancy), disability, sexual orientation, marital status, military status, domestic violence victim status, predisposing genetic characteristics, veteran status or any other protected class as defined by New York State or Federal Laws. This policy covers all aspects of SUNY Erie’s business, including the student admission process. With the exception of hiring the President, members of the Board of Trustees are not engaged in hiring personnel. Any candidate recommended by a member of the BOT for a position at SUNY Erie will complete the standard hiring process set forth in the policy.

NEW OR EDITED POLICY: Edited VII-B-1 ECC Hiring Policy and VII-B-2 Personnel Appointments when Board of Trustees Does not Meet in Consecutive Months

It is the responsibility of all employees involved in selecting new hires to make decisions on employment matters in accordance with the policies, procedures, contractual requirements, and accepted affirmative action practices established by the College as well as state and federal laws. All hires are subject to accountability to the President through the line management channels. It shall be the responsibility of the President or his/her designee to effectuate this policy.

The Role of the Board of Trustees:

The Board of Trustees will approve the following:

- The creation of new titles (AAECC, FFECC, and SES positions), after reviewed by the appropriate Committee of the Board and upon receipt of the New Title Justification form.
- Leaves of absence without pay for Faculty and Administrators per AAECC and FFECC contracts.

The Board of Trustees will accept the following:

- The reclassification of a position when it requires creation of a new professional title.
The Board of Trustees will review and accept or approve as appropriate the recommendation offered by the appropriate Committee at each business meeting of the Board of Trustees.

CORRECTIVE ACTION PLAN RECOMMENDATION (if any):  N/A

NEW OR EDITED POLICY:  Edited

DOES IT SUPERCEDE A POLICY/WHICH ONE:
ECC Hiring Policy VII-B-1 and Personnel Appointments when Board of Trustees Does not Meet in Consecutive Months VII-B-2.

POLICY & GOVERNANCE COMMITTEE RECOMMENDED ACTION:  Approve the revised policy. Policy & Governance Committee recommends the Board of Trustees approve the Board policy under the Committee Briefings, Policy & Governance Committee. This policy supersedes all prior policies/procedures and practices related to the Hiring Policy.

POLICY & GOVERNANCE COMMITTEE MEMBERS PRESENT:
Trustee Kathleen Masiello, Provost and Executive Vice President Douglas Scheidt, Executive Vice President for Administration and Finance Penelope Howard, VP Human Resources, Equity and Inclusion Tracey Cleveland (by phone), Vice President of Enrollment Management Steven Smith, Director of Registrar Paul Lamanna, Dean of Liberal Arts and Sciences Joanne Colmerauer, Dean of Liberal Arts and Sciences Jamie Smith, Professor and College Senate Representative Michael Delaney, Dean of Students Jason Perri

DATE OF BOARD APPROVAL:  March 28, 2019

POLICY & GOVERNANCE COMMITTEE TEAM FOLLOW-UP:  Following Trustee Approval, this policy will be included in the Board of Trustees Policy Manual.

INFORMATION/INPUT CONSIDERED DURING POLICY & GOVERNANCE COMMITTEE DELIBERATIONS:
This is an update to a policy that was last updated September 2003; policy was revised to reflect current practices. In addition, the following policies were reviewed:  SUNY Erie Community College Board of Trustees – Bylaws (amended and restated by the resolution of the Board of Trustees on June 28, 2018); Middle States Commission on Higher Education (Standard VII – Governance, Leadership, and Administration); New York State Community College Regulations (sec 600).

The Policy has been reviewed and discussed at the Policy & Governance Committee meeting of November 16, 2018, December 14, 2018, February 8, 2019 and March 8, 2019.
POLICY NAME: Individualized Instruction

POLICY TYPE: Board

SUBMITTED BY: Mark Hoeber, Dean of Engineering and Technologies

ISSUE OR STATEMENT OF PURPOSE: To establish criteria and approval of Individualized Instruction


Under special circumstances when students can clearly demonstrate a compelling rationale, they may be allowed to receive Individualized Instruction for a course. The student first contacts his/her academic advisor who will review and determine the appropriateness of the request.


POLICY COMMITTEE RECOMMENDED ACTION:
Policy Committee recommends the Board of Trustees approves the Board policy under the Report of the Chair, Ad Hoc Committee Reports, and Policy Committee. This Policy supersedes all prior policies/procedures and practices related to Individualized Instruction.

POLICY COMMITTEE MEMBERS PRESENT: Trustee Kathleen Masiello, Trustee Susan Swarts, Student Trustee Rebecca Krakowiak, Provost and Executive Vice President Academic Richard Washousky, Executive Vice President Institutional Advancement & Efficiency Michael Pietkiewicz, Executive Vice President Administration and Finance Penelope Howard, Vice President of Enrollment Management Steven Smith, Director of Registrar Paul Lamanna, College Senate Representative Michael Delaney

DATE OF BOARD APPROVAL: April 26, 2018

POLICY COMMITTEE TEAM FOLLOW-UP:
Following Trustee approval, this Board Policy will be included in the Erie Community College’s Board of Trustees Policy Manual.

INFORMATION/INPUT CONSIDERED DURING POLICY COMMITTEE DELIBERATIONS:
The Policy has been reviewed and discussed at the Policy Committee meeting of November 17, 2017 and March 9, 2018.
POLICY NAME: Information Technology Services Acceptable Use Policy

POLICY TYPE: Managerial

SUBMITTED BY: Maria Carroll (Human Resources) & Joseph Lundin (Information Technology Services)

ISSUE OR STATEMENT OF PURPOSE:

The existing Information Technology Services (hereinafter “ITS”) Acceptable Use Policy is outdated and needed to be expanded/updated to appropriately address issues surrounding use of College technology resources. All employees acknowledge this policy when logging into the network etc. This policy governs use of campus technology and resources and is for all users.

CORRECTIVE ACTION PLAN RECOMMENDATION (if any):

NEW OR EDITED POLICY: Edited

INTRODUCTION:

SUNY Erie Community College (hereinafter “SUNY Erie”) provides its students and employees wide access to information and technology resources. With the advent of new forms of technology, SUNY Erie has recognized that making technology resources more accessible furthers the free exchange of opinions and ideas essential to academic freedom and the mission of the College.

Technological resources are shared by all users; misuse of these resources even by a single user infringes upon the opportunities for the entire college community. SUNY Erie is a public institution of higher education, and as such, it is incumbent on all users to employ the college’s resources properly. The College makes its technology available for educational purposes, requires users to observe state, federal, and other legal regulations to safeguard privacy (i.e. HIPAA, FERPA, etc.), maintain equipment, protect networks, data and software acquired and to maximize its spending of public funds. Proper and fair use is essential if all are to benefit from these resources.

Information Technology Services (hereinafter “ITS”) provides and maintains the campus network, servers, computer labs and facilities, and College-owned equipment such as telephones, desktop and laptop computers. ITS provides additional services, including the operation of a Help Desk, tutorial assistance, audiovisual services and educational technology resources and support. These facilities and technological resources and services provided through ITS are a crucial resource for academic and administrative members of the college community.
POLICY NAME: Information Technology Services Acceptable Use - Continued

Use of College ITS resources is considered an agreement to abide by this policy. Users found in violation may be subject to penalties of varying degree, and violators may also be subject to action by college, civil, or criminal judicial systems.

This document establishes rules and prohibitions that define acceptable use of all CITS resources.

The College reserves the right to amend this policy at any time. Users should routinely review this policy throughout the year to ensure they are up to date on its requirements.

PRINCIPLES:

The college respects individual privacy, civility, and intellectual property rights.

Since no list can cover all possible circumstances, the spirit of this policy must be respected, namely; any action that hinders legitimate equipment usage, hinders one’s work performance unnecessarily, circumvents security measures or invades the privacy of another person or institution is unacceptable.

User Responsibilities & Privacy Considerations:

All college faculty, staff, and students are afforded the privilege of access to the computing and network resources/equipment of the College. Such access may be granted to other individuals with approval from ITS or library personnel. All parties are responsible for preserving the integrity of the College’s IT resources and using them in a manner consistent with this policy, any other applicable ECC policies and relevant federal, state and local laws and regulations.

   a. Users accept responsibility for learning how to use information technology effectively and responsibly. The College provides training on the use of information technology. All users are encouraged to learn the proper use of information technology through individual learning or by attending training sessions or classes.

   b. Users accept responsibility for backup and security of their own work. Each user should learn how to make backup copies of important work and to properly use software features for securing or sharing access to their information.

   c. Users acknowledge that SUNY Erie does not routinely monitor, inspect or disclose the content of individual usage of College IT resources except under limited circumstances. As such, absent permission by a user, the College reserves the right to monitor or inspect system resources, including equipment, activity and accounts, with or without notice, when:

      1. It appears reasonably necessary to protect the integrity, security, or functionality of College resources or to protect SUNY Erie from liability.
POLICY NAME: Information Technology Services Acceptable Use - Continued

2. An account or system is engaged in unusual or excessive activity.

3. There is reasonable cause to believe that regulations, policies, contracts, or laws are being violated.

4. In the event of health, safety, or security emergencies, as determined by authorized College officials.

5. When it is necessary to retrieve vital college-related material following verification by the appropriate member of Human Resources or other authorized College official of: 1) the extended absence of an employee, 2) the demise of an employee, 3) investigation into misconduct, or 4) the termination of an employee for cause.

6. It is otherwise required or permitted by law.

Any access as outlined in the preceding will be done in consultation with the Erie County Attorney, SUNY Erie’s Chief Information Officer/Vice Provost, the AVP of Human Resources (for employees), and/or Vice Provost or authorized Dean(s) of Students (for students).

Any access made to an individual’s account or data will be no more extensive than necessary.

The normal operation and maintenance of the College’s computing resources requires the backup of data, the logging of activity, the monitoring of general usage patterns, and other such activities as may be necessary in order to provide desired services.

d. Equipment (e.g. laptops, desktop computers, tablets, cell phones, etc.) assigned to faculty and staff for the duration of their employment at SUNY Erie remain the property of SUNY Erie and should be treated as such. These devices may be upgraded, as warranted, and must be relinquished in order for any required repairs or updates to be performed.

All SUNY Erie personnel are strongly encouraged to use College-provided resources only for SUNY Erie business-related material and to acquire and use personal email accounts and electronic devices for any non-work related material.

Note that equipment failure or circumstances such as suspension or termination of employment could result in the immediate inability to access one’s assigned computer or equipment. Accordingly, users are encouraged to use personally-owned equipment, rather than College equipment, to store or process personal materials.

Voluntarily separating employees should review the “SUNY Erie Off boarding Policy” to review the process for the return of technological equipment, which is required before one’s last day of work.
Use of College Technology Facilities

a. All technology facilities of the College, including those located in remote sites, are for the use of SUNY Erie students, employees, Trustees and other authorized users from the community.

b. Users must not abuse equipment and are asked to report any mistreatment or vandalism of computing or network facilities to ITS staff or to Security.

c. Food is discouraged in all computing facilities because of potential harm to equipment. Beverages in approved containers (sturdy, covered, reusable containers) are allowed.

d. Users should relinquish the computer they are using if they are doing nonessential work when others are waiting for a computer to perform course or work-related activities. Equipment should not be monopolized. Users should not use more than one computer at a time and should plan work so that the computer session is no longer than absolutely necessary.

e. Game playing in ITS-maintained computer facilities/labs is prohibited at all times.

f. Users should not install software, alter system files, move, or disconnect any cables on computers or other equipment.

g. Users are expected to respect other users and the staff of the computer labs. Harassment or verbal or physical abuse of others, student or staff, will not be tolerated.

h. A user must show a SUNY Erie ID card to any SUNY Erie staff member or student employee upon request.

i. Users must respect all notices (such as those concerning hours of operation, printing, etc.) posted in technology facilities.

Legal Usage

a. Information technology resources may not be used for illegal or harmful purposes, including, but not limited to:

i. Intentional harassment of others. Using computers or networks to harass, abuse or intimidate another person is prohibited. Users shall not develop or employ programs that harass other users. Users shall be sensitive to the public nature of shared facilities, and take care not to display on screens in such locations images, sounds or messages that could create an atmosphere of discomfort or harassment for others.

ii. Intentional destruction or damage to equipment, software, or data;
iii. Intentional disruption or unauthorized monitoring of electronic communications;

iv. Other illegal acts, including pornography. Pornography in electronic mail, file data, web sites, and other publicly visible forms, is prohibited. Federal Child Pornography Law makes it illegal to create, possess, or distribute graphic depiction of minors engaged in sexual activity, including computer graphics. Computers storing such information can be seized as evidence.

b. Software licensed by the College must only be used in accordance with the applicable license agreements. Software is normally distributed under three kinds of licenses: proprietary, public distribution, and shareware. Unless otherwise indicated, users should assume all software made available by ITS is proprietary and may not be legally copied.

c. ITS will not knowingly provide support for software that a user possesses in violation of its license agreement. Consultants and staff may ask for proof of ownership before helping users with their software.

d. ITS will not knowingly allow illegally acquired software to be used on ECC-owned computers. ITS will remove any suspect software loaded onto SUNY Erie-owned computers or servers.

e. ITS will not knowingly allow use of its resources (computers, equipment, network, etc.) for the illegal copying of digital media or files. Note: U.S. Copyright Law protects copyright owners from the unauthorized reproduction, adaptation, or distribution of digital material, including the unauthorized use of copyrighted sound recordings (e.g., music files), video files, and interactive digital software (i.e., video games).

Ethical Usage

a. Users should not use information technology resources, including personally-owned computers connected to the college network, for non-college, unsanctioned, commercial activity, political advertising or campaigning.

b. Users should make no attempt to alter the condition or status of any computing network component in any manner.

c. Users should make no attempt to alter software other than their own, or to copy software intended only for execution.

d. Users should not interfere with, interrupt, or obstruct the ability of others to use the network or other ITS resources.

e. Users should not attempt to connect to a host via the network without explicit permission of the owner.

f. Users should not provide, assist in, or gain unauthorized access to SUNY Erie computing or network resources.
g. Users should not attempt to circumvent or defeat computer or network security measures.

h. Users should not systematically collect and use any privately or publicly available college data or content, including users’ personal directory and account information, through the use of data mining, robots, or similar gathering and extraction methods.

Security

The college uses various measures to ensure the security of its computing resources. Users should be aware that the college cannot guarantee such security and should apply appropriate safeguards for their accounts, such as guarding their passwords and changing passwords regularly (required for network and ERP system accounts), and logging out of computers when done.

All user and system passwords should conform to the guidelines described below:

- The password should contain both upper and lower case characters (i.e.: a-z, A-Z)
- Numbers and special characters should be used in combination with letters (i.e.: 0-9, !@#$%^&*()_+|~-=\{":;'<>?,./)
- At a minimum, passwords should be at least eight alphanumeric characters in length.
- The password should not contain a word in any language, or be found in the dictionary.

Any user who believes their SUNY Erie account or equipment has been compromised should immediately contact the ITS Helpdesk.

Account Usage

a. Account holders should use only their own personal SUNY Erie accounts, unless given express permission by an authorized member of the faculty, administration, or professional staff to use a general account that is designated for a specific purpose or job.

b. Account holders may not allow others to use their personal SUNY Erie accounts. The person holding an account is responsible for its use, and all activity originating from that account, at all times.

c. Account holders should protect their passwords and keep them confidential. Passwords should be changed frequently and never written down. Any security breaches, such as theft of data or a system compromise, resulting from irresponsible use of a password (e.g., a password that can be easily guessed or oral or written dissemination of a password) may be treated as grounds for action against the account holder, which may include discipline and/or suspension of account privileges. Any attempt to determine the passwords of other users is strictly prohibited.

d. Account holders should not abuse any email, forums, or communications system, either local or remote,
by sending rude, obscene, or harassing messages (including chain letters and hoax messages) or by using these systems for non-essential purposes during the times when the computers are in heavy demand. Account holders should identify themselves clearly and accurately in all electronic communications, e.g., no anonymous postings and no spoofing of addresses. Unofficial mass e-mailings (i.e., spam) are prohibited.

e. Individual SUNY Erie accounts (@ecc.edu mail accounts, web accounts, applicant system accounts, etc.) are created for the express use of the individual for whom the accounts are created, but remain the property of SUNY Erie. Accounts may be viewed in circumstances such as those enumerated in prior sections of this policy. All business-related correspondence should take place using one’s SUNY Erie email address, because as a public employer, we are subject to laws regarding public record.

Network Usage

The following are responsibilities that are particularly applicable to users of SUNY Erie’s campus-wide network.

a. Only computers that have been properly virus checked, updated, and authenticated through established procedures may be connected to the campus network, unless otherwise authorized and established by ITS. Users must not attempt to circumvent this process.

b. The person recognized as the owner of that authenticated computer system is responsible for that computer’s use, and all activity originating from that computer, at all times.

c. Excessive or improper use of network resources that inhibits or interferes with use by others is prohibited and will be cause for action by ITS, which may include restricting, limiting, or disabling network access.

d. Users who connect computers to the network that act as servers have the additional responsibility to respond to any use of their server that is found to be in violation of this Policy.

e. In no case shall the following types of servers be connected to the network: DNS, DHCP, BOOTP, or any other server that manages network addresses.

f. Due to the serious negative impact on network availability created by misconfigured routers and Wireless Access Points (WAPs), all routers and WAPs, except those configured and used by CITS, or devices which function as routers or WAPs, are disallowed.

Enforcement

The College in its discretion is the sole arbiter of what may constitute a violation of this policy.

Violations of this Policy will be adjudicated, as deemed appropriate, and may include the following:
a. Loss of computing privileges

b. Disconnection from the network

c. Disciplinary action

d. Prosecution under applicable civil or criminal laws

**RELATED DOCUMENTS**

1. SUNY Erie Employee Off boarding Procedures
2. Erie County Employee Handbook – Removal and Disciplinary Action

**CONTACTS**

Questions regarding the terms of this policy should be directed to:

ITS 716-851-1977
Human Resources 716-851-1840

**DOES IT SUPERCEDE A POLICY/WHICH ONE:** Existing SUNY Erie CITS Acceptable Use Policy.

**POLICY COMMITTEE RECOMMENDED ACTION:** Approved as amended above. Policy Committee recommends the Board of Trustees accepts the Managerial policy under the Report of the Chair, Ad Hoc Committee Reports, and Policy Committee. This Policy supersedes all prior policies/procedures and practices related to ITS Acceptable Use Policy.

**POLICY COMMITTEE MEMBERS PRESENT:** Trustees Kathleen Masiello, Executive Vice President of Operations Michael Pietkiewicz, Chief Financial Officer and Senior VP of Administration and Finance William Reuter, Director of Human Resources Tracey Cleveland, Vice President of Enrollment Management Erik D’Aquino

**DATE OF BOARD ACCEPTANCE:** March 30, 2017

**POLICY COMMITTEE TEAM FOLLOW-UP:** Distribution of new policy to employees and to new hires at orientation.

**INFORMATION/INPUT CONSIDERED DURING POLICY COMMITTEE DELIBERATIONS:** Policies from Oberlin College and Clinton Community College were used to create this revised policy.
This Policy has been previously reviewed and discussed at the Policy Committee meetings of October 25, 2016 and November 01, 2016. At the meeting of March 3, 2017 the Policy committee unanimously approved this Policy with edits that have been made to the above.
Committee Meeting:  Policy & Governance Committee  
Date:  October 11, 2019

Committee Chair: Kathleen Masiello – members present page 2

New or Edited: New

**POLICY NAME:**  Installment Purchase Contract

**POLICY TYPE:**  Board

**SUBMITTED BY:**  Penelope Howard, EVP for Administration and Finance

**ISSUE OR STATEMENT OF PURPOSE:**

To establish that the SUNY Erie Board of Trustees has authorized to College Administration to enter into Installment Purchase Contracts.

**NEW OR EDITED POLICY:**  New

Installment Purchase Contracts are agreements that would allow the college to finance the acquisition of assets and/or large purchases over a period of time. These contracts require the college to pay the seller in a series of partial payments and include or ascribe interest charges on the initial purchase.

The SUNY Erie Board of Trustees authorizes College Management to enter into Installment Purchase Contracts on behalf of the College. Installment Purchase Contracts are governed by General Municipal Law (GML) §109-b, which authorizes political subdivisions to enter into installment purchase contracts for the purpose of financing equipment, machinery and apparatus. The law requires the approval of the Board of Trustees by way of resolution, to enter into Installment Purchase Contracts.

Entering into Installment Purchase Contracts are beneficial for the College as it spreads the payments out over the life cycle of the assets and provides predictable and manageable spending patterns. It also can allow for payments to be timed to coincide with project funding availability, and to build equity in the equipment over the course of the agreement.

Under GML §109-b agreements can be titled installment purchases, lease-purchase or leases with options to purchase.

**DOES IT SUPERCEDE A POLICY/WHICH ONE:**  No, it is new

**POLICY & GOVERNANCE COMMITTEE RECOMMENDED ACTION:**

The Policy & Governance Committee recommends the Board of Trustees approve the Board policy under the Committee Reports, and Policy & Governance Committee.
POLICY NAME: Installment Purchase Contract - Continued

POLICY & GOVERNANCE COMMITTEE MEMBERS PRESENT: Trustee Kathleen Masiello, Executive Vice President for Administration and Finance Penelope Howard, Employee Relations Manager Daniel Kaufmann, Director of Registrar Paul Lamanna, Dean of Liberal Arts and Sciences Joanne Colmerauer, Dean of Liberal Arts and Sciences Jamie Smith, and Dean of Students Petrina Hill-Cheatom

DATE OF BOARD APPROVAL: October 31, 2019

POLICY & GOVERNANCE COMMITTEE TEAM FOLLOW-UP:
Following Trustee approval, this Board policy will be included in the SUNY Erie Community College Board of Trustees Policy Manual.

INFORMATION/INPUT CONSIDERED DURING POLICY & GOVERNANCE COMMITTEE DELIBERATIONS:

General Municipal Law (GML) §109-b

The Policy has been reviewed and discussed at the Policy & Governance Committee meeting of October 11, 2019.

History

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SUNY Erie Cross References

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Page 2 of 2
Committee Meeting: Policy & Governance Committee Date: August 17, 2018
Committee Chair: Kathleen Masiello
New or Edited: New

POLICY NAME: Interim Suspension Policy

POLICY TYPE: Managerial

SUBMITTED BY: Petrina Hill-Cheatom, Dean of Students II, M.Ed. and Tracy Gast, Vice President of Facilities and Security.

ISSUE OR STATEMENT OF PURPOSE: SUNY’s General Counsel Office has directed all SUNY Deans of Students, conduct departments and officers to create an Interim Suspension Policy

NEW OR EDITED POLICY: New

Interim Suspensions

In certain circumstances, the Dean of Students or the Vice President of Facilities and Security may impose an interim suspension from SUNY Erie properties, premises or an affiliated residence hall prior to a Student Conduct Board Hearing. An Interim Suspension shall only be issued after a preliminary fact-finding investigation has determined that such action is warranted.

An interim suspension may only be imposed:

1). To ensure the safety and well-being of members of the SUNY Erie community, or to preserve SUNY Erie property;

2). To ensure a student’s own physical or emotional safety and well-being. A medical evaluation/psychological assessment may be required; and/or

3). If a student poses an ongoing threat of disruption of, or interference with, the normal operations of SUNY Erie.

During the interim suspension, a student shall be denied access to all College campuses and/or any of SUNY Erie’s properties for activities, or to exercise privileges for which the student might otherwise be eligible, as the Dean of Students or Vice President of Facilities and Security determines appropriate.

The interim suspension does not replace the regular adjudicating process, which includes a formal investigation, up to and including a Hearing, if required.

Any student placed on an interim suspension will receive written notification of the alleged charges against him/her within 24 hours via email, certified mail return receipt and regular mail. An investigation may not exceed 30 days; however, if additional time is warranted, the dean of students may advise all parties involved in the case of this fact in writing.
POLICY NAME: Interim Suspension Policy - Continued

DOES IT SUPERCEDE A POLICY/WHICH ONE: N/A

POLICY COMMITTEE RECOMMENDED ACTION:
Policy Committee recommends the Board of Trustees accept the Managerial policy under the Committee Briefings, Policy & Governance Committee. This Policy supersedes all prior policies/procedures and practices related to the Interim Suspension Policy.

POLICY COMMITTEE MEMBERS PRESENT: Trustee Len Lenihan, Trustee Kathleen Masiello, Trustee Susan Swarts, Student Trustee TK Adebayo, Executive Vice President for Administration and Finance Penelope Howard, Provost and Executive Vice President Richard Washousky, Vice President of Enrollment Steven Smith, Vice President of Student Affairs Nora Clark, Director of Registrar Paul Lamanna, Dean of Liberal Arts and Sciences Joanne Colmerauer, Dean of Liberal Arts and Sciences Jamie Smith, College Senate Representative Michael Delaney, Dean of Students Petrina Hill-Cheatom and Director of Talent Management and Employee Engagement Maria Carroll

DATE OF BOARD ACCEPTANCE: August 30, 2018

POLICY COMMITTEE TEAM FOLLOW-UP:
Following Trustee acceptance, this Managerial policy will be included in the SUNY Erie Community College Board of Trustees Managerial Policy Manual and included in Code of Conduct and orientation.

INFORMATION/INPUT CONSIDERED DURING POLICY COMMITTEE DELIBERATIONS:
SUNY memorandum and Title IX, Enough is Enough and VAWA regulations pertaining to conduct cases involving sexual assault and or violence.

The Policy has been reviewed and discussed at the Policy Committee meeting on August 17, 2018.
POLICY NAME: Liberal Leave Policy

POLICY TYPE: Managerial

SUBMITTED BY: Penelope G Howard, EVP for Administration and Finance

ISSUE OR STATEMENT OF PURPOSE: SUNY Erie desires to have a policy related to when liberal leave may be declared for reporting to work when the College is open or during the work day for serious weather or other emergency conditions that may arise.

NEW OR EDITED POLICY: New

The President or his/her designee is authorized to determine when to implement and announce that the Liberal Leave Policy is in effect. Such announcement will be only through the official college channels for notifying personnel and students of closings and other emergency or relevant situations.

Supervisors of “essential personnel” as defined by SUNY Erie Community College policy, are responsible for determining which employees are not subject to the Liberal Leave Policy and for notifying those employees who must report to work even when the Liberal Leave Policy is in effect.

SUNY Erie employees may invoke a Liberal Leave Policy due to inclement weather, civil disorder, or other emergency circumstances when they believe that in such situations, it would be dangerous for them to drive or ride home unless they left before the end of the workday. In such cases, employees will notify their supervisors and request time off for all or part of the day, using either vacation or other personal time available (if no vacation or personal time is available, employees must use unpaid leave). Supervisors are advised to abide by employee’s judgement when the Liberal Leave Policy is in effect.

This doesn’t affect the Emergency Closing Policy, nor does it supercede contractual elements of union contracts.

There will be no differential pay for working on Liberal Leave days.

DOES IT SUPERCEDE A POLICY/WHICH ONE: No

POLICY & GOVERNANCE COMMITTEE RECOMMENDED ACTION:
POLICY NAME: Liberal Leave Policy - Continued

Policy & Governance Committee recommends the Board of Trustees accept the Managerial policy under Committee Briefings, Policy and Governance Committee. This Policy supersedes all prior policies/procedures and practices related to Liberal Leave Policy.

POLICY & GOVERNANCE COMMITTEE MEMBERS PRESENT: Trustee Len Lenihan, Trustee Kathleen Masiello, Executive Vice President for Administration and Finance Penelope Howard, VP Human Resources, Equity and Inclusion Tracey Cleveland, Director of Human Resources Maria Carroll, Vice President of Enrollment Management Steven Smith, Director of Registrar Paul Lamanna, Dean of Liberal Arts and Sciences Joanne Colmerauer, Dean of Liberal Arts and Sciences Jamie Smith and College Senate Representative Michael Delaney

DATE OF BOARD ACCEPTANCE: December 13, 2018

POLICY & GOVERNANCE COMMITTEE TEAM FOLLOW-UP:
Following Trustee acceptance, this Managerial policy will be included in the SUNY Erie Community College Managerial Policy Manual.

INFORMATION/INPUT CONSIDERED DURING POLICY & GOVERNANCE COMMITTEE DELIBERATIONS:

SUNY University at Albany Liberal Leave Policy
Loyola Liberal Leave Policy
University of Illinois Liberal Leave Policy
SUNY Geneseo

The Policy has been reviewed and discussed at the Policy & Governance Committee meetings of June 9, 2017 and November 16, 2018.
Policymaker Meeting: Policy & Governance Committee  |  Date: September 6, 2019
Committee Chair: Kathleen Masiello
New or Edited: Edited VI-A-24 Mandatory Reporting and Prevention of Child Sexual Abuse, last approved June 2013

**POLICY NAME:** Mandatory Reporting and Prevention of Child Sexual or Physical Abuse

**POLICY TYPE:** Board

**SUBMITTED BY:** Daniel Kaufmann, Employee Relations Manager

**ISSUE OR STATEMENT OF PURPOSE:** To revise a policy at SUNY Erie in compliance with the policy adopted by the SUNY Board of Trustees requiring its students, employees and volunteers to report any suspected or actual sexual abuse of a child occurring on SUNY property or while off campus during official SUNY business or University sponsored events to include physical abuse.

**NEW OR EDITED POLICY:** Edited VI-A-24 Mandatory Reporting and Prevention of Child Sexual Abuse, last approved June 2013.

Any employee or student of or volunteer for SUNY Erie Community College (SUNY Erie) who witnesses or has reasonable cause to suspect any sexual or physical abuse of a child has occurred on SUNY Erie property or while off campus during official SUNY Erie business or college-sponsored events shall have an affirmative obligation to report such conduct to the relevant SUNY Erie Security Department immediately. Such report shall include the names of the victim and assailant (if known), other identifying information about the victim and assailant, the location of the activity, and the nature of the activity. Upon receiving such a report, the applicable SUNY Erie Security Department shall promptly notify the appropriate authorities, e.g., the SUNY Erie President, Erie County police departments, Commissioner of University Police, and SUNY System Administration.

In addition, to aid in the prevention of crimes against children on property of SUNY Erie and/or during official SUNY Erie business at events sponsored by SUNY Erie, employees should be trained on the identification of such crimes and proper notification requirements.

Vendors, licensees and others who have permission to be on campus or to use SUNY Erie facilities for events or activities that will include participation of children shall ensure that they have in place procedures for training on the identification of child sexual and physical abuse, implementing applicable pre-employment screening requirements and reporting of child sexual or physical abuse.

The applicable definitions of child sexual abuse are those used in the NYS Penal Law in Articles 130 and 263...
and Section 260.10, and “child” is defined as an individual under the age of 17.

**DOES IT SUPERCEDE A POLICY/WHICH ONE:** Yes, VI-A-24 Mandatory Reporting and Prevention of Child Sexual Abuse, last approved June 2013.

**POLICY & GOVERNANCE COMMITTEE RECOMMENDED ACTION:**
Policy & Governance Committee recommends the Board of Trustees accept the Board policy under Committee Briefings, Policy & Governance Committee. This Policy supersedes all prior policies/procedures and practices related to Mandatory Reporting and Prevention of Child Sexual or Physical Abuse.

**POLICY & GOVERNANCE COMMITTEE MEMBERS PRESENT:** Trustee Kathleen Masiello, Trustee Leonard Lenihan, Executive Vice President for Administration and Finance Penelope Howard, Provost and Executive Vice President of Academic and Student Affairs Douglas Scheidt, Vice President of Human Resources, Equity & Inclusion Tracey Cleveland, Employee Relations Manager Daniel Kaufmann, Dean of Liberal Arts and Science Joanne Colmerauer, Professor Michael Delaney, Director of Registration Paul Lamanna, Dean of Liberal Arts and Science Jamie Smith

**DATE OF BOARD APPROVAL:** September 26, 2019

**POLICY & GOVERNANCE COMMITTEE TEAM FOLLOW-UP:**
Following Trustee approval, this Board policy will be included in the SUNY Erie Community College Board of Trustees Policy Manual.

**INFORMATION/INPUT CONSIDERED DURING POLICY & GOVERNANCE COMMITTEE DELIBERATIONS:**
The Policy has been reviewed and discussed at the Policy & Governance Committee meeting of August 16, 2019 and September 6, 2019
POLICY NAME:  Media Relations Policy

POLICY TYPE:  Board

SUBMITTED BY: Paula Sandy, Executive Director of Marketing and Communications

ISSUE OR STATEMENT OF PURPOSE:
SUNY Erie Community College (SUNY Erie, the College) aims to effectively communicate with the public and to convey and support the College's mission and positioning via strategic messaging. In the interest of releasing consistent and accurate institutional information, this policy sets forth authorizes and restricts those individuals, by titles, who may speak for and about the College with the news media.

NEW OR EDITED POLICY: New

As a public institution, SUNY Erie Community College has a fundamental responsibility to inform the public about its mission, priorities, initiatives and accomplishments and to do so in a manner consistent with its values. In fulfilling this responsibility, the College is committed to accuracy and timeliness in the dissemination of information about its programs and activities through the news media and other mainstream communication channels. Additionally, the College recognizes that its reputation is an institutional asset worthy of continuous development and safeguarding.

By designating who is authorized to speak for the College and outlining the process by which others may be authorized to speak about College programs and initiatives, the College strives to ensure accuracy, consistency and coordination of communication among all units of the College.

Spokespersons
The spokesperson for the SUNY Erie Board of Trustees is the board Chair and/or his/her designee.

The spokespersons for the College are the President of the College and, via authority given by the President, the Executive Director of Marketing and Communications.

The President may designate other spokespersons as situations warrant.

In the College's regular efforts to convey its mission, priorities and messages to the public, the College Officers and members of the Marketing and Communications (MARCOM) may be granted authority to serve as
spokespeople. This authority is situational and limited and must be specifically granted by the Executive Director of Marketing and Communications, or the President, or the Chair of the Board of Trustees.

In keeping with the Faculty, Staff & Student Participation in Institutional Governance Policy, leaders of the Faculty Senate, Support Staff Planning Council, and Student Government serve as spokespeople for their respective constituencies; they do not speak for the College. The FFECC, CSEA, AAECC, ASC and Erie Community College Foundation do not speak for the College but may speak for their respective organizations. In granting media interviews, each of these individuals should identify the entity which they are representing.

Speaking about the College or from One's Area of Expertise

Employees of the College may speak to the news media about their area(s) of responsibility (e.g. their programs or departments) with prior authorization from MARCOM. Obtaining prior authorization is the responsibility of the College employee, not the news media representative. If authorization is denied, the requestor will be provided with the rationale surrounding the decision.

When the topic is related to an employee's area of professional expertise and is not about the College, and when that commentary would not be perceived by a reasonable person as representing the College's position, employees are not required to obtain authorization prior to granting the interview. For example, a professor of history commenting on voting rights history is not required to have authorization prior to an interview. However, an enrollment management professional commenting on college admissions, even in general, is required to have authorization prior to granting the media interview because a reasonable person would perceive the enrollment management professional as speaking from his/her position at the College.

When speaking publicly on a topic not related to SUNY Erie or their area of responsibility at the College, SUNY Erie employees should not use their SUNY Erie title or highlight their SUNY Erie affiliation. It is understood that news media representatives sometimes ask for or know of an interviewee's place of employment; in such a situation the employee is responsible for indicating that s/he is simply representing him/herself and not the College.

In all cases, the taking or sharing of photos or video of the College to accompany news coverage is to be managed by MARCOM. Employees are to direct news media representatives to MARCOM to discuss imagery.

All employees are encouraged to coordinate with and seek any necessary assistance from MARCOM, and to bring all interviews to the attention of MARCOM in advance or as soon as is practical following the interview.

College employees are reminded that communication via social media may reach news media representatives (depending upon privacy settings, followers, etc.). All aspects of this policy apply to exchanges with news media representatives via social media.
POLICY NAME: Media Relations Policy - Continued

APPLICABILITY

This policy applies to all members of the College community.

This policy is not intended in any way to abridge academic freedom or freedom of expression.

DEFINITIONS

**Affiliated Organizations** - the SUNY Erie Community College Foundation, Auxiliary Services Corporation, student clubs and any group that represents SUNY Erie and its affiliated organizations.

**Area of Professional Expertise** - a topic or field in which a person's experience, education, research, etc. has contributed to his/her extensive knowledge and in which that person is employed at SUNY Erie. For example, a teaching faculty member's area of expertise may be nursing.

**Area of Responsibility** - the position or role a person holds at SUNY Erie. For example, an employee's area of responsibility may be SUNY Erie's nursing program.

**College** – SUNY Erie Community College.

**College Community** - includes Erie Community College students, faculty, employees, volunteers, and members of recognized and affiliated SUNY Erie organizations.

**College Officers** - the College's administrative leaders as defined by the College.

**News Media** - mass media organizations that focus on delivering news to the general public or a target public. For the purpose of this policy, the definition includes only organizations not affiliated with the College (i.e. external to the College).

**President** - the College's chief executive officer or an individual appointed to act as such in the President's absence.

**Speaking to the News Media** - to communicate in any way with journalists.

**Spokesperson** - a person who speaks for an organization (e.g. SUNY Erie or the SUNY Erie Board of Trustees) in its entirety.
POLICY NAME:  Media Relations Policy - Continued

RESPONSIBILITY

Marketing and Communications Department, SUNY Erie Community College

DOES IT SUPERCEDE A POLICY/WHICH ONE:  No.

POLICY & GOVERNANCE COMMITTEE RECOMMENDED ACTION:
Policy & Governance Committee recommends the Board of Trustees approve this Board policy under Committee Briefings, Policy and Governance Committee.

POLICY & GOVERNANCE COMMITTEE MEMBERS PRESENT:  Trustee Kathleen Masiello, Executive Vice President for Administration and Finance Penelope Howard, Employee Relations Manager Daniel Kaufmann, Director of Registrar Paul Lamanna, Dean of Liberal Arts and Sciences Joanne Colmerauer, Dean of Liberal Arts and Sciences Jamie Smith, and Dean of Students Petrina Hill-Cheatom

DATE OF BOARD APPROVAL:  October 31, 2019

POLICY & GOVERNANCE COMMITTEE TEAM FOLLOW-UP:
Following Trustee approval, this Board policy will be included in the SUNY Erie Community College Board of Trustees Policy Manual.

INFORMATION/INPUT CONSIDERED DURING POLICY & GOVERNANCE COMMITTEE DELIBERATIONS:
Monroe Community College Policy 2.16 Media Relations

The Policy has been reviewed and discussed at the Policy & Governance Committee meeting of October 11, 2019.

History

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<th>Item:</th>
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<td>Policy adopted</td>
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<td>Annual BOT Review/Reaffirmed</td>
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SUNY Erie Cross References
**POLICY NAME:** Media Relations Policy - **Continued**

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<thead>
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<th>Policy Name or Procedure:</th>
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<tr>
<td>Faculty, Staff &amp; Student Participation in Institutional Governance Policy</td>
<td><a href="https://myecc.ecc.edu/BOT/Pages/default.aspx">https://myecc.ecc.edu/BOT/Pages/default.aspx</a></td>
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<tr>
<td>Visual Identity Policy</td>
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POLICY NAME:  No Contact Orders

POLICY TYPE:  Managerial

SUBMITTED BY:  Petrina Hill-Cheatom, Dean of Students II, M.Ed and Tracy Gast, Vice President for Facilities and Security

ISSUE OR STATEMENT OF PURPOSE: A Dean of Students or the Vice President for Facilities and Security are authorized to issue a No Contact Order (NCO) prohibiting contact between students and students and SUNY Erie Employees when there exists a reasonable concern that physical or psychological harm may result from continued contact.

NEW OR EDITED POLICY: New

A Dean of Students or the Vice President for Facilities and Security are authorized to issue a No Contact Order (NCO) prohibiting contact between students and students and SUNY Erie Employees when there exists a reasonable concern that physical or psychological harm may result from continued contact.

College staff will consider all facts and circumstances that may be relevant to whether a NCO should be issued, including, but not limited to, the following factors:

- When there are allegations, threats, or evidence of physical violence by one student against another or between students and staff;
- When there are allegations, threats, or evidence of emotional abuse or harassment by one student of another or between students and staff;
- When there is a substantial risk of emotional harm from continued contact between students or between students and staff;
- When continued contact between students or students and staff may have a material impact on campus disciplinary proceedings;
- When requested or agreed to in good faith by both students involved or between students and staff; and
- When there are of allegations of serious College policy violations including violations under the auspices of Title IX.
POLICY NAME: No Contact Policy - Continued

All NCOs shall provide that neither student may have contact with the other student or staff member. “Contact” includes, but is not necessarily limited to, in-person contact, telephone calls, email, texts and other forms of electronic communication, social media-based messages or postings, and third party communications including through others.

NCOs may include additional protective measures or other terms specific to the safety, well-being, or other needs of all parties subject to the NCO, when deemed necessary by the college. Any additional terms shall be expressly stated in the NCO. Additional protective measures or other terms need not be reciprocal. They may include, but are not limited to, the following:

- Restricting a student from being in close proximity to the other student or staff;
- Restricting a student’s access to certain campus locations;
- Restricting the times a student may be present on a particular campus;
- Requiring that students not be enrolled in the same academic course(s) as the other parties involved; and
- Requiring that students not participate in the same athletic events or clubs or organizations as the other parties involved.

NCOs may be issued by the following administrators:

- For matters pertaining to the Student Code of Conduct: Deans of Students;
- For matters pertaining to Title IX: the Vice President for Equity and Inclusion, Title IX and Civil Rights Compliance, or a designee; and
- For emergency situations involving personal safety: the Vice President for Safety and Facilities or a designee may issue temporary NCOs. Any modifications may be made by the same College staff or the Vice President for Student Affairs if relevant information is reviewed and deemed warranted.

The College will review all NCOs annually. Each NCO will remain in effect until the graduation or withdrawal of at least one of the parties, unless the NCO expressly provides otherwise or is modified or rescinded by the College or at the consent of the parties involved. A student seeking the modification or rescission of an NCO shall make his/her request to the administrator who issued the NCO in writing. The issuing administrator shall consult with both parties before determining whether or not to modify or rescind the NCO.

Violations of No Contact Orders are subject to discipline under the Code of Student Conduct or the retaliation provision of the Harassment Policy, as appropriate.
POLICY NAME: No Contact Policy - Continued

DOES IT SUPERCEDE A POLICY/WHICH ONE: No

POLICY COMMITTEE RECOMMENDED ACTION:
Policy Committee recommends the Board of Trustees accept the Managerial policy under the Committee Briefings, Policy & Governance Committee.

POLICY COMMITTEE MEMBERS PRESENT: Trustee Kathleen Masiello, Student Trustee Tokunbo Adebayo, Provost and Executive Vice President Academic Richard Washousky, Executive Vice President for Administration and Finance Penelope Howard, Director of Human Resources Tracey Cleveland, Vice President of Enrollment Management Steven Smith, Vice President of Student Affairs Nora Clark, Director of Registrar Paul Lamanna, Dean of Liberal Arts and Sciences Jamie Smith, Dean of Liberal Arts and Sciences Joanne Colmerauer, College Senate Representative Michael Delaney

DATE OF BOARD ACCEPTANCE: September 27, 2018

POLICY COMMITTEE TEAM FOLLOW-UP:
Following Trustee acceptance, this Managerial policy will be included in the SUNY Erie Community College Board of Trustees Managerial Policy Manual, the Student Handbook and the SUNY Erie Website.

INFORMATION/INPUT CONSIDERED DURING POLICY COMMITTEE DELIBERATIONS:
The Policy has been reviewed and discussed at the Policy & Governance Committee meeting of September 14, 2018.
POLICY NAME: On-Line Bill of Rights

POLICY TYPE: Managerial

SUBMITTED BY: Richard Washousky, Provost and Executive Vice President

ISSUE OR STATEMENT OF PURPOSE: The Online Bill of Rights purpose is to solidify and spell out the rights of both the online learner and the faculty member.

CORRECTIVE ACTION PLAN RECOMMENDATION (if any): No

NEW OR EDITED POLICY: New

The Online Learner has the right to:
- An Online Course that clearly states the course deadlines, in a way that is easy to understand by the Online Learner.
- An Online Course that has instructions on how to get started in the class.
- An Online Course that is organized in a way that is easy to navigate.
- An Online Course that will meet the same course objectives as the face-to-face modality.
- An Online Course that has a clear statement of the grading policy and criteria of how course work and attendance will be evaluated.
- Expect, at all times, to be treated in a respectful manner by the Instructor and fellow Online Learners.
- Expect the Instructor to respond to queries within a time period that does not exceed five business days or it will be deemed excessive (three business days for summer sessions).
- Expect the Instructor to keep the grades up to date within the Online Course.
- Expect the Instructor to direct the Online Learner to the appropriate college services, when the Instructor is made aware of an issue.
- Expect the Instructor to specify grading policies and timelines in the course syllabus.

The Instructor has the right to expect:
- The Online Learner to complete all assignments by the due date.
- The Online Learner to contact the Instructor, if they need clarification on getting started, deadlines or assignments.
POLICY NAME: On-Line Bill of Rights continued

- The Online Learner to seek out college services, resolve technical issues, and access services where available.
- To be treated in a respectful manner, at all times, by the Online Learners.
- The Online Learner to have a contingency plan to address technical difficulties.

DOES IT SUPERCEDE A POLICY/WHICH ONE: No prior policy exists.

POLICY COMMITTEE RECOMMENDED ACTION:
Policy Committee recommends the Board of Trustees accept the Managerial policy under the Report of the Chair, Ad Hoc Committee Reports, and Policy Committee. This Policy supersedes all prior policies/procedures and practices related to On-Line Bill of Rights.

POLICY COMMITTEE MEMBERS PRESENT:
Kathleen Masiello-Trustee, Susan Swarts-Trustee, Michael Piekiewicz-Senior Vice President of Operations, Tracey Cleveland-Director of Human Resources, Vice President of Enrollment Management Erik D’Aquino, Assistant Director of Human Resources Maria Carroll.

DATE OF BOARD ACCEPTANCE: June 29, 2017

POLICY COMMITTEE TEAM FOLLOW-UP:
Following Trustee acceptance, this Managerial policy will be included in the SUNY Erie Community College Managerial Policy Manual. Distribution of policy to SUNY Erie employees and students.

INFORMATION/INPUT CONSIDERED DURING POLICY COMMITTEE DELIBERATIONS:
Sources:
Quality Matters Bill of Rights for Online Learners, http://online.collin.edu/QM%20Bill%of%20Rights%20for%20Online%20Learners%20with%20Preamble.pdf

The policy was planned for over a year and vetted in its current state through Department Chairs, FFECC leadership, College Senate (per resolution and minutes of February 14, 2017), Erie County Attorney, SES staff including Provost and Executive Vice President. At the April 10, 2017 meeting, the Policy committee unanimously approved this Policy with the edits that have been made to the above.
POLICY NAME: On-Line Bill of Rights continued

This Policy has been previously reviewed and discussed at the Policy Committee meetings of April 10, 2017 and June 9, 2017. At the June 9, 2017 the Policy committee unanimously approved this Policy.
POLICY NAME: Planning and Assessment Policy

POLICY TYPE: Managerial

SUBMITTED BY: Fabio Escobar, PhD – Vice Provost of Institutional Research, Assessment, Accreditation, and Planning (IRAAP)

ISSUE OR STATEMENT OF PURPOSE: To establish policy and guidelines for developing and maintaining unit and college strategic plans as well as assessment procedures.

NEW OR EDITED POLICY: New

Background:

SUNY Erie maintains planning and assessment structures that are designed to support principles of continuous improvement and also assist in establishing compliance with guidelines set forth by the Middle States Commission on Higher Education (MSCHE) and the State University of New York (SUNY). Middle States Commission on Higher Education standards 1 through 7 explicitly define these requirements for educational institutions. Furthermore, SUNY Memorandum to the Presidents (Hereafter “MTP”), Policy and Guidance: Assessment (July 25, 2010; Vol. 10, No. 2) requires all SUNY institutions to

…enhance quality by developing and implementing plans for the regular assessment of institutional effectiveness, academic programs and general education, such that the campus meets or exceeds the assessment standards set by the New York State Department of Education, the Middle States Commission on Higher Education and, as appropriate, programmatic accreditation bodies.

The SUNY policy referenced above is connected to MSCHE standards III (Design and Delivery of the Student Learning Experience) and V (Educational Effectiveness Assessment). These standards, and the aforementioned SUNY policy, are implemented at SUNY Erie via procedures put in place by the Office of IRAAP and by the Institutional Planning and Assessment Committee (IPA). In 2017 IPA passed the Erie Community College Assessment Plan, a document that summarizes the planning and assessment philosophy of the college and establishes basic requirements in keeping with SUNY and MSCHE requirements and standards.

SUNY Erie has had various strategic plans throughout its existence. Beginning with the 2012 planning cycle that emerged from the 2010-2011 Middle States Self-Study, added emphasis was placed on institutional assessment and the need for individual units of the college to establish goals and objectives against which they...
Policy Name: Planning and Assessment Policy-Continued

would measure success. This led the college to further emphasize the development of a mission statement, a set of goals and/or learning outcomes, and detailed action plans for the furtherance of unit-level missions.

Goal-based unit-level planning is essential for the establishment of sound management practice and establishes a mechanism by which the work of administrative and academic units can be connected to the college’s goals as laid out in its strategic plans. Furthermore, all such plans must be assessed against specific performance indicators that are regularly reviewed in order to determine success and which facilitate the development of remediation plans when targets are not reached.

During the past five years, as this added emphasis has been applied, the college’s Program Review system has served as the primary means of implementing these key institutional priorities. Most administrative and academic units now have mission statements, goals and/or learning outcomes, assessment plans, and action plans that promote unit missions. Furthermore, many units have established clear connections to the college’s strategic plan, currently known as ECC Excels Strategic Plan 2016-2021 and approved by the Board of Trustees in 2016.

Gaps remain, however, that diminish the capacity of the college to respond to various concerns related to the establishment of a system of continuous improvement. These gaps are as follows:

- While most administrative units have clear mission statements and unit goals that drive unit action plans, a few units lack missions or goals. In some cases, this is the case for units that have only recently been developed or have recently been redesigned without appropriate attention being paid to these foundational elements.
- Some academic programs lack clear program competencies focused on student learning outcomes.
- Of those units that do have clear mission statements and high-level goals, some do not maintain an active action plan that serves as the implementation of those mission statements and goals. This can happen due to the failure to create or finalize the action plan during the program review process, or due to neglect of the plan during its life cycle.
- In the case of academic units which are charged with assessing program competencies, there are some units which do not conduct regular assessment. There are other units which conduct such assessment, but in a manner that does not lead to meaningful conversations leading to continuing improvement.
- Until the recent past, there had been little training and support provided to our units in the area of learning outcomes assessment, a situation which made it difficult to ensure that learning outcomes assessment is sustainably performed.

Taken together, these gaps make it difficult for the college to achieve its own strategic targets. The failure to establish clear unit-based planning and assessment structures throughout the college was the cause of the college’s failure to meet Middle States Standards 7 and 14 during the 2010 self-study cycle. While the creation
Policy Name: Planning and Assessment Policy-Continued

of IRAAP in 2012 partially remedied the situation, the college was expected to continue development of unit-level planning and assessment structures in order to ensure that such structures would reach maturity and eventually become periodic, sustainable, and part of everyday life at the institution.

In order to accomplish this goal, the college must establish expectations for the development of high-level missions and goals, the mapping of those goals to the college’s own strategic plan, the establishment of clear performance indicators to measure success, regular assessment and reporting against those indicators, and meaningful engagements within each unit to effect institutional and program effectiveness. The following policy codifies the necessary planning, assessment, and reporting requirements.

New Policy Text:

Preamble: In order to maintain a planning and assessment structure that leads to continuous improvement of educational effectiveness and college performance and maintain compliance with the policies of the State University of New York as well as the voluntary standards of the Middle States Commission on Higher Education, SUNY Erie hereby establishes the following policy on planning and assessment.

1. All academic and administrative units of the college will develop and maintain a mission statement, goals, an action plan to implement those goals, and performance indicators to measure success toward mission and goals. The unit’s goals will be mapped to the college’s strategic plan in order to ensure the appropriate alignment. A Unit Goals Assessment Report will be issued at the end of each academic year by all units in keeping with guidelines set forth by the College President and or his/her designee. This report shall be provided to the Board of Trustees.

2. 2016-2017 Unit Goal Assessment Reports must be on file within the college’s centralized planning and assessment system by April 30, 2018.

3. 2017-2018 Unit Goal Assessment Reports must be on file within the college’s centralized planning and assessment system by July 16, 2018 and annually thereafter.

4. Annually going forward, unit goal assessment reports must be on file with the college’s centralized planning and assessment system by a date to be determined by the President.

5. All units shall undergo program review every five years in accordance with guidelines set forth by the College President and or his/her designee. New units shall undergo review within three years of being established. No new units shall be established or receive funding allocations without the prior determination of a unit mission, goals, and action plan in collaboration with the appropriate supervisors, unit staff, and the College President and or his/her designee.

6. All units shall issue, in addition to the annual report referenced in (1) above, a quarterly update summarizing progress toward active actions in keeping with guidelines set forth by the College President and or his/her designee. Quarterly reports shall be hosted in the college’s central planning and assessment repository. The supervisors plan to address areas which are not progressing toward the identified unit goals shall be presented to the Board of Trustees.
Policy Name: Planning and Assessment Policy-Continued

7. For purpose of this policy, the college’s units shall be defined by the college’s organizational chart and the organizational chart for each of the college’s administrative divisions. A unit list shall be maintained by the College President and or his/her designee and the college’s Executive Vice Presidents.

8. All staff shall be required to undergo regular training in order to develop a clear understanding of expectations surrounding assessment and planning. Supervisors will be accountable for the planning and assessment performance of the units under their supervision.

9. All units shall comply with the MSCHE Standards, as appropriate to the unit, and with the MTP. Specific tasks relative to the MSCHIE standards and the MTP shall be assigned to units by their appropriate supervisors in collaboration with the College President and or his/her designee.

10. Furthermore, the following requirements shall apply to administrative and academic units as outlined:

a. Administrative Units:

1) Administrative units shall comply with relevant Middle States standards, particularly Standards II (Ethics and Integrity), IV (Support of the Student Experience), VI (Planning, Resources, and Institutional Improvement), and VII (Governance, Leadership, and Administration), as appropriate to unit mission.

b. Academic Units:

1) Academic units shall comply with relevant Middle States standards, particularly Standards II (Ethics and Integrity), III (Design and Delivery of the Student Learning Experience), V (Educational Effectiveness Assessment, VI (Planning, Resources, and Institutional Improvement), and VII (Governance, Leadership, and Administration), as appropriate to unit mission.

2) New curricula and courses shall be established according to guidelines set by the Collegewide Curriculum Committee and the Office of the Provost and Executive Vice President in order to promote sound planning, assessment, and curricular practice. These guidelines shall include the establishment of assessment plans and appropriate curriculum maps prior to the filing of curriculum applications with the State University of New York or with the New York State Education Department.

3) Academic units shall develop, maintain, and administer an Assessment Plan that meets guidelines set forth by the Office of the Provost and that minimally meets the following requirements:

a) Each competency offered by each degree or certificate program maintained by the unit shall be separately assessed at least once during each five-year program review cycle and with greater frequency if deemed necessary by the supervising dean of academics or vice-provost in collaboration with the College President and or his/her designee. Targets will be determined for each program competency by program faculty, in consultation with deans of academics, vice provosts, and the provost in order to establish a defensible benchmark to be met by students in the degree or certificate. A completed Program Competencies Assessment
Policy Name: Planning and Assessment Policy-Continued

Report will be required within each program review cycle for each academic program of the college.

b) All academic programs must have a completed Program Competencies Assessment Report on file within the college’s centralized planning and assessment system by June 1, 2018.

c) Reports will be issued by the unit for each program competency during the five-year cycle on a rolling schedule as established by the assessment schedule embedded in the Assessment Plan. Reports will document faculty conversations, the data or evidence under review, conclusions drawn by the review team, summarize the actions taken to improve educational effectiveness, and outline the steps to be taken in order to continue to improve educational effectiveness. Any actions taken will be reviewed and updated as part of the program review process in order to assess continuous improvement. Program competency reports will be based on collaborative review of relevant evidence between program faculty and include significant minority viewpoints, if any.

d) Academic program competency assessments shall primarily consist of direct assessment of learning outcomes. However, indirect assessments can serve to complement direct assessment activities. All Academic Assessments shall include attendance at a minimum.

e) All course outcomes that are mapped to a SUNY Erie Institutional Learning Outcome or serve as SUNY General Education courses shall be directly assessed at least once during each five-year program review cycle by the unit which delivers the course. These assessments shall be conducted in such a way that they meet the requirements of MSCHE Standard III – Design and Delivery of the Student Learning Experience.

f) Courses not mapped to a SUNY Erie Institutional Learning Outcome or fulfilling a SUNY General Education category will be assessed in some form (whether directly or indirectly) at least once during the five-year program review cycle. This assessment shall be conducted in such a manner that it meets the requirements of MSCHE Standard III – Design and Delivery of the Student Learning Experience.

11. Additional Assessment Needs:

a. Planning and assessment structures required by programmatic and regional accreditors, or necessary for the establishment and maintenance of principles of sound management, shall be established by the Executive Vice Presidents and the Office of the President as necessary to their units. This shall include, at minimum, all planning and assessment structures necessary to respond to the seven standards of MSCHE outlined in sections I.4, II.9, III.8, IV.6, V.5, VI.9, and VII.5 and to the MTP. The College President or his/her designee shall facilitate the assignment of such planning and assessment responsibilities through the college’s central planning and assessment system.

b. Deadline modifications for the delivery of

12. Training Program: The College President and or his/her designee shall maintain an active training program to assist all faculty, staff, and supervisors with the creation, maintenance, and administration of their assessment and action plans.
Policy Name: Planning and Assessment Policy-Continued

13. **Administrative Support:** The College President and or his/her designee shall provide administrative support for the construction and delivery of assessment instruments required by academic and administrative units. This assistance will include delivery of all necessary unit-level and college data to determine whether performance indicators are being met.

14. **Strategic Planning:** The College President and or his/her designee will maintain and administer the college’s Strategic Plan (“the Plan”) as approved by the Board of Trustees. The Plan will be refreshed by the Board of Trustees on a schedule to be maintained by the Board or its standing committees. The College President and or his/her designee will deliver regular reports to the Board of Trustees summarizing progress on the college’s key institutional indicators as identified in the Plan.

15. **Institutional Learning Outcomes:** The General Education Committee will develop and administer an assessment program for SUNY Erie’s Institutional Learning Outcomes (ILOs) with the assistance of the College President and or his/her designee and in keeping with MSCHE Standards III and V. Each ILO shall be assessed at least once every three years by faculty teams formed for this purpose by the General Education Committee.

16. **Policy Distribution:** This policy will be distributed to all unit heads, all unit supervisors, and all unit faculty and staff immediately upon approval. Training relative to the policy shall be immediately delivered by the College President and or his/her designee and confirmation of receipt of the policy and acknowledgement of its contents shall be sent by unit heads to the Executive Vice Presidents and the College President or his/her designee.

**Justification for Changes:**

SUNY Memorandum to the Presidents, *Policy and Guidance: Assessment*, July 15, 2010 (Vol. 10, No. 2) requires all campuses to maintain an assessment plan that meets or exceeds the requirements of MSCHE’s Standards for Accreditation and Requirements of Affiliation. The Standards call for assessment of each of the seven standards, including the assessment of educational effectiveness and the establishment of a system of continuous improvement as outlined above.

As shown in the supporting documentation, the college has a history of failing to meet the standards set forth by its regional accreditor. The college must develop sound planning, assessment, and reporting structures in order to respond to accreditation concerns and demonstrate the high quality of its academic offerings and administrative services. Such structures must be consistent across the college and be subject to expectations that are easy to understand and capable of being fulfilled in a sustainable manner. The guidelines developed in this policy serve to codify current best practices across the institution and establish a roadmap to be followed by all units.

**DOES IT SUPERCEDE A POLICY/WHICH ONE:** N/A
Policy Name: Planning and Assessment Policy - Continued

POLICY COMMITTEE RECOMMENDED ACTION: Policy Committee recommends the Board of Trustees accept the Managerial policy under the Report of the Chair, Ad Hoc Committee Reports, and Policy Committee. This Policy supersedes all prior policies/procedures and practices related to Planning and Assessment.

POLICY COMMITTEE MEMBERS PRESENT: Trustee Kathleen Masiello, Provost and Executive Vice President Richard Washousky, Executive Vice President of Institutional Advancement and Efficiency Michael J. Pietkiewicz, College Senate Representative Michael Delaney, Dean of Liberal Arts and Sciences Dr. Jamie Smith and Dean of Liberal Arts and Sciences Joanne Colmerauer.

DATE OF BOARD ACCEPTANCE: April 26, 2018

POLICY COMMITTEE TEAM FOLLOW-UP: Following Trustee acceptance, this Managerial policy will be included in the SUNY Erie Managerial Policy Manual.

INFORMATION/INPUT CONSIDERED DURING POLICY COMMITTEE DELIBERATIONS:

- The following resources were considered during development of this policy:
  - SUNY Memorandum to the Presidents, 2010, Policy and Guidance: Assessment
  - SUNY Board of Trustees Resolution 2010-039, Streamlining the State University Board of Trustees Policy on Assessment
  - Report to the Faculty, Administration, Trustees, Students of Erie Community College – Middle States Commission on Higher Education Decennial Evaluation Team, 2011
    - Special reference is made to the Standard 7 assessment on p. 11. The college would later also be cited by the Commission for failure on Standard 14.
  - Erie Community College Institutional Assessment Plan
  - Middle States Commission on Higher Education Statement of Accreditation Status: Erie Community College

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The policy was reviewed and approved at the April 13, 2018 meeting to be forwarded to the Board of Trustees for acceptance.
Committee Meeting: Policy & Governance Committee | Date: October 12, 2018
Committee Chair: Kathleen Masiello
New or Edited: New

POLICY NAME: Policy on Policy Development

POLICY TYPE: Board

SUBMITTED BY: Penelope Howard, Executive Vice President for Administration and Finance

ISSUE OR STATEMENT OF PURPOSE: To create a clear understanding of the differences between Policy and Procedure; to make a distinction between Board policy and Institutional/Managerial policy; to encourage the creation of policies that are “evergreen”; to define the purpose of supporting detailed procedures which can be changed as circumstances dictate without requiring new board approvals; to provide a framework for policy creation that encourages consistency throughout the College in its efforts to align operations, set behavioral expectations, and communicate policy roles and responsibilities.

NEW OR EDITED POLICY: New

Definitions:

- **Policy** – A statement of intent about rules that are officially sanctioned and generally have College-wide applicability. A Policy may be either Board or Institutional/Managerial. Policies will include governing principles; they may either mandate or constrain action; may ensure compliance with laws, or may mitigate the College’s risk. Policies provide governance, academic or administrative rules and guidance. A Policy does not include “how” the policy will be implemented or executed, those steps are detailed in a separate document defined as Procedures (see definition for Procedures). Departments of the College should refrain from using the word policy in regards to their departmental practices and directives, using instead “process,” “practice,” “directive,” “principle,” “requirement,” “limitation,” or similar terms.

  - Board Policy – a policy with high-level governance risk or strategic implications for the College. This type of policy clarifies high-level institutional expectations and provides support for compliance with laws and regulations. This type of policy provides high-level expectations that support effective accountability and performance outcomes for the College. Board policies must be approved by a Board of Trustees vote and implementation is monitored by the Board of Trustees.

  - Institutional/Managerial Policy – any Academic or Administrative Policy other than high-level Board governance policy that is designed to endure across time and administrations. Institutional/Managerial policies connect the College’s mission to individual conduct required, clarify institutional expectations, manage institutional risk, define academic student conduct standards, and enhance the productivity and efficiency of College operations. These policies
POLICY NAME: Policy on Policy Development - Continued

protect the integrity of the College’s mission and operations, and reflect the active Board governance policies. These types of policies are approved by the President or his Designee(s) and accepted by the Board of Trustees. These may include:

- An organization-wide operational policy, which refers to practices across a range of activities
- A specific operational policy, which refers to matters regarding a specific activity and are relevant to the effective execution of College mission and standards.

- Procedures – generally reflect governance or operational standards; documented in support of policies to provide a set of steps to execute and operationalize a policy, and explain how Board and/or Managerial policies are put into effect.

- Guideline - a statement by which to determine a course of action. A guideline aims to streamline particular processes according to a set routine or sound practice. By definition, following a guideline is never mandatory, but is used to make the actions of its employees or divisions more predictable, and presumably of higher quality.

  o An example of a guideline would be an institution offering its employees either a laptop configuration or desktop configuration as a standard practice to contain costs. There may be legitimate instances where both is needed, but not standard practice.

Policy Stages:
1. Identification of a need for new policy or revising/rescinding of existing policy
2. Appointment of a policy author (delegation)
3. Research and data gathering
4. Draft document
5. Circulation of draft document
6. Consultation with stakeholders
   a. Academic Standards
   b. College Senate
   c. Human Resources
   d. Financial
   e. Student Affairs
   f. County Attorney
7. Circulation of redrafted document to include the Policy and Governance Committee and to appropriate stakeholders, including review using the Racial Equity and Impact Analysis tool
8. Policy approval or acceptance by the Board of Trustees
9. Communication, training and implementation
10. Review annually, or as indicated
POLICY NAME: Policy on Policy Development - Continued

a. Substantial revisions to policies necessitate a complete review through the formal policy process. A substantial revision is any change to a policy that will require campus-wide review and communication, or a change in applicable law, regulation, or policy.
b. Simple editorial changes, such as grammar, title, typographical errors, or other minor changes to a policy can be made at any time and should be included in the College-wide policy manual and updated on the ecc.edu website.
c. Procedures in support of the policies can be modified as needed without going back through the Board acceptance process. Changes in procedures must be officially approved by the executive management level, and attached to the supported policy in the College-wide policy manual and updated on the ecc.edu website.

11. Provide the status of Board Policies to the Board of Trustees annually

DOES IT SUPERCEDE A POLICY/WHICH ONE: No

POLICY & GOVERNANCE COMMITTEE RECOMMENDED ACTION:
Policy Committee recommends the Board of Trustees approve the Board policy under the Committee Briefings, Policy & Governance Committee.

POLICY & GOVERNANCE COMMITTEE MEMBERS PRESENT: Trustee Kathleen Masiello, Trustee Susan Swarts, Student Trustee Tokunbo Adebayo, Provost and Executive Vice President Richard Washousky, Executive Vice President for Administration and Finance Penelope Howard, Vice President of Enrollment Management Steven Smith, Vice President of Student Affairs Nora Clark, Dean of Liberal Arts and Sciences Joanne Colmerauer, Dean of Liberal Arts and Sciences Jamie Smith, College Senate Representative Colleen Quinn, Employee Relations Manager Daniel Kaufman, Director of Human Resources Maria Carroll and Dean of Students Petrina Hill-Cheatom

DATE OF BOARD APPROVAL: October 25, 2018

POLICY & GOVERNANCE COMMITTEE TEAM FOLLOW-UP:
Following Trustee approval, this Board policy will be included in the SUNY Erie Community College Managerial Policy Manual.

INFORMATION/INPUT CONSIDERED DURING POLICY & GOVERNANCE COMMITTEE DELIBERATIONS:
- https://www.cmu.edu/policies/faq/index.html
- https://www.buffalo.edu/administrative-services/policy1/ub-policy-lib/developing-univ-policies.html
POLICY NAME: Policy on Policy Development - Continued

- Multiple other college and university policy sites that reflected the same guidance as above.

- Feedback from SUNY Erie faculty and staff members

- Middle States Accreditation Standard VII

- SUNY Erie Board of Trustees By-Laws

The Policy has been reviewed and discussed at the Policy Committee meeting of September 14, 2018 and October 12, 2018.
POLICY NAME: Position Creation Justification Form

POLICY TYPE: Managerial

SUBMITTED BY: Tracey Cleveland, Director of HR and Talent Management Committee

ISSUE OR STATEMENT OF PURPOSE: To assure proper oversight when certain positions are created.

CORRECTIVE ACTION PLAN RECOMMENDATION (IF ANY): The Corrective Action Plan (CAP) approved by the SUNY Erie Board of Trustees on April 12, 2016 recommendation 4(a) Executive Salaries and Benefits. The Board should ensure significant financial decisions, such as creation of new positions are conducted in an open and transparent manner.

NEW OR EDITED POLICY: New

The Position Creation justification form will be used by Management for the creation of certain positions: new titles with no funding allocated in the budget, or title changes that involve an increase in funding that is not allocated in the budget. The completed form should be forwarded to Human Resources along with a job description. All created positions will require a resolution for Board of Trustees approval. Human Resources will notify Hiring Manager, if creation of position is approved or denied. If denied, reasons will be stated.

DOES IT SUPERCEDE A POLICY/WHICH ONE: No

POLICY COMMITTEE RECOMMENDED ACTION: Approved as amended above. Policy Committee recommends the Board of Trustees accept this managerial policy under the Report of the Chair, Ad Hoc Committee Reports, and Policy Committee. This Policy supersedes all prior policies/procedures and practices related to creation of new positions.

POLICY COMMITTEE MEMBERS PRESENT: Trustees Kathleen Masiello, Trustee Timothy Callan, Maria Carroll-Director of Talent Management and Employee Engagement, Director of Human Resources Tracey Cleveland, Executive Vice President of Operations Michael Pietkiewicz, Chief Financial Officer and Senior VP of Administration and Finance William Reuter, Provost Academic & Student Affairs Richard Washousky

DATE OF BOARD ACCEPTANCE: April 27, 2017

POLICY COMMITTEE TEAM FOLLOW-UP: Following Trustee acceptance, this policy will be included in the Managerial Policy Manual.

INFORMATION/INPUT CONSIDERED DURING POLICY COMMITTEE DELIBERATIONS: This Policy has been previously reviewed and discussed at the Policy Committee meetings of October 25, 2016,
POLICY NAME: Position Creations Justification Form Continued

November 1, 2016, November 22, 2016, and January 3, 2017. At the April 10, 2017 the Policy Committee unanimously approved this Policy with the edits that have been made to the above. This was discussed by the Talent Management Committee on April 10, 2017.
POSITION CREATION JUSTIFICATION FORM

The following information will be used to request additional resources for your department. This form is to be used for either option 1 or 2 below (please check applicable option):

☐ 1. New title/No funding in budget  ☐ 2. Title change/Associated funding increase not in budget

Position Title:

Proposed Job Group/Step:

Department:

Division:

Supervisor:

Union Affiliation:

Start Date:

_____ FT _____ RPT _____ hours per week _____ PT _____ hours per week

_____ Temp (List start and end dates) ____________________________________________

Date Prepared:
1. POSITION SUMMARY

List the major responsibilities of this position - Why does this job exist? What major new work will be done with this position hired? (Include 2-4 brief, clear, concise statements.)

Describe why repurposing existing personnel would not provide sufficient coverage in lieu of filling this role.

How does this position fit in with SUNY Erie’s mission and/or what impact does this position have on achieving SUNY Erie’s goals and objectives?
2. KNOWLEDGE/EXPERIENCE

Please submit a copy of the approved or proposed job description with this form that particularizes the desired knowledge, competencies, and experience for this position.

3. FINANCIAL

Proposed salary for position: $

Particularize the financial impact of this position – detail how the position is to be funded and any associated cost-savings of the position.

4. SUPERVISION EXERCISED

Which of the following best describes what supervisory responsibility the position has (or will have)? Please specify any additional information pertaining to supervision responsibilities of this role.

_____ No supervisory responsibility.

_____ No direct supervisory responsibility, provides assistance to lower level employees.

_____ Limited supervision, allocates and organizes work, provides guidance.

_____ Direct supervision of at least one employee.
Signatures:

Hiring Manager

Assistant Vice President of Human Resources

Financial Health Committee/CFO

Please send this completed form to HR

For internal use only:

Date: 

Approved

RESOLUTION CREATED

Denied

REASON:
Committee Meeting: Policy & Governance Committee | Date: August 17, 2018
Committee Chair: Kathleen Masiello
New or Edited Policy: New

POLICY NAME: Privacy Policy

POLICY TYPE: Board

SUBMITTED BY: Daniel Bartkowiak, Information Security Officer, ITS

ISSUE OR STATEMENT OF PURPOSE: SUNY Erie is committed to protecting student privacy and the privacy of all stakeholders. All websites and departments that collect information must maintain users’ privacy. General Data Protection Regulation legislation was enacted and precipitated the creation of this policy. This Board Policy is delegating to management the upkeep of the Privacy Policy to comply as relevant laws and regulations evolve.

CORRECTIVE ACTION PLAN RECOMMENDATION (if any): N/A

NEW OR EDITED POLICY: New

SUNY Erie and any affiliated entities that provide services to students on behalf of the college shall create and maintain privacy standards and procedures which ensure compliance with the General Data Protection Regulation (GDPR) and with all applicable federal, state, and local laws and regulations governing data security and data privacy. These procedures and standards shall be kept current and respond to changes in the GDPR and all other applicable laws or regulations. These standards and procedures shall be made available to students and staff via annual training and communicated by link to Privacy Policy via the website. The current version of privacy procedures are attached as Appendix A.

DOES IT SUPERCEDE A POLICY/WHICH ONE: N/A

POLICY COMMITTEE RECOMMENDED ACTION: Approve

Policy Committee recommends the Board of Trustees approve the Governance policy under the Committee Briefings, Policy & Governance Committee. This Policy supersedes all prior policies/procedures and practices related to Privacy Policy and Procedure.

POLICY COMMITTEE MEMBERS PRESENT:
Trustee Len Lenihan, Trustee Kathleen Masiello, Trustee Susan Swarts, Student Trustee TK Adebayo, Executive Vice President for Administration and Finance Penelope Howard, Provost and Executive Vice President Richard Washousky, Vice President of Enrollment Steven Smith, Vice President of Student Affairs Nora Clark, Director of Registrar Paul Lamanna, Dean of Liberal Arts and Sciences Joanne Colmerauer, Dean of Liberal Arts and Sciences Jamie Smith, College Senate Representative Michael Delaney, Dean of Students Petrina Hill-Cheatom and Director of Talent Management and Employee Engagement Maria Carroll
POLICY NAME: Privacy Policy - Continued

DATE OF BOARD APPROVAL:  September 27, 2018

POLICY COMMITTEE TEAM FOLLOW-UP:
Following Trustee approval this Board Policy will be included in the Erie Community College Board Policy Manual.

INFORMATION/INPUT CONSIDERED DURING POLICY COMMITTEE DELIBERATIONS:
Based on SUNY Jamestown Community College’s privacy policy and created with permission from JCC:
https://www.sunyjcc.edu/privacy-policy

https://www.itgovernance.co.uk/blog/how-to-write-a-gdpr-privacy-notice-with-documentation-template-example/


GDPR regulation (EU) 2016-679

The Policy has been reviewed and discussed at the Policy Committee meeting of June 22, 2018, July 13, 2018 and August 17, 2018.
SUNY Erie’s Commitment to Privacy

At SUNY Erie, we are committed to protecting your privacy and making it easier and more efficient for individuals and organizations to interact with the College. We recognize that it is critical for individuals and organizations to be confident that their privacy is protected when they visit ecc.edu. Sometimes the College needs information to provide services requested, and these Privacy procedures explain our practices.

SUNY Erie does not collect any personal information about you unless you provide that information voluntarily by sending an e-mail, completing a web form, or submitting a completed online application. This policy is consistent with the provisions of the Internet Security and Privacy Act, the Freedom of Information Law, Personal Privacy Protection Law and General Data Protection Regulation.

Information That is Collected Automatically When You Visit ecc.edu

When visiting ecc.edu, SUNY Erie uses Google Analytics to automatically collect, analyze and store the following information about the user’s visit:

- **Page Information**
  - URL – the URL of the page the user is viewing
  - Title – the title of the page the user is viewing

- **Browser Information**
  - Browser name – the browser the user is using
  - Viewport or Viewing pane – the size of the browser window
  - Screen resolution – the resolution of the user’s screen
  - Java enabled – whether or not the user has Java enabled
  - Flash version – what version of Flash the user is using

- **User Information**
  - Location – this is derived from the IP address where the hit originated. The IP address itself is not available in Google Analytics as it is Personally Identifiable Information (PII), which violates the terms of Google Analytics.
  - Language – derived from the language settings of the browser
  - Frequency and Retention - how many times the user has been on the ecc.edu site and the duration of each visit
  - Source - ISP the user of the site used
  - Device - device type of users browsing (computer, tablet or mobile device)
  - Channels - the keywords and sites that referred the user to the page
None of the above-mentioned information is deemed to constitute personal information. The information that is collected automatically is used to improve ecc.edu’s content and to help SUNY Erie understand how users are interacting with its website.

This information is collected for statistical analysis and to determine what information is of most and least interest to our users. The information is collected to guide in-house marketing decisions and SUNY Erie will not sell or otherwise disclose the information collected from ecc.edu.

**Information Collected When You E-mail ecc.edu**

During your visit to ecc.edu you may send an e-mail to SUNY Erie. Your e-mail address and the contents of your message will be collected. The information collected is not limited to text characters and may include audio, video, and graphic information formats included in the message. Your e-mail address and the information included in your message will be used to respond to you, to address issues you identify, to improve our website, and/or to forward your message to other SUNY Erie personnel for appropriate action.

Your e-mail address is not collected for commercial purposes and SUNY Erie will not sell or otherwise disclose your e-mail address for commercial purposes. SUNY Erie does not knowingly collect personal information from children under the age of 18. Google Analytics specifically filters collection of children’s information to SUNY Erie. Users are cautioned, however, that the collection of personal information submitted in an e-mail or web form will be treated as though it was submitted by an adult.

**Use of Personal Information**

Your submitted information will be used to deliver the product, services, or materials you have requested. Your information may be used to communicate information and updates to you regarding SUNY Erie.

**Disclosure of Information Through Website**

SUNY Erie will only collect personal information through ecc.edu or disclose personal information collected through ecc.edu if the user has consented to the collection or disclosure of such personal information. The voluntary disclosure of personal information to SUNY Erie by the user, whether solicited or unsolicited, constitutes consent to the collection and disclosure of the information by SUNY Erie for the purposes for which the user disclosed the information to SUNY Erie, as was reasonably ascertainable from the nature and terms of the disclosure. However, SUNY Erie may collect or disclose personal information without the consent of the user if the collection or disclosure is:

1) necessary to perform the statutory duties of SUNY Erie, or necessary for SUNY Erie to operate a program authorized by law, or authorized by state or federal statute or
SUNY Erie’s Commitment to Privacy -- Continued

regulation;
2) made pursuant to a court order or by law;
3) for the purpose of validating the identity of the user, or
4) if information to be used solely for the statistical purposes that is in a form that cannot be used to identify any particular person.

Further, the disclosure of information including personal information, collected through ecc.edu is subject to the provisions of the Freedom of Information Law and the Personal Privacy Protection Law. SUNY Erie may disclose personal information to federal or state law enforcement authorities to enforce its rights against unauthorized access or attempted unauthorized access to SUNY Erie information technology assets.

Retention of Information Through Website

The Google Analytics information collected through ecc.edu is retained by SUNY Erie for 38 months. Data is automatically deleted at the end of the retention period on a monthly basis. Emails sent to the ecc.edu domain or information submitted via a web form are retained indefinitely on a message archive system which is housed on premises. The message archive system is backed up daily.

Access to and Correction of Personal Information Collected Through ecc.edu

Any user may submit a request to SUNY Erie’s Privacy Compliance Officer to determine whether personal information pertaining to that user has been collected through ecc.edu. Any such request shall be made in writing and must be accompanied by reasonable proof of identity of the user. Reasonable proof of identity may include verification of a signature, inclusion of an identifier generally known only to the user, or similar appropriate identification. The form can be filled out here: www.ecc.edu/personaldatarequest.

In the event that SUNY Erie has collected personal information pertaining to a user through ecc.edu and that information is to be provided to the user pursuant to the user’s request, the Privacy Compliance Officer shall inform the user of his/her right to request that the personal information be amended, corrected and collected under the procedures set forth in Section 95 of the Public Officers Law and the General Data Protection Regulation (GDPR).

Confidentiality and Integrity of Personal Information Collected Through ecc.edu

SUNY Erie is committed to protecting personal information collected through ecc.edu against unauthorized access, use, or disclosure. Consequently, SUNY Erie limits employee access to personal information collected through ecc.edu to only those employees who need access to the information in the performance of their official duties. Employees who have access to this information follow appropriate procedures in connection with any disclosures of personal information, including signing an acknowledgment of SUNY Erie’s confidentiality policy annually.
In addition, SUNY Erie has implemented procedures to safeguard the integrity of its information technology assets, including, but not limited to, authentication, authorization, monitoring, auditing, and encryption. These security procedures have been integrated into the design, implementation, and day-to-day operations of ecc.edu as part of our continuing commitment to the security of personal information, electronic content as well as the electronic transmission of personal information.

For website security purposes and to maintain the availability of ecc.edu for all users, SUNY Erie employs software to monitor traffic and to identify unauthorized attempts to upload or change information or otherwise affect the integrity of ecc.edu.

**Cookies**

The SUNY Erie website may use "cookies," which are text files holding small amounts of data, to collect information to anonymously track how visitors interact with the website, including where they came from or what they did on the website. The College uses this analytical information to improve users’ experiences online. The cookies utilized by Google Analytics are stored on the device visiting the site. The information collected by Google Analytics and presented to SUNY Erie does not include single cookie identifiers and therefore SUNY Erie does not derive personal information from cookies.

Users do not need to have cookies turned on to use SUNY Erie’s website.

**Disclaimer**

The information provided in this these privacy procedures should not be construed as giving business, legal, or other advice, or warranting as fail-proof, the security of information provided through ecc.edu.
Committee Meeting: Policy Committee  |  Date: October 25, 2016  
Committee Chair: Kathleen Masiello  
New or Edited Policy: Edited Consultant Policy dated August 2007  

**POLICY NAME:** Professional Services and Specialized Products RFP Policy  

**POLICY TYPE:** Managerial  

**SUBMITTED BY:** William D. Reuter, ECC Chief Administrative & Financial Officer  

**ISSUE OR STATEMENT OF PURPOSE:** General Municipal Law 104-b requires that the governing board annually review its policies and procedures with respect to procurement of goods and services where such goods and services are required by law to be procured pursuant to competitive bidding. As part of that annual review, and in order to properly address several of the Corrective Action Plan -Actions Planned, staff performed a detailed review of the existing ECC Board of Trustee Policy VI-A-25 "Consultant Services/Guest Lecturers and Specialized Products RFP Policy".  

**CORRECTIVE ACTION PLAN RECOMMENDATION (if any):** Many of the changes and clarifications to the existing "Policies and Procedures as Required under General Municipal Law" (separate managerial policy) are being recommended to specifically address the Corrective Action Plan (CAP) approved by the SUNY Erie Board of Trustees on April 12, 2016.  

In addition, the current ECC BOT "Consultant Services/Guest Lecturers and Specialized Products RFP Policy", last revised in August 2007, requires updating to ensure continuity and consistency with the recommended updated Purchasing Policy and Procedure. This updated policy is renamed the Professional Services and Specialized Products RFP Policy.  

Lastly, as previously mentioned, General Municipal Law 104-b requires that the governing board annually review its policies and procedures with respect to procurement of goods and services where such goods and services are required by law to be procured pursuant to competitive bidding.  

The recommended revisions and updates were reviewed and discussed with the Financial Health subcommittee on September 20th, 2016 and approved for full board consideration upon Policy Committee review. SUNY Erie Business Manager Paul Danieu & SUNY Erie Buyer Sandy Koch attended the Financial Health subcommittee meeting to respond to any questions or concerns as well as providing background information.  

**NEW OR EDITED POLICY:** Edited VII-B-15 Consultant Policy approved 9/98, 9/00 and 8/07.
POLICY NAME: Professional Services and Specialized Products RFP Policy - Continued

DOES IT SUPERCEDE A POLICY/WHICH ONE: 1. Existing ECC Board of Trustee Policy VI-A-25 "Consultant Services/Guest Lecturers and Specialized Products RFP Policy" dated August 2007 is being revised/updated as follows:

Professional Services and Specialized Products RFP Policy

Purpose:

The purpose of this policy and procedure is to assure that competition is sought in a reasonable, cost effective manner in the procurement of consultants, guest lecturers, fee for services instructors, professional services and specialized products to be provided SUNY Erie Community College when competitive bidding is not required by law. Also, to "guard against favoritism, improvidence, extravagance, fraud and corruption (GML§104-6[1])". The college will issue a Request for Proposal (RFP) when procuring the services of an expert in a specialized field or when procuring highly specialized products like software or other technology related products and services.

Guidelines:

1. Consultants/Guest Lecturers shall not be employees of Erie Community College. It is at the sole discretion of the College Business Manager whether or not a service or product meets the criteria of being a professional service or specialized product.

2. As determined in the Professional Services and Specialized Products Policy an Erie Community College Executive Vice President (EVP) or the Chief Administrative and Financial Officer (CAFO) shall approve professional services or specialized products costing up to $4,999.99. The requestor, EVP or CAFO will ensure there are sufficient funds to procure the professional service or specialized product.

3. The Erie Community College President shall approve professional services or specialized products of $5,000.00-$9,999.99. Procurement of professional services or specialized products for $5,000.00-$9,999.99 are subject to the Informal RFP process. This will ensure the costs do not exceed the President's authorized limit. Professional services or specialized products for less than $10,000.00 do not require Board of Trustees approval. All professional service engagements with a single vendor shall be aggregated for purposes of applying the monetary limits discussed herein.

4. The Board of Trustees shall approve procurements of professional services or specialized products from $10,000.00 to $50,000.00. These professional services or specialized products require a Formal RFP and must be advertised.
POLICY NAME: Professional Services and Specialized Products RFP Policy - Continued

5. Professional services or specialized products in excess of $50,000.00, in addition to being subject to the formal RFP process and requiring the approval of the college's Board of Trustees, also require the approval of the Erie County Legislature. These approvals are required prior to the hiring of the professional or purchase of the product.

6. A log shall be maintained by the Finance Department of all professional service providers or specialized products procured without Board approval. The log shall be available for review/inspection upon reasonable notice to the President by any Board Member.

Informational:

Administrative Responsibility: It is the responsibility of the President, EVP and CAFO to ensure that these procedures are followed.

Professional Services and Specialized Products:

The determination of whether the professional service or specialized product exemption for bidding is applicable must be made on a case-by-case basis, examining the particular services or goods needed. Generally professional services include the specialized expertise of interpreters, consultants, lawyers, doctors, engineers and so forth. Specialized products include but are not limited to software and other technology related products.

The requesting department must have EVP (up to $5,000.00), Presidential (up to $10,000.00), Board of Trustees (up to $50,000.00), Erie County Department of Law and/or Legislative (over $50,000.00) approval before engaging professional services or acquiring specialized products. Following the RFP process will enable the department to be prepared to justify the procurement and provide documentation as to how the particular service or product was deemed appropriate and obtained in a competitive manner.

Guest Lecturers and Professional/Technical Instruction:

Consultant/Guest Lecturers and Professional/Technical Instructors are contracted using a RFP when it is required and determined that the current College staff do not possess the unique background or skill set that would enable them to provide the required service.

Consultant/Guest Lecturers and Professional/Technical Instructors examples are specialty speakers, art models, specialized technical training, nature habitat and diversity to name a few. These individuals often have a very different or special background of experiences that make them an asset to the learning experience to those in the classroom or audience.

Departments who utilize these services require the following procedure and documents to be approved by the Executive Vice President or the Chief Financial Officer.
POLICY NAME: Professional Services and Specialized Products RFP Policy - Continued

1. The Consultant Authorization Form (found on the Business Office Website) requires signature and approval by the Executive Vice President and/or the Chief Financial Officer. The approved Consultant Authorization Form is then forwarded to the Business Office for inclusion in the payment file. A W-9 is provided to the Consultant/Guess Lecturer or Professional/Technical Instructor by the originating department for completion.

2. The Department also enters the requisition into the College's financial management system, listing the approvals as follows:
   a. Executive Vice President
   b. Chief Financial Officer
   c. Business Manager

3. Upon completion of the service, the Consultant/Guess Lecturer or Professional/Technical Instructor provides the completed W-9 and detailed invoice to the College Business Office for payment processing.

Fees for Services Instruction:

Fees for Service consultants and expert instructors are contracted using the RFP process when it is required and has been determined that the current College staff do not possess the unique background or skill set that would enable them to provide the required training for the community or requesting entity.

Fees for Service consultants and instructors are typically experts specializing in an area of skill, training or knowledge not readily available to the average person. Samples of Fee for Service consultants are as follows: apprentice training in skills trades, welding instructors, specialized instructors for Lean Six Sigma, Pharmacy instruction, grading, certification, Environmental Health and Safety training and the Ford Auto Plant with instructor on premises.

Any department (ex. Workforce Development, Police Academy, Athletics) which utilizes these services require the following procedure and documents to be approved by the Executive Vice President or the Chief Financial Officer:

1. Upon agreement of the duties to be performed and the rate to be paid, all departments must prepare an Independent Contract Agreement between the consultant and Erie Community College. The Independent Contract Agreement requires signatures from the consultant, ECC Departments, Erie County Department of Law and College President. ECC Departments will obtain the vendor's signature on the agreement and will approve as to content and will also provide the vendor a W-9 for completion at this time.

2. All departments will forward the agreement to the Chief Administrative & Financial Officer or designee for processing and approval by the County Attorney.
POLICY NAME: Professional Services and Specialized Products RFP Policy - Continued

3. The Chief Administrative & Financial Officer or designee will forward the approved documents from the County Attorney to the College President for signature. The agreement will then be sent to Business Office for review and action.
4. All departments must enter the requisition into the college's financial management system listing the approvals as follows:
   a. Executive Vice President
   b. Chief Financial Officer
   c. Business Manager
5. Business Office will review and combine the documents to create the purchase order.
6. Upon completion of the first service engagement, the vendor will provide the College Business Office the completed W-9 and a detailed invoice. The invoice must provide a full breakdown of the services provided along with the hours spent on each task.

RFP Procedures:

Erie Community College departments involved in the procurement of professional services, specialized products shall follow the procedures described herein. The head of the involved department or administrative unit shall ensure that a RFP is prepared using the template being developed by the College in coordination with the Erie County Department of Law. The template includes generic College information, the detailed specification for the desired service or specialized product desired, any special or required qualifications for the respondents, insurance requirements and a sample of the desired contract. The contract comes in two versions, a short independent contractor version and a longer version. The independent version is mostly appropriate for guest lecturers, professional/technical instruction and similar vendors. The longer version is more applicable to vendors providing more service or work to the College like architects, print management vendors and transportation providers.

1. Once prepared the requesting department should provide the Purchasing Department and Business Office with the final proofed version to create the ad for the Buffalo News (when expected cost expected to exceed $10,000 and advertising required) and on BidNet and any other vehicle used for disseminating RFP information.
2. The originating department should keep a log of all vendors that received a copy of the RFP and record all vendors that responded to the RFP.
3. The selection committee shall be composed of at least three members. One of these will be the selection chair of the committee. It is strongly encouraged that an outside expert be appointed to the selection committee when the desired service or product is of a highly complex nature.
4. Prior to the first meeting of the selection committee, all members shall fill out the conflict of interest declaration which will be modeled after the Erie County conflict declaration form. The conflict of
POLICY NAME: Professional Services and Specialized Products RFP Policy - Continued

...interest form should be filed with a copy of the issued RFP along with the log of the vendors responding to the RFP and maintained in a separate file for a minimum of seven years. If any selection committee member has a conflict of interest or an appearance of a conflict of interest, they shall notify the chair of the selection committee. Such selection committee member will either be replaced on the selection committee or they shall be authorized to continue serving on the committee and advised to:

a. Notify all other selection committee members of the conflict of interest,
b. Refrain from scoring any firm where there is a conflict, and
c. Refrain from commenting in any way with regard to such firm or firms. In deciding if a selection committee member should be replaced, the selection committee member or the chair of the committee shall consult with the Senior VP of Operations or their designee;

5. The selection committee shall establish a scoring matrix that includes, but is not limited to, cost, references, functionality, unique knowledge or features, experience, experience with the College or other Erie County Departments. The selection committee shall determine the weight given to each factor.

6. Each selection committee member shall separately read and score each application, filling in the matrix on all factors.

7. All scores from all committee members shall then by tabulated by the selection committee chair to produce an average score for each responder and a ranking among all responders (taking into account any response where any member did not provide a score due to a conflict of interest).

8. Upon completion of the scoring, the chair of the selection committee shall convene a meeting to discuss the scoring and review to date.

9. The selection committee shall be provided with the matrix including the price information and shall discuss the scoring and identify a short list of responders. In its deliberations, the selection committee shall consider the price and value of each application, but shall not make a determination based solely upon price. The short list shall include a sufficient number of responders to provide the selection committee with the opportunity to consider a variety of responders and approaches from among those judged to be most qualified. Selection committee chairs are strongly encouraged to consider enlisting the services of a staff member other than a committee member to act as note taker during the committee's deliberations in the interest of maintaining a full and complete record.

10. The selection committee shall conduct interviews (when deemed necessary) and check references and shall consider all factors including, but not limited to, the cost and value of each responder.

11. Upon completion of this process, the selection committee shall identify by a formal recorded vote the firm that it recommends be engaged to conduct the work or provide the product. The firm that is selected...
need not be the lowest bidder, but rather should be the firm that is most likely to provide the best services for the College when all factors are taken into consideration. The selection committee shall also identify the firm that came in second place if in the opinion of the selection committee such second firm is capable of performing the work or providing a comparable product.

12. The involved department or administrative unit head shall then commence discussions with the preferred firm. As part of these discussions the department or administrative unit head shall compare the price expected to be charged, the price points offered by other firms and the price requested by the firm recommended by the selection committee. The department or administrative unit head shall, if appropriate and in the best interests of the College, negotiate with the preferred firm on price. Should these negotiations not be successful, the department or administrative unit head may contact the firm that came in second if it is believed such firm can satisfactorily perform the work to see if a suitable agreement can be reached.

13. A full record shall be maintained by the requesting department for review when required containing the:
   a. Contract and RFP issued by the College,
   b. All conflict of interest statements,
   c. All submissions received by the College, including the firm recommended to be engaged, and the recommended firm's required insurance documents,
   d. The scoring matrix showing the votes of each selection committee member and the tabulated total and average votes and rankings,
   e. Results of reference checks,
   f. Minutes from all selection committee discussion(s) when the responses are reviewed,
   g. Minutes from the interviews (if applicable) with the finalist firms
   h. A statement indicating the price and value considerations, including any price estimate that may have been prepared by the College that led the selection committee to recommend the finalist including a description of negotiations that may have taken place regarding price, and
   i. Any other information that was part of the review process.

14. Upon approval by the EVP or CAFO, a resolution and executive summary shall be submitted to the Board of Trustees seeking its authorization to enter into such contract pending Erie County Department of Law approval. The Board of Trustees shall be provided with:
   a. The Executive Summary, which should include the required:
      i. Background information,
      ii. Reason for the Recommendation,
      iii. Fiscal Implications,
      iv. Consequences of Negative Action,
POLICY NAME: Professional Services and Specialized Products RFP Policy – Continued

v. Steps Following Approval,
vi. Contact Information if any Additional Information Required.
b. The resolution that will officially request the Board of Trustees approval and the reason for the resolution, and
c. Other information that the department or administrative unit head deems is relevant to the Board of Trustee's considerations to authorize the selection of a firm(s) or product(s).

The procedure described above should be well understood and strictly followed by all College departments conducting procurement of professional services or specialized products.

POLICY COMMITTEE RECOMMENDED ACTION: Approved as amended above. Policy Committee recommends the Board of Trustees receives this managerial policy upon submission of the College President. This Policy negates all prior policies/procedures and practices related to Consultant Services/Guest Lecturers and Professional Services and Specialized Products.

POLICY COMMITTEE MEMBERS PRESENT: Trustees Kathleen Masiello, Tim Callan, Todd Hobler, Susan Swarts, Neal McCallum and Dennis Murphy (via conference call), President Jack Quinn, EVP Academic Affairs Rick Washousky, Interim Executive Vice President Student Affairs Erik D’ Aquino, Director of Human Resources Tracey Cleveland, Assistant Director of Human Resources Maria Carroll, Chief Administrative and Financial Officer William Reuter & Recording Secretary Shannon Cinotti.

DATE OF BOARD ACCEPTANCE: November 21, 2016

POLICY COMMITTEE TEAM FOLLOW-UP: General Municipal Law 104-b requires that the governing board annually review its policies and procedures with respect to procurement of goods and services where such goods and services are required by law to be procured pursuant to competitive bidding.

INFORMATION/INPUT CONSIDERED DURING POLICY COMMITTEE DELIBERATIONS: The following information was provided in the Executive Summary as part of the Financial Health Committee's deliberation in recommending the proposed changes. Many of the changes and clarifications to the existing policy and procedures were done to specifically address the CAP approved by the ECC Board of Trustees on April 12th, 2016. To properly address each and every CAP - Actions Planned, the information below includes other pertinent activities outside the revised documents and are specifically referenced.

Audit Recommendation No. 12: Procurement - College officials should: Procure professional services using a competitive method such as an RFP process.
POLICY NAME: Professional Services and Specialized Products RFP Policy – Continued

Actions Planned:

The College will procure professional services using a competitive method such as a Request for Proposal (RFP) process. An informational RFP awareness program will be provided to employees with the authority to purchase. When there are Requests for Qualifications (RFQs) available, such as from New York State, State University of New York, Erie County and College, proposals should and will be solicited from qualified firms.

Pertinent Sections of Attached Policies and Procedures and Other Steps Taken to Address OSC Audit Recommendation No. 12 and CAP Actions Planned:

1. See "Professional Services and Specialized Products" and "Guidelines" and "Post Bid Negotiations" sections which are listed above.

2. An announcement was made on ECC Today notifying all College staff of the current purchase policies and procedures as well as that amended procedures will be forthcoming. A link to those procedures was provided.

3. An announcement was made on ECC Today offering one on one assistance to any college staff requiring purchasing assistance along with a planned college-wide training session as part of College Day.

4. Unlike the County, ECC normally does not utilize an RFQ process but rather follows an RFP process that not only solicits qualifications but also price quotes. For instance, Erie County DPW issues RFQ's for A/E services then may enter into contract with many of the qualified respondents. ECC issued an RFP for these same services and will recommend contract award based upon both qualifications as well as price. The College will however avail itself of known RFQ's if applicable.

5. As part of orientation for new employees hired, include written acknowledgement as to the college's purchasing policies and procedures and who at ECC has the responsibility and authority for purchasing. On an annual basis create a purchasing training online module that requires staff participation and completion of the training module.

Audit Recommendation No. 14: Procurement - College officials should: Require that professional service providers submit documentation that includes the dates and services provided before authorizing payment.

Actions Planned:

College officials will require that professional service providers submit written documentation that includes the dates and services provided before authorizing payment. The College will conduct in-service training for appropriate staff involved in the procurement, purchasing and accounts payable process to ensure such
POLICY NAME: Professional Services and Specialized Products RFP Policy – Continued

documentation is checked before payment is made to vendors.

Pertinent Sections of Attached Policies and Procedures and Other Steps Taken to Address OSC Audit Recommendation No. 14 and CAP Actions Planned:

1. See "Documentation Procedures" and "Price Verification" sections listed above.

2. An announcement was made on ECC Today notifying all College staff of the current purchase policies and procedures as well as that amended procedures will be forthcoming. A link to those procedures was provided.

3. An announcement was made on ECC Today offering one on one assistance to any college staff requiring purchasing assistance along with a planned college-wide training session as part of College Day.

4. As part of orientation for new employees hired, include written acknowledgement as to the college's purchasing policies and procedures and who at ECC has the responsibility and authority for purchasing. On an annual basis create a purchasing training online module that requires staff participation and completion of the training module.

5. ECC Policy Number VII-B-15 "Consultant Services/Guest Lecturers" is recommended to be renamed and replaced by this Consultant Services/Guest Lecturers and Specialized Services RFP Policy.

Audit Recommendation No. 15: Procurement - The Board should: Consider amending the procurement policy to allow professional services to be procured from service providers who conduct business under a County contract. Any amended policy should include a requirement that purchasing officials verify the County's contract allowed the College's use, was bid and awarded in compliance with statute and was procured using a competitive process.

Actions Planned:

The College's Purchase Office Policy for procurement of professional services will be reviewed in its entirety. Specifically, the Procurement Policy (dated June 2015) will be updated to allow for the College's use of Erie County Requests for Proposals (RFPs) and Requests for Qualifications (RFQs) where applicable. This policy will confirm that the County's contracts allow for the College's use and the proposals to the College are consistent therewith.

Bids awarded in compliance with the statute will reflect that they were procured using a competitive process.

Pertinent Sections of Attached Policies and Procedures and Other Steps Taken to Address OSC Audit Recommendation No. 15 and CAP Actions Planned:
POLICY NAME: Professional Services and Specialized Products RFP Policy – Continued

1. See "Procurement Process" and "Exempted from GML 103, 104-b" sections.

2. Attached Policies and Procedures document as well as the previously mentioned recommended revision to the Consultant Services/Guest Lecturers Policy represents a complete and detailed review by the ECC Business Office including a review by the County Attorney.

3. Erie County Purchase has included ECC as part of its boilerplate bid language as a covered entity. RFPs and/or RFQs issued by Erie County Departments (DPW for instance) do not always include ECC as a covered entity. A request will be made to the appropriate departments of Erie County to include the college in bid documents.

Audit Recommendation No. 16: Procurement - The Board should: Enter into written contracts with professionals to establish the services to be provided, the time frames for those services and the basis for compensation.

Actions Planned: The Board of Trustees will ensure that the College's policy regarding contracts with professionals requires documentation from professionals before they are engaged and that said documentation describes the services, timeframe for provided services, anticipated outcomes and the basis for compensation for such services.

Pertinent Sections of Attached Policies and Procedures and Other Steps Taken to Address OSC Audit Recommendation No. 16 and CAP Actions Planned:

1. See "Professional Services and Specialized Products" and "Guidelines" and "Price Verification" and "Request for Proposals" sections listed above.

2. ECC Policy Number VII-B-15 "Consultant Services/Guest Lecturers" is recommended to be renamed and replaced by this Consultant Services/Guest Lecturers and Specialized Services RFP policy.
POLICY NAME: Purchasing Policies and Procedures as Required under General Municipal Law

POLICY TYPE: Managerial

SUBMITTED BY: William D. Reuter, ECC Chief Administrative & Financial Officer

ISSUE OR STATEMENT OF PURPOSE: General Municipal Law 104-b requires that the governing board annually review its policies and procedures with respect to procurement of goods and services where such goods and services are required by law to be procured pursuant to competitive bidding. As part of that annual review, and in order to properly address several of the Corrective Action Plan - Actions Planned, staff performed a detailed review of the existing "Policies and Procedures as Required under General Municipal Law" which represents an internal college purchasing procedures and practices document.

CORRECTIVE ACTION PLAN RECOMMENDATION (if any): Many of the changes and clarifications to the existing "Purchasing Policies and Procedures as Required under General Municipal Law" are being recommended to specifically address the Corrective Action Plan (CAP) approved by the ECC Board of Trustees on April 12, 2016.

In addition, the current ECC BOT "Consultant Services/Guest Lecturers and Specialized Products RFP Policy", last revised in August 2007, requires updating to ensure continuity and consistency with the recommended updated Purchasing Policy and Procedure and is addressed a separate managerial policy.

Lastly, as previously mentioned, General Municipal Law 104-b requires that the governing board annually review its policies and procedures with respect to procurement of goods and services where such goods and services are required by law to be procured pursuant to competitive bidding.

The recommended revisions and updates were reviewed and discussed with the Financial Health subcommittee on September 20th, 2016 and approved for full board consideration upon Policy Committee review. ECC Business Manager Paul Danieu & ECC Buyer Sandy Koch attended the Financial Health subcommittee meeting to respond to any questions or concerns as well as providing background information.

NEW OR EDITED POLICY: New purchasing procedures recommended; edited procedures last updated June 2015.
POLICY NAME: Purchasing Policies and Procedures as Required under General Municipal Law - Continued

DOES IT SUPERCEDE A POLICY/WHICH ONE: 1. "Purchasing Policies and Procedures as Required under General Municipal Law" which represents an internal college purchasing procedures and practices document is being revised/updated as follows:

Purchasing Policies and Procedures as Required under General Municipal Law

STATEMENT OF PURPOSE

The purpose of the policies and procedures for the Erie Community College Purchasing Office to assure that competition is sought in a reasonable, cost-effective manner for all procurements where practicable and required by law. Goods and services that are not required by law to be procured pursuant to competitive bidding must be procured in a manner to ensure the prudent and economical use of public moneys, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost and to "guard against favoritism, improvidence, extravagance, fraud and corruption" as required by New York General Municipal Law (GML) §104-b (1). It is the responsibility of the Purchasing Office to insure that internal efficiencies are achieved in order to minimize labor costs to procure goods and services. To that extent, the College Business Manager shall develop policies and procedures and review the same, on an annual basis, that considers achievable efficiencies and at the same time, ensure that the department is working within the confinement of the governing laws.

PROCUREMENT PROCEDURES

(REF., GML §§ 103, 104,104-b; Erie County Charter §§ 306 & 2602; Erie County Administrative Code §§ 3.06, 3.07 & 19.08)

Procurement Process

When analyzing a request for acquisition of goods and services, an initial determination must be made as to whether a particular procurement is subject to competitive bidding. Preliminary issues to be considered include: Whether the proposed procurement is a purchase contract or a contract for public work; whether the amount requested is above the applicable limit provided by law; whether any exceptions apply (e.g. state contract, county contract, federal contract, cooperative contract, sole source or public emergency); whether the contract allows the college to make purchases using another entity's purchasing contract on terms already approved by the college; whether the amount requested is less than the bidding limits required; and whether procedures apply that promote competition and maintain a level of efficiency consistent with Erie Community College requirements.

Procurement Guidelines

NYS GML 103 requires advertised bidding for procurements over $20,000 for general commodities/services
POLICY NAME: Purchasing Policies and Procedures as Required under General Municipal Law - Continued

(Purchase Contract), and $35,000 for public work. Although not defined in GML 103, the Office of the State Comptroller has expressed the opinion that the term "purchase contract" applies to the procurement of commodities (e.g. equipment, materials, supplies, and some services), while the term "contract for public work" encompasses contracts for services, labor and construction (see 1987 Opns St Comp No. 87-46, p 70; 1979 Opns St Comp No. 79-762, p160). If it is determined that competitive bidding (GML 103) is not applicable for an acquisition, documentation must justify how the decision was reached. On procurements less than $5,000; verbal, telephone, fax, written, or single source quotations may be used. Procurements of commodities/services between $5,000 and $20,000 and contracts for public work between $5,000 and $35,000 are subject to the formal quote process. The respective department may make purchases less than $1,000 by utilizing the Purchasing Office's Imprest Procedure. Consideration must be given to acquisitions made of the same or similar items over the course of the fiscal year where the aggregate value may exceed the competitive bidding threshold. Departments are not permitted to split orders that may exceed $5,000 over the course of the year unless those purchases are made off currently available County, State, Federal, Cooperative or other Municipal contracts or if for other reasons bidding is not practical. Multiple purchase orders to one vendor will be allowed if that vendor has one of the previously mentioned existing contracts. All other requisitions must comply with the applicable procedures herewith.

** Formal Competitive Bid Process **

On Purchases $20,000 and greater for commodities/services, and contracts for public work greater than $35,000, the formal sealed bid process must be used. Bid specifications are prepared by the requesting department and the Purchasing Office. Each formal bid is advertised in a newspaper with a circulation of 50,000 or greater. In addition, formal bids are advertised on the Internet and can be downloaded by interested parties and prospective bidders accordingly.¹

In determining the necessity for competitive bidding, the aggregate amount to be expended in a fiscal year for an item or commodity to be purchased, or for the same type or similar public work, must be considered. It is established that the purpose of the bidding statutes may not be frustrated or avoided by artificially splitting or breaking up contracts into lesser agreements, or entering into a series of agreements, for sums below the bidding limitations. As a general rule, items or work of the same or similar nature which are customarily provided by the same vendor or contractor should be treated as a single item for the purposes of determining whether the dollar threshold will be exceeded (see, e.g., 1992 Opns St Comp No. 92-46, pllS).

** Formal Quote Process **

Purchases of commodities/services between $5,000 and $20,000 and contracts for public work between

¹ Formal bids are advertised in the Buffalo News; thus, bid specifications must be received by the Purchasing Office two business days before the advertisement will be published to provide adequate preparation time. Formal bids are also advertised on www.Bidnet.com.
$5,000 and $35,000, as far as practicable, will be procured by the Purchasing Office on quotes first solicited from three sources. Deviations from this policy must be approved by the College Business Manager, documented on the "Quote Summary Worksheet", and become part of the purchase documentation. Purchase requisitions and/or inquiry bid files or items within this threshold must include a notation indicating the names of at least three vendors who were contacted, the name of the individuals quoting for the firm, the date contacted, and the prices quoted by the vendors. Based upon these specifications, a contract will be awarded to the vendor that proposes the lowest responsible or best value submission. Formal quotes may be submitted in sealed envelopes, facsimile (fax), or email at the College Business Manager's discretion.

**Special Purchase Situations**

In other instances where it is determined competitive bidding is not required, such as state or county contracts, emergencies, sole source procurements, true leases, professional services or specialized products, written justification or documentation must be attached to the file. The following is a description of procedures for making these types of procurements.

**Sole Source (No-Bid) Contracts** - When circumstances are presented to the College Business Manager which serve the public interest indicating valid reasons that a request can be met by only one qualified vendor, the College Business Manager may waive the bidding requirement. Goods and services, which may be procured from only one source, are defined as "sole source" items. It is important to note that there must be a single supplier of the item or service and no substantial equivalents exist. Sole source situations generally exist when an item is manufactured by only one firm and a vendor has the exclusive franchise or distributorship for an item.

To initiate a sole source purchase, the college buyer must be confident that conditions exist in the marketplace such that the requested goods or services are available from only one supplier and no substantial equivalents exist. In making these determinations, the Purchasing Office will document the unique benefits to the College of the item or service as compared to other products available in the marketplace. (See, gen., 1988 Opns St Comp No. 88-35, p 65)

Even though there is only one source of supply, the buyer must still obtain a written quotation from the vendor. Upon receipt of the properly executed quotation (written, fax, e-mail), the buyer will then proceed to write the purchase order.

Since market conditions change over the years, a previously substantiated sole source may find new entrants to a formerly monopolized market, all sole sources should be verified on an annual basis. It can be a situation where the buyer knows the marketplace has changed or it simply may be the need to verify the marketplace has not changed. It is understood that the mere likelihood that only one firm will bid is insufficient to justify sole source procurement. (1983 Opns St. Comp. No 83-124, p156)
Emergencies- Erie County Administrative Code, Section 3.07 (b) and GML 103(4), provides that purchases may be made without competitive bidding in the event that a public emergency arises due to an accident or other unforeseen occurrence.

Emergencies do not include situations caused by a lack of planning on the part of any department. While a specific department may request an emergency purchase, the College President with approval of the Erie County Department of Law will determine if the purchase qualifies as an actual emergency. The Erie County Department of Law will determine if the statutory criteria are met on a case-by-case basis. If approved, the College President may issue an emergency declaration.

When circumstances support an emergency procurement, the requesting department must submit the required written emergency declaration for the College President to sign and send to the College Business Manager or his/her designee. The requesting department and/or buyer must then locate a source for the required goods or service. The goal must always be to obtain the lowest price from the vendor who can best meet the delivery requirements. If the item is included in an Erie County contract listing, the contract vendor should be contacted first. Once the sources and price have been established, an emergency purchase order will be processed. It should be noted that in the event of a contract for services, the emergency contract will not exist for a term beyond the reasonable limits of the existence of the emergency situation as determined by the President or his/her designee. Similarly, in the case of an emergency involving the acquisition of commodities, the quantity acquired will be no more than needed to address the emergency situation at the time.

The Purchasing Office procedure for emergency purchases will be the same as a formal bid/quote except that advertising and bidding is not required. The purchase order must state "Emergency purchase approved by (Name), College President as per Section 3.07 (b) of the Erie County Administrative Code." A copy of the College President's written emergency declaration must be attached to the purchase order.

Professional Services and Specialized Products - Professional, technical, consulting services and specialized products are not the type of services which may properly be the subject of competition based solely on the compliance with the objective, uniform standards of the bid specification, pursuant to a bid being awarded to the lowest responsible bidder. The determination of whether the professional service or specialized product exemption is applicable must be made on a case-by-case basis, examining the particular services needed. Generally professional services include, but are not limited to, the specialized expertise of interpreters, consultants, attorneys, engineers or architects. These types of services are generally covered by the Board's Consultant Services and Guest Lecturers Policy. Specialized products are generally but not exclusively highly technical products like software operating systems, interactive
POLICY NAME: Purchasing Policies and Procedures as Required under General Municipal Law – Continued

software products or smart classroom equipment. The College Business Manager shall determine whether a product is specialized and whether it must follow a formal bid/quote procurement process.

Guidelines:
As determined in the Professional Services and Specialized Products Policy, an Erie Community College Executive Vice President (EVP) or the Chief Administrative and Financial Officer (CAFO) shall approve services with a cost of up to $4,999.99.

The Erie Community College President shall approve services with a cost of $5,000.00 thru $9,999.99. Such services are subject to the RFP process, are not required to be advertised and do not require Board of Trustees approval.

Contracts for professional, technical, consultant services and specialized products having a value of $10,000 or more are procured by the use of Requests for Proposals (RFP). The requesting department shall advertise the Request for Proposals (RFP), designate a committee of three to review the proposals and choose a vendor as required by Erie County Administrative Code 19.08. RFPs are distributed to interested parties and are advertised on the Internet and can be downloaded by interested parties and prospective proposers accordingly. Though not required, the department may advertise in trade publications. The department will select a vendor from the responses received and create a proposal to submit to the College Board of Trustees for approval to contract. Note: Contracts in excess of $50,000.00 also require approval by the Erie County Legislature. Alternatively, the department may send final specifications to the Purchasing Office for bid submission if it is determined that a bid is more appropriate for the procurement.

True Lease - Leases for real property shall not be considered a purchase or contract made by the Purchasing Office. True lease agreements are neither purchases nor contracts for public works and, thus, are not subject to competitive bidding under GML 103 (Exley v Village of Endicott, 21 NY2d 426, 434 NYS2d992). Lease agreements require College Board of Trustees approval before any procurement activity can begin. Documentation for the leasing versus purchasing decision must be presented to the Board of Trustees and include a cost benefit analysis. The competitive bidding statutes cannot be circumvented by casting an agreement which is truly a purchase or a contract for public work in terms of a lease.

Insurance - Insurance requirements for vendors are to be reviewed and approved by the County Attorney's Office on a periodic basis. The purchase of insurance is to be coordinated through the County Attorney's Office.
Second Hand Equipment acquired from other government agencies - The requesting department must have approval from the appropriate outside government official as well as budgetary approval from the College Business Manager before the purchase of surplus and second hand supplies, material or equipment is initiated. The Purchasing Office will verify that the purchase price is fair through market price comparisons via industry publications and other procurement sources. Competitive bidding is not required according to GML 103 (6). (21 Opns St comp, 1965, p615)

Single Source Purchases ($1,000 to $5,000)

For purchases between $1,000, and $5,000, the respective buyer has the option to award a purchase order to a single source vendor, usually recommended by the requesting department. It is the buyer's responsibility to ensure that the purchase price is fair through price comparisons from available sources. If the buyer has reason to believe that the price quote is not within an acceptable range for the product or products in question, s/he may request a formal quote or bid.

Exempted from GML 103, 104-b

Procurements from Industries for the Blind or Industries for the Disabled (NYSID), New York State Correctional Industries (CORCRAFT), and Federal, State, Cooperative or Local Contracts are exempted from GML 103 competitive bidding and GML 104-b purchasing policies. Although General Municipal Law exempts these types of purchases from the requirements of written or verbal quotations, use of the exemption must be documented with items such as copies of the contracts, analysis of the contract to ensure compliance with GML, cost savings analysis, including consideration of other procurement methods and/or documentation to indicate that the contract can be piggy backed on by other governmental entities.

Responsibilities/Exceptions

The College Business Manager is the responsible Purchasing Agent for the College. The College Business Manager and College Buyer within the Department of Finance are responsible for following the policies and procedures described herein and all relevant laws as they pertain to competitive bidding, using his/her experience and judgment in the application of College policies and procedures, (GML 104-b (2)(f)). If an award is made to a vendor other than the lowest price offered, written documentation stating the basis for such award and a justification that the award is in the best interest of the College must be provided to and retained by the Purchasing Office for a period of seven (7) years.

2 See State Finance Law, section 162
3 See Correction Law, sections 184, 186
POLICY NAME: Purchasing Policies and Procedures as Required under General Municipal Law – Continued

Updating Policies and Procedures
The Erie Community College Board of Trustees shall review the Purchasing policies and procedures at least annually and shall solicit comments from the Purchasing Office (GML 104-b (3), (4)). Unintentional Failure to Comply The unintentional failure to comply with the provisions of GML 104-b shall not be grounds to void action taken or give rise to a cause of action against the College or County of Erie or any officer or employee thereof. (GML 104-b (5))

DOCUMENTATION PROCEDURES

When applicable, contract numbers and other appropriate references to pricing must appear on all quotes provided to the College Purchasing Office.

VERBAL/TELEPHONE QUOTES - At a minimum, the quotation should include the date, the item, the name of the vendor and vendor's representative, and the price quoted. The information is recorded on the purchase order and becomes part of the purchasing document. Written documentation received from the vendor should be the objective at all times and can be in the form of an email.

SINGLE SOURCE QUOTES - The buyer will solicit for one written, faxed, or verbal quotation. Written or faxed quotations are attached to the Purchasing Office copy of purchase order. All verbal quotations will be documented on the purchase order in accordance with Purchasing Office procedure.

WRITTEN QUOTES - A minimum of three quotations should be solicited and documented. "Request for Quotation" or "Formal Bid/Quote Request" forms are used and attached to the file.

FAX QUOTES - Fax quotes may be accepted for any quotation under $20,000 for commodities/services and under $35,000 for public work contracts in accordance with the Purchasing Office Fax Quote Procedure.

PRICE VERIFICATION - Buyers are required to verify New York State Contract pricing when applicable and practical. If price lists are not available through NYS Office of General Services (OGS), buyers must receive pricing from the vendors and shall include some written affidavit of price validity. Invoices must provide sufficient detail and reference associated contracts, pricing and hourly rates when applicable to ensure state contract pricing is being applied to the purchase.

BID LANGUAGE (Extensions/Alternate submissions)- When bids are to be used in multiple time periods and/or for multiple orders requiring the vendor to hold pricing, it is mandatory that language in the bid document states the intention to do the same. The language must be clear and concise and should leave no doubt with respect to its intended use. The same holds true for the alternative bid submissions. The language must be clear and if the alternates are to be accepted, the Purchasing Office should make every effort to notify all potential vendors of our acceptance of the same.
POST BID NEGOTIATIONS - Post bid negotiations are the responsibility of the College Business Manager or his/her designee. Departments are not permitted to assume this responsibility.

REQUEST FOR PROPOSALS - RFPs are used for obtaining professional, technical, consulting services and specialized products. The requesting department is responsible for submitting specifications to the Purchasing Office for review. If it is determined that the service is not biddable, the department originating the RFP may proceed in accordance with State and local laws. Evaluations are conducted by the originating department in accordance with Erie County Administrative Code 19.08 and forwarded to the appropriate parties for approval and contract execution.

POLICY COMMITTEE RECOMMENDED ACTION: Approved as amended above. Policy Committee recommends the Board of Trustees receives this managerial policy upon submission of the College President. This Policy negates all prior Purchasing Policies/Procedures and practices.

POLICY COMMITTEE MEMBERS PRESENT: Trustees Kathleen Masiello, Tim Callan, Todd Hobler, Susan Swarts, Neal McCallum and Dennis Murphy (via conference call), President Jack Quinn, EVP Academic Affairs Rick Washousky, Interim Executive Vice President Student Affairs Erik D’ Aquino, Director of Human Resources Tracey Cleveland, Assistant Director of Human Resources Maria Carroll, Chief Administrative and Financial Officer William Reuter & Recording Secretary Shannon Cinotti.

DATE OF BOARD APPROVAL: November 21, 2016

INFORMATION/INPUT CONSIDERED DURING POLICY COMMITTEE DELIBERATIONS:
The following information was provided in the Executive Summary as part of the Financial Health Committee's deliberation in recommending the proposed changes:

Many of the changes and clarifications to the existing policy and procedures were done to specifically address the CAP approved by the ECC Board of Trustees on April 12th, 2016. To properly address each and every CAP-Actions Planned, the information below includes other pertinent activities outside the revised documents and are specifically referenced.

Audit Recommendation No. 13: Procurement - College officials should: Review documentation to verify that they have obtained State contract pricing.
POLICY NAME: Purchasing Policies and Procedures as Required under General Municipal Law – Continued

Actions Planned:

The College will verify and document in the bid file that it has obtained State contract pricing in a proposed contract. The College will conduct in-house training to increase the understanding, utilization and documentation of available State contract pricing services. The training will include a review of the College's Purchasing and Accounts Payable guidelines and basic procedures.

Pertinent Sections of Attached Policies and Procedures and Other Steps Taken to Address OSC Audit Recommendation No. 13 and CAP Actions Planned:

1. See "Documentation Procedures" and "Price Verification" sections listed above.
2. An announcement was made on ECC Today notifying all College staff of the current purchase policies and procedures and that amended procedures will be forthcoming. A link to those procedures was provided.
3. An announcement was made on ECC Today offering one on one assistance to any college staff requiring purchasing assistance along with a planned college-wide training session as part of College Day.
4. To ensure that no unauthorized purchases are made, orientation for new employees will include training regarding the college's purchasing policies and procedures, including who at ECC has the responsibility and authority for purchasing. On an annual basis, current employees will participate in an online purchasing training module that requires staff participation and successful completion of the training module.

Audit Recommendation No. 15: Procurement – The Board should: Consider amending the procurement policy to allow professional services to be procured from service providers who conduct business under a County contract. Any amended policy should include a requirement that purchasing officials verify the County's contract allowed the College's use, was bid and awarded in compliance with statute and was procured using a competitive process.

Actions Planned:

The College's Purchase Office Policy for procurement of professional services will be reviewed in its entirety. Specifically, the Procurement Policy (dated June 2015) will be updated to allow for the College's use of Erie County Requests for Proposals (RFPs) and Requests for Qualifications (RFQs) where applicable. This policy will confirm that the County's contracts allow for the College's use and the proposals to the College are consistent therewith.

Bids awarded in compliance with the statute will reflect that they were procured using a competitive process.

Pertinent Sections of Attached Policies and Procedures and Other Steps Taken to Address OSC Audit Recommendation No. 15 and CAP Actions Planned:
POLICY NAME: Purchasing Policies and Procedures as Required under General Municipal Law – Continued

1. See "Procurement Process" and "Exempted from GML 103, 104-b" sections.
2. Policies and Procedures listed above as well as the previously mentioned recommended revision to the Consultant Services/Guest Lecturers Policy represents a complete and detailed review by the ECC Business Office including a review by the County Attorney.
3. Erie County Purchase has included ECC as part of its boilerplate bid language as a covered entity. RFPs and or RFQs issued by Erie County Departments (DPW for instance) does not always include ECC as a covered entity. A request will be made to the appropriate departments of ECC to include the college in bid documents.
Committee Meeting: Policy & Governance Committee | Date: August 17, 2018
Committee Chair: Kathleen Masiello
New or Edited: New

POLICY NAME: Reasonable Request Policy

POLICY TYPE: Managerial

SUBMITTED BY: Petrina Hill-Cheatom, Dean of Students II, M.Ed. and Tracy Gast, Vice President of Facilities and Security.

ISSUE OR STATEMENT OF PURPOSE: The purpose of the policy is to inform students of their obligation to comply with a request from College Safety and Security and/or SUNY Erie staff when requested to do so.

NEW OR EDITED POLICY: New

Reasonable Requests

SUNY Erie students are expected to comply with all reasonable requests issued verbally or in writing by College officials. Failure to comply may result in penalties ranging from minor to severe. Examples of noncompliant behavior include the following:

- failure to comply with published rules and regulations;
- failure to provide a valid College ID card when requested to do so by a College official;
- failure to identify oneself when requested to do so by a college official; and
- failure to comply with a command to allow oneself to be transported from one location to another.

Students who hinder, obstruct, or interfere with official business and students who, after being requested to refrain from a prohibited behavior, continue with that behavior will be considered in violation of the Student Code of Conduct.

DOES IT SUPERCEDE A POLICY/WHICH ONE: N/A

POLICY COMMITTEE RECOMMENDED ACTION:
Policy Committee recommends the Board of Trustees accept the Managerial policy under Committee Briefings, Policy & Governance Committee. This Policy supersedes all prior policies/procedures and practices related to reasonable request.
POLICY NAME: Reasonable Request—Continued

POLICY COMMITTEE MEMBERS PRESENT: Trustee Len Lenihan, Trustee Kathleen Masiello, Trustee Susan Swarts, Student Trustee TK Adebayo, Executive Vice President for Administration and Finance Penelope Howard, Provost and Executive Vice President Richard Washousky, Vice President of Enrollment Steven Smith, Vice President of Student Affairs Nora Clark, Director of Registrar Paul Lamanna, Dean of Liberal Arts and Sciences Joanne Colmerauer, Dean of Liberal Arts and Sciences Jamie Smith, College Senate Representative Michael Delaney, Dean of Students Petrina Hill-Cheatom and Director of Talent Management and Employee Engagement Maria Carroll

DATE OF BOARD APPROVAL: August 30, 2018

POLICY COMMITTEE TEAM FOLLOW-UP:
Following Trustee acceptance, this Managerial policy will be included in the SUNY Erie Community College Board of Trustees Managerial Policy Manual and Student Code of Conduct and on the website.

INFORMATION/INPUT CONSIDERED DURING POLICY COMMITTEE DELIBERATIONS:
The revised Student Code of Conduct and manual refers to this proposed policy. SUNY’s policies (8 NYCRR Parts 500 and 535) Maintenance of Public Order also refers to the right of College Safety and Security to maintain order and compliance.

The Policy has been reviewed and discussed at the Policy Committee meeting of August 17, 2018.
POLICY NAME: Recognition of Transfer and Prior Learning Credits

POLICY TYPE: Board

SUBMITTED BY: Dr. Jamie D. Smith, Dean of Liberal Arts and Science

ISSUE OR STATEMENT OF PURPOSE: SUNY Erie Community College recognizes the educational value of experiences that may have occurred outside of the college or traditional academic setting. This policy clarifies the general rules for transfer and prior learning credits.

NEW OR EDITED POLICY: Edited

Erie Community College provides formal recognition of learning where such learning is determined to be requisite or equivalent and/or applicable to college courses. Advanced Placement (AP) courses, International Baccalaureate (IB), College Level Examination Program (CLEP) and Defense Activity for Non-Traditional Education Support (DANTES), military experience, Life Experience Assessment Program (LEAP) and college credits earned in high school may be submitted for Prior Learning Credit. Specific criteria apply for each type of prior learning experience. In addition, credits from other higher educational institutions can be applied to satisfy SUNY Erie Community College program requirements.

Please note the following with regard to Prior Learning and Transfer Credit:

(a) A student is eligible for only one type of credit for each course or its equivalent.
(b) SUNY Erie Community College does not guarantee the transferability of credits awarded through transfer or prior learning.
(c) Academic credits are awarded with the approval of academic affairs.
(d) Transfer or Prior Learning Credits are only awarded to matriculated students.
(e) Transfer or Prior Learning Credit does not count toward the 30 credit hour residence requirement.
(f) Transfer or Prior Learning Credits may not be used to acquire or maintain full-time status.
(g) Transfer or Prior Learning Credits may be used to satisfy the academic requirements for the Excelsior program for New York State residents.

DOES IT SUPERCEDE A POLICY/WHICH ONE: Yes, LEAP, AP and all policies/procedures and practices that pertain to Recognition of Transfer and Prior Learning Credits.

POLICY COMMITTEE RECOMMENDED ACTION:
Policy Committee recommends the Board of Trustees approve the Board policy under the Committee Briefings, Policy & Governance Committee. This Policy supersedes all prior policies/procedures and practices related to Recognition of Transfer and Prior Learning Credits.
POLICY NAME: Recognition of Transfer and Prior Learning Credits -Continued

POLICY COMMITTEE MEMBERS PRESENT: Trustee Len Lenihan, Trustee Kathleen Masiello, Trustee Susan Swarts, Student Trustee TK Adebayo, Executive Vice President for Administration and Finance Penelope Howard, Provost and Executive Vice President Richard Washousky, Vice President of Enrollment Steven Smith, Vice President of Student Affairs Nora Clark, Director of Registrar Paul Lamanna, Dean of Liberal Arts and Sciences Joanne Colmerauer, Dean of Liberal Arts and Sciences Jamie Smith, College Senate Representative Michael Delaney, Dean of Students Petrina Hill-Cheatom and Director of Talent Management and Employee Engagement Maria Carroll

DATE OF BOARD APPROVAL: August 30, 2018

POLICY COMMITTEE TEAM FOLLOW-UP:
Following Trustee approval, this Board policy will be included in the SUNY Erie Community College Board of Trustees Policy Manual and will be included in Student Handbook and featured on website.

INFORMATION/INPUT CONSIDERED DURING POLICY COMMITTEE DELIBERATIONS:

Advance Placement (AP): http://catalog.ecc.edu/ Academics, then scroll down to Other Sources of Course Credit

College Board CLEP Information: https://clep.collegeboard.org/develop-your-clep-program/create-a-clep-policy

ACE Credit Recommendations: https://clep.collegeboard.org/develop-your-clep-program/create-a-clep-policy/ace-credit-recommendations

LEAP Application Packet – Appendix A

The Policy has been reviewed and discussed at the Policy Committee meeting of: July 17, 2017, August 4, 2018, October 17, 2017, April 13, 2018 and August 17, 2018
The Life Experience Assessment Program (LEAP) is designed to help you reflect upon what you have learned in your life and how that learning may be applied to a College degree. The purpose of the program is to identify and document experiential learning and determine its applicability to your degree.

College credit can be granted only for verifiable college level learning acquired through life or work experience. Upon approval to proceed, the assessment process will include your completion of this LEAP Application packet and a Portfolio that contains evidence of learning. You will be responsible for becoming familiar with the requirements of the degree of your choosing and for verifying that your learning applies to the particular course outcomes of the course(s) you indicate. Your portfolio will consist of documents that demonstrate that pertinent experiences have provided evidence of college-level learning.

The Academic Dean of the degree granting department will provide assistance if needed during the preparation process, but you should keep in mind that the responsibility for meeting payment and Portfolio creation deadlines remains with you.

LEAP credits are awarded in accordance with the SUNY Erie Prior Learning Assessment Policy, which states the following:

(a) A student is eligible for only one type of credit for each course or its equivalent.
(b) SUNY Erie Community College does not guarantee the transferability of credits awarded through prior learning assessment.
(c) Academic credits are awarded with the approval of Academic Affairs.
(d) Transfer or Prior Learning Credits are only awarded to matriculated students.
(e) Transfer or Prior Learning Credit does not count toward the 30 credit hour residence requirement.
(f) Transfer or Prior Learning Credits may not be used to acquire or maintain full-time status.
(g) Transfer or Prior Learning Credits may be used to satisfy the academic requirements for the Excelsior program for New York State residents.

Follow these steps to process your request:

1. Send an email with a summary of your request for Life Experience Assessment to the appropriate Academic Dean of your major, including how many credits you are requesting, and for what courses. The Academic Dean will review your request and notify you if you can proceed with completing this LEAP Application and putting together your Portfolio.

2. If approved, you will have 60 days from the date of notification to complete this LEAP Application, pay the non-refundable fee, and prepare and submit your Portfolio for review.

3. You are responsible for the cost of $70.00 for the first six credits (non-refundable) and $25.00 for each additional approved credit hour. The Academic Dean’s office will notify you how much the credit.
review will cost. You must pay the appropriate campus Bursar Office, and provide a copy of the receipt to the Academic Dean before the review can be initiated.

4. Submit your completed LEAP Application and Portfolio to the Academic Dean via email as a single online packet of information. The LEAP Application packet will include the following sections as outlined in this document:

   Section I – General Information
   Section II – Resume
   Section III – Statement of Request
   Section IV – Professional Training
   Section V – Other Learning Experiences

The LEAP Application, followed by your Portfolio components must be scanned and saved into a single PDF document attached and sent via email to the Academic Dean, unless you are granted specific permission to submit in a different manner.

5. Upon receipt of the completed LEAP Application and Portfolio, the Academic Dean will:
   a. Forward your Portfolio to the appointed LEAP committee to ensure that the learning documented in the portfolio is equivalent to credit earned.
   b. Coordinate meetings and provide assistance as needed.
   c. Upon receipt of the LEAP Committee’s approval of your application, the Academic Dean’s office will send a memo to the Registrar’s office to have the credits added to your transcript. You will receive notice of the credit(s) awarded within 30 days. Any discrepancies of credits requested and credits awarded should be addressed to the Academic Dean.

PORTFOLIO INSTRUCTIONS

Do not attempt to complete the Portfolio without first gaining approval from the Academic Dean. Please read these portfolio instructions carefully before beginning to prepare your Portfolio.

Section I – General Information

Fill-in all of the requested information in this section. The relationship of the credits to be awarded to your major is very important to the LEAP committee.

Section II – Resume

The Resume is intended to give a brief record of the experience and activities in which you have participated. This record will provide an overview of your activities for the LEAP Committee and should help you identify experiences which demonstrate that you have acquired collegiate-level learning. You may attach your resume in place of this section in the packet.

You may use additional sheets to list your employment history, military service and other experiences. This resume should be brief but complete. Consequently, all your activities should be included in the list. It is important that the LEAP Committee members have your complete background.
Section III – Statement of Request

The LEAP Committee needs a clear statement from you concerning precisely what you want. Your statement should include:

1. Why you are seeking credit for learning you have acquired in experiences prior to and external from SUNY Erie Community College programs.
2. A list of experiences that will be the basis for your request.
3. How your experiences fulfill the outcomes of the course for which you are seeking credits.
4. How your experiences relate to your chosen degree program.
5. Why the LEAP Committee should approve your request.

You must be familiar with your graduation requirements and the applicable course outline(s) before attempting to prepare your statement.

Section IV – Professional Training

The American Council of Education has evaluated a number of Professional Training Programs and has made recommendations regarding the awarding of academic credit for courses within those programs. The Academic Dean will be able to help you identify these. All that will be required for you to do regarding these programs is to complete the chart in Section IV. All other professional training activities will require further documentation.

Certificates for professional training provide an indicator of a level of learning; however, they do not, by themselves, provide sufficient evidence of learning. Further supporting evidence must be presented. In order to further substantiate professional training represented by certificates, you should submit specific information concerning course content. For each course listed in Section IV for which you have received a certificate, you should also provide a course syllabus if available. This syllabus should include: course content, time (in hours) spent in the class, required readings, format of class, name and title of instructor, what type of tests (if any) were given and copies of the tests (if available).

You should include the certificate of any formal letter of completion that you received and a statement of what you learned in each course.

If you have completed a professional training program that did not award certificates, you should provide the same information as noted previously. In addition, it is important that the LEAP Committee be able to contact someone (Personnel Director, Training Supervisor, etc.) at your place of employment (or former employer) to receive any pertinent records. Thus, it is important that you provide SUNY Erie with contact information for the person you identify, including address and phone number.

Section V – Other Learning Experiences

After you have determined which experiences may be suitable for consideration for academic credit, place them in a category as outlined in Section V of the Student Portfolio Form. The LEAP Committee requires as much documentation and justification as possible to determine if the level of learning you have acquired in your experience is commensurate with college-level learning.
College-level learning may be identified in one or more of the following ways:

1. by relating your learning to subject areas traditionally taught in colleges;
2. by indicating that what you have learned is at a level of achievement equal to what is normally taught in college;
3. by comparing your learning with groups who have completed college-level work;
4. by relating your learning to a personal goal that might require college-level learning;
5. by identifying your learning as that normally acquired after one reaches adulthood;
6. by identifying your learning as that normally acquired after high school and expected for professional acceptance.

For each experience, you must provide written statements about the learning acquired and documentation concerning the learning.

A. Statements
Your statements should be written to demonstrate the general applicability of what you have learned. This general applicability should demonstrate how you are able to apply what you have learned to other situations.

A second element in your statement should be an ability to demonstrate the learning’s theoretical and practical nature. Everyone has experiences, but not everyone learns from their experiences. This program requires an understanding of the distinction between experience and learning. Learning acquired within experience entails an ability to conceptualize and articulate what you have learned in the experience. College courses seek to provide a theoretical understanding. You must be able to demonstrate that you have acquired more than just practical mastery or competence in dealing with the material under consideration. To receive credit for your learning, you should be able to demonstrate how to do something and why you are able to do what you do. Manual or practical skill alone is not sufficient.

Your statements should be made with the recognition that an expert is going to evaluate your competence. In addition, this competence must be related to your degree program. You should show the relationship. For example, even though you may be an expert electrician and know how and why you wire circuits in prescribed ways, this knowledge does not seem to apply to most degrees at SUNY Erie Community College. Unless you can justify how this knowledge pertains to the department you are matriculated in, say, our Industrial Technology or Information Technology Departments, then your request may be denied.

B. Documentation
All experiences will require some type of documentation. The purpose of the documentation is to provide sufficient verification of the level of learning that you have acquired.

Section V includes examples of what you can use to provide evidence of your learning.
Life Experience Assessment Program (LEAP)

STUDENT PORTFOLIO
Section 1 – General Information

Name: Click here to enter text.   Last
First    Middle Initial

College ID: Click here to enter text.  Phone: (   ) Click here to enter text.

Address: Click here to enter text.

City: Click here to enter text.  State: Click here to enter text.  Zip Code: Click here to enter text.

Academic Program: Click here to enter text.

Number of Credits Requested: Click here to enter text.

Name of Course(s) Requested: Click here to enter text.

Privacy Act Statement

SUNY Erie Community College abides by the provisions of the Family Educational Rights and Privacy Act of 1974. Personal statements or evaluations provided by any individual as a part of this application do not become a part of permanent record.

Your portfolio will be viewed only by those who have an official reason for doing so. Those who will or may view your portfolio include the appointed LEAP Committee reviewers and personnel who may approve your Life Experience Assessment Program. Any data that arises from portfolios will be in the aggregate only and will in no way be attributed to individuals. Students compiling exemplary portfolios may be asked to sign a voluntary waiver so that their portfolios may be viewed as models of successful portfolios.

Note: Students are also advised that they must not include materials in their portfolios which violate the legal and moral rights to privacy for individuals.
Section II – Resume
(You may attach your own resume in place of this section in the packet.)

High School(s) Attended

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College(s) Attended

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*Professional Organizations (List names, positions held and length of participation):
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*Community Organizations (List names, positions held and length of participation):
Click here to enter text.

*Foreign Travel (Countries, length of stay):
Click here to enter text.

*Foreign Languages (speak, read, write):
Click here to enter text.

*Hobbies:
Click here to enter text.

*Awards and Citations:
Click here to enter text.

*Publications:
Click here to enter text.

*Employment:
Click here to enter text.
Section III – Statement of Request

Submit a statement about what you are applying for and why you feel you are eligible.

Click here to enter text.
## Section IV – Professional Training

BE SURE TO INCLUDE TRANSCRIPT OR DOCUMENTATION OF PROGRAMS COMPLETED

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<th>Employer &amp; Location of Records for Program</th>
<th>Title of Training Program</th>
<th>Description of Program</th>
<th>Length of Program</th>
<th>Year</th>
<th>Course of Subsection Titles</th>
<th>Grade (If Applicable)</th>
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Section V – Other Learning Experience

Mark the boxes below for each experience you are using as evidence in your Portfolio.

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<tr>
<th>PERSONAL / ARTISTIC ACCOMPLISHMENTS</th>
<th>PROFESSIONAL ACCOMPLISHMENTS</th>
<th>EDUCATION / TRAINING</th>
<th>EMPLOYMENT</th>
<th>TRAVEL</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Awards (s), Community Service</td>
<td>☐ Audiovisual Presentation(s) Given</td>
<td>☐ Certificate(s), type and year obtained</td>
<td>☐ Government Experience; political involvement</td>
<td>☐ Conferences or Seminars attended, provide programs</td>
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<tr>
<td>☐ Books Read, list of</td>
<td>☐ Award(s), Professional</td>
<td>☐ Degree(s), college(s) attended, campus clubs and activities</td>
<td>☐ Job Descriptions; description of tasks</td>
<td>☐ Countries Visited, list of and evidence</td>
</tr>
<tr>
<td>☐ Drawings, Paintings, Sculptures</td>
<td>☐ Concepts Developed and Adopted, including evidence</td>
<td>☐ Diploma, high school attended, accomplishments and clubs</td>
<td>☐ Performance Evaluation(s)</td>
<td>☐ Exhibits Visited, list of and evidence</td>
</tr>
<tr>
<td>☐ Expert(s) Consulted</td>
<td>☐ Corroboration Letters from superiors, peers, clients</td>
<td>☐ Equivalency Exam(s), type, score, amount of credits requesting or granted</td>
<td>☐ Performance Recognition</td>
<td>☐ Foreign Languages Spoken, evidence of fluency</td>
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<td>☐ Hobbies</td>
<td>☐ Machines Designed</td>
<td>☐ License(s), type / year obtained and performance standards for acquiring or maintaining</td>
<td>☐ Promotion Evidence</td>
<td>☐ Landmarks Visited, list of and photographs</td>
</tr>
<tr>
<td>☐ Independent Research</td>
<td>☐ Patent(s) Obtained</td>
<td>☐ Training Notes and Materials</td>
<td>☐ Ranking, Rating or Classification System, explanation of</td>
<td>☐ Other Travel Evidence</td>
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<tr>
<td>☐ Inventions</td>
<td>☐ Professional and/or Trade Organization Membership(s)</td>
<td>☐ Military Training, include transcript</td>
<td>☐ Reference Letters or Commendations</td>
<td>☐ Awards (s), Community Service</td>
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<td>☐ Music Written</td>
<td>☐ Proposal(s) Written</td>
<td>☐ Other Education</td>
<td>☐ Samples of Work</td>
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<td>☐ Organizational Experience</td>
<td>☐ Published, Books or Papers</td>
<td>☐ Other Training</td>
<td>☐ Other Employment History</td>
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<td>☐ Recordings Made</td>
<td>☐ Published, Newspaper or Magazine Articles</td>
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<td>☐ Volunteer Experience, list of, corroboration letter(s) from co-volunteers</td>
<td>☐ Slide(s) / Document(s) Created</td>
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<td>☐ Other Professional Accomplishments</td>
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Provide clear “evidence of prior learning” in your portfolio, including:
- Exam scores
- Lists
- Letters
- Samples
- Statements
- Copies of originals
- Web links
- Photographs
- Whatever other method(s) necessary

Append your Portfolio documents on the following pages, or print and scan as an attachment to email to the appropriate Academic Dean. The following page should be the last page in the packet (to be completed by LEAP committee and signed by the Academic Dean.)
Life Experience Assessment Program (LEAP)

LEAP COMMITTEE DECISION

Date: Click here to enter date.

Student Name: Click here to enter text.

College ID: Click here to enter text.

Major: Click here to enter text.

Signatures of LEAP Committee and comments (include any conflict of interest):

Name: Click here to enter text.  Signature: __________________________

Comments: Click here to enter text.

Name: Click here to enter text.  Signature: __________________________

Comments: Click here to enter text.

YEAR and SEMESTER ECC CREDITS AWARDED: Click here to enter text.

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<th>ECC COURSE NO.</th>
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<th>NUMBER OF CREDITS</th>
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TOTAL CREDITS AWARDED: Click here to enter text.

TOTAL CREDIT HOUR FEE PAID: Click here to enter text.

Approved: __________________________

Academic Dean Signature

Copies: 1 Department Chair
         2 Bursar
         3 Registrar
         4 Student

Return to Table of Contents  250
Committee Meeting: Policy Committee  Date: November 17, 2017
Committee Chair: Kathleen Masiello
New or Edited: Edited Policy IV-A-17 Repeat of a Course

POLICY NAME: Repeat of a Course

POLICY TYPE: Board

SUBMITTED BY: Mark Hoeber, Dean of Engineering and Technologies
Richard Washousky, Provost and Executive Vice President Academics

ISSUE OR STATEMENT OF PURPOSE: To establish the criteria for repeating an academic course

NEW OR EDITED POLICY: Edited Policy IV-A-17 Repeat of a Course

Students may repeat a course for which credit has been received with a grade of F through A. Exceptions to this policy will be contained in individual departmental policies and procedures.

Only the higher of the two grades will be counted in the computation of a cumulative Quality Point Average. While a student may repeat a course at another college, only the course taken at ECC can be used in computing the GPA.

The Board directs management to develop and implement a process to alert students that repeating a course may impact their financial aid.

DOES IT SUPERSEDE A POLICY/WHICH ONE: This supersedes Board Policy IV-A-17 Repeat of a Course, approved 1/94 and 9/00.

POLICY COMMITTEE RECOMMENDED ACTION:
Policy Committee recommends the Board of Trustees approve the Board policy under the Report of the Chair, Ad Hoc Committee Reports, and Policy Committee. This Policy supersedes all prior policies/procedures and practices related to Repeat of a Course

POLICY COMMITTEE MEMBERS PRESENT: Trustee Kathleen Masiello, Trustee Susan Swarts, Student Trustee Rebecca Krakowiak, Executive Vice President Academic Richard Washousky, Executive Vice President of Operations, Director of Registrar Paul Lamanna, Vice President of Enrollment Management Steven Smith and College Senate Representative Michael Delaney.

DATE OF BOARD APPROVAL: December 14, 2017

POLICY COMMITTEE TEAM FOLLOW-UP: Following Trustee approval, this Board Policy will be included in the Erie Community College’s Board of Trustees Policy Manual.
POLICY NAME: Repeat of a Course - Continued

INFORMATION/INPUT CONSIDERED DURING POLICY COMMITTEE DELIBERATIONS:
The Policy has been reviewed and discussed at the Policy Committee meeting of November 17, 2017
Committee Meeting: Policy Committee                Date: February 9, 2018
Committee Chair: Kathleen Masiello
New or Edited: New

POLICY NAME: Selection and Support of Sponsorship Requests

POLICY TYPE: Managerial

SUBMITTED BY: Paula Sandy, Director – Marketing & Communications

ISSUE OR STATEMENT OF PURPOSE:

As SUNY Erie is a large institution with many ties to the community we serve, we receive many requests throughout the year seeking our support through sponsorship opportunities. The sponsorship requests can vary greatly between the dollar amounts, requesting organizations, scope and purpose of the events, and potential benefits to SUNY Erie. The creation of this policy will allow us to ensure that we are supporting efforts that not only advance our mission, but will also maximize the benefit to the college.

CORRECTIVE ACTION PLAN RECOMMENDATION (if any): No

NEW OR EDITED POLICY: New

DOES IT SUPERCEDE A POLICY/WHICH ONE:

When a sponsorship request is received from an entity external to SUNY Erie, the SUNY Erie representative should complete the Sponsorship Funding Request form found on the Communications Toolbox on the website. All requested sponsorships must be submitted with a completed form.

Sponsorships submitted to the Office of Marketing and Communication (MarCom) for funding will be reviewed by the Director of Marketing and Communications, in consultation with the Vice President of Enrollment Management (or other Direct Supervisor), the requesting department, and any other department deemed pertinent (e.g. Office of the President, SUNY Erie Foundation, Admissions Office, etc.). The review team will complete the attached rubric (Exhibit A – Sponsorship Decision Rubric). The rubric will be adjusted on an as needed basis to ensure decisions are made in conjunction the College’s current priorities. Upon ensuring that the sponsorship is in support of our mission and provides adequate benefit to the college, the MarCom department will notify the original requestor of the decision and process the paperwork for payment. The MarCom office will notify the external entity of the sponsorship decision. Final decisions on the support of sponsorships will ultimately be linked to funding availability.

Should an individual department have funding to support the desired sponsorship, the Sponsorship Funding Request form must be completed and submitted to the MarCom department as an informational item for tracking purposes and fulfillment of visual identity messaging needs. MarCom will create and/or approve all advertising related to sponsorships in conjunction with the department lead.
POLICY NAME: Selection and Support of Sponsorship Requests - Continued

Departments will return a survey to address the outcomes of the sponsorship within 30 days of the sponsorship fulfillment. The survey results will be considered in future sponsorship renewal decisions.

POLICY COMMITTEE RECOMMENDED ACTION:
Policy Committee recommends the Board of Trustees accept the managerial policy under the Report of the Chair, Ad Hoc Committee Reports, and Policy Committee. This Policy supersedes all prior policies/procedures and practices related to policy on the selection and support of sponsorship requests.

POLICY COMMITTEE MEMBERS PRESENT: Trustee Kathleen Masiello, Student Trustee Rebecca Krakowiak, Provost of Academics Richard Washousky, Executive Vice President of Institutional Advancement and Efficiency Michael J. Pietkiewicz, Vice President of Enrollment Management Steven Smith, Director of Registrar Paul Lamanna, and College Senate Representative Michael Delaney.

DATE OF BOARD ACCEPTANCE: February 22, 2018

POLICY COMMITTEE TEAM FOLLOW-UP:
Following Trustee acceptance, this Managerial policy will be included in the SUNY Erie Community College Managerial Policy Manual and disseminate to all departments.

INFORMATION/INPUT CONSIDERED DURING POLICY COMMITTEE DELIBERATIONS:
Attached is the proposed Sponsorship Rubric that was developed to help evaluate the requests for sponsorship support. The Policy has been discussed at the Marketing and Institutional Advancement Committee meetings and was unanimously approved at the October 20, 2017 meeting for submission to the Policy Committee. The Policy has been reviewed and discussed at the February 9, 2018 Policy Committee meeting.
<table>
<thead>
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<th><strong>Requestor</strong></th>
<th>Internal or External Request</th>
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</table>
| **Name of Organization** | Does this organization coincide with our mission?  
Does it conflict with other sponsorships/programs? Does this set a precedent? |
| **Type of Sponsorship** | Are there other types of similar sponsorships we are not doing? |
| **Have we sponsored this before?** | Yes or No |
| **Have we sponsored other events or programs with your organization before? If yes, which events/programs?** | Yes or No |
| **Does your organization support our students through internship sites or academic program referrals?** | Yes or No |
| **What is included in Sponsorship? (Event Naming, Type of Exposure, Interaction with Students, etc)** | How will ECC be viewed?  
Does this provide an opportunity to interact with the participants? |
| **Is this an Event Sponsorship?** | |
| **Will this require staff Support?** | Does this have direct interaction with our target population? |
| **When is the event?** | Does this coincide with peak events? |
| **How will this event enhance our enrollment/recruitment efforts** | How do we assess the ROI?  
How many prospects/apps will we gain? |
| **Amount of the Sponsorship** | Is there funding available |
POLICY NAME: Senior Executive Staff (SES) Terms of Employment

POLICY TYPE: Managerial

SUBMITTED BY: Tracey Cleveland, Director of HR and Talent Management Committee and William Reuter, Chief Administrative and Financial Officer

ISSUE OR STATEMENT OF PURPOSE:

A Resolution was submitted to the ECC Board of Trustees in November 2015 regarding SES salaries and benefits, alongside Resolutions pertaining to the contract settlements of the AAECC and FFECC contracts. The proposed SES resolution had included the President.

The submission was intended to 1) more clearly define the salary and benefits for SES staff, who had until that point either had a) no governing policy on certain issues, or b) followed informally the AAECC contract provisions; 2) Address OSC audit concerns regarding the transparency of SES salary & benefits; 3) Keep key employee salaries & benefits at par with the negotiated increases in the AAECC collective bargaining agreement.

The Resolution for SES in November 2015 was tabled by the Board, except for one portion which was approved pertaining to a retirement incentive for SES.

At the time this SES Resolution was tabled, the Board indicated an ad hoc committee would be assembled to review the SES proposal within a matter of months. This ad hoc committee never formed.

Beginning in September 2016 SES terms of employment was discussed at several ECC Board of Trustee Talent Management and Policy Committee meetings. Based upon those meetings and continued conversations between the Trustees and College President, a Resolution Regarding Senior Executive Staff along with a detailed Terms of Employment document, Performance Evaluation form, Health Insurance coverage, Variable Schedule/Work Hours/Compensatory Time Policy and a Parental Leave Policy was approved at the ECC Board of Trustees meeting of November 21, 2016.

It should be noted that both the Variable Schedule/Work Hour/Compensatory Time Policy as well as the Parental Leave Policy were approved at the Policy Committee on October 18, 2016 and were incorporated as part of the approved SES resolution and terms of employment.
POLICY NAME: Senior Executive Staff (SES) Terms of Employment - Continued

CORRECTIVE ACTION PLAN RECOMMENDATION (IF ANY):

Responds either directly or indirectly to the Corrective Action Plan (CAP) items #4a, 4b, 5a, 5c, 8b and 9 as follows:

CAP 4a – “any significant financial decisions regarding such Senior Executive Staff, including the creation of positions, should and will be approved and recorded in the minutes”.

CAP 4b – “the Board of Trustees’ policy and practice includes in its public minutes all reports of the Financial Health and Personnel (now Talent Management) Committees documenting significant financial decisions and monthly personnel changes”.

CAP 5a – “the Board of Trustees will authorize each Senior Executive Staff position and compensation change. Annually, the Board of Trustees will receive details concerning each itemized position through the College’s budget process. All modifications to the approved budget with respect to Senior Executive positions will be subject to Board of Trustees approval and recorded in the minutes”.

CAP 5b – any use of affiliated entities’ revenues for payment of any Senior Executive salary, other compensation or fringe benefits will be approved by the Board of Trustees”.

CAP 8b – “The President will prepare a Senior Executive Staff policy for Board of Trustees approval. As a reference or guideline, the President will use the Erie County government’s Personnel Policies and Procedures policy entitled “Variable Work Schedules and Compensatory Time (Managerial/Confidential Employees)”.

CAP 9 - “The President will prepare a Senior Executive Staff policy for Board of Trustees approval that will include requiring supervisory approval prior to altering work schedules. As a reference or guideline, the President will use the Erie County government’s Personnel Policies and Procedures policy entitled “Variable Work Schedules and Compensatory Time (Managerial/Confidential Employees)”.

NEW OR EDITED POLICY: New. Complete terms of SES employment follows this policy and forms the basis of such policy.

DOES IT SUPERCEDE A POLICY/WHICH ONE: There is no other known policy to this committee. This policy supersedes all prior policies, procedures and practices related to SES executive staff positions prior to November 21, 2016.

POLICY COMMITTEE RECOMMENDED ACTION: The Policy Committee recommends that the Board of Trustees receive this managerial policy upon submission of the College President. This Policy confirms the actions taken by the ECC Board of Trustees on November 21, 2016 related to the attached SES Terms of Employment dated November 21, 2016.
POLICY NAME: Senior Executive Staff (SES) Terms of Employment - Continued

Policy Committee Members Present – Trustees Kathleen Masiello, Susan Swarts, and Neal McCallum, Trustee Tim Callan via telephone call in, Senior Vice President of Operations Mike Pietkiewicz, EVP Academic Affairs Rick Washousky, Director of Human Resources Tracey Cleveland and Chief Administrative and Financial Officer William Reuter.

DATE OF BOARD ACCEPTANCE: January 27, 2017.

POLICY COMMITTEE TEAM FOLLOW-UP: CAFO William Reuter is directed to ensure that updated salaries and projected future salaries are reflected in subsequent budgets and SES annual evaluations are conducted.

INFORMATION/INPUT CONSIDERED DURING POLICY COMMITTEE DELIBERATIONS:

Requires Performance Evaluations before any annual increment increases are awarded, subject to the fiscal situation at ECC as well as the Board of Trustees’ approval.

Adds some flexible work policies for SES that are on point with national trends and will help elevate ECC as a competitive employer in the job market.

Most of the provisions in this Resolution still mirror those provided to the AAECC and are consistent with what was presented in November 2015 for Board of Trustee consideration.

Review of Erie County policy regarding compensatory time, AAECC contractual provisions, and policies at other Colleges regarding parental leave, etc. for incorporation into this policy. Review of the budgetary impact of the proposed changes were reviewed with the incremental increases in salaries offset by health insurance savings.

The President was removed from the SES resolution originally presented to the Board of Trustee in November 2015.

This Policy has been previously reviewed and discussed at the Policy Committee meetings of December 13, 2016 and November 22, 2016. At the meeting of January 3, 2017 the Policy Committee unanimously approved this Policy with edits that have been made to the above. The attached SES Rems of Employment were approved by the ECC Board of Trustees on November 21, 2016.
1. **Wages**

- Effective December 1, 2016 adjust the existing salaries to reflect up to 2% increases across the board salary increase for all SES employees on the payroll as of September 1, 2016 and is only applicable to those SES employees that otherwise did not receive any increase in salary for the 2016-2017 fiscal year.
- Effective September 1, 2017 adjust the salaries to reflect additional increases up to 2% across the board wage increase for all current SES employees.
- Effective September 1, 2018 adjust the revised salaries to reflect additional increases up to 2% across the board wage increase for all current SES employees.
- Effective September 1, 2019 adjust the revised salaries to reflect additional increases up to 2% across the board wage increase for all current SES employees.

All increases effective December 1, 2017 and thereafter will also be based upon the fiscal stability of the college as determined by the College President and the Board of Trustees.

These increases will be contingent upon a favorable annual performance evaluation, a copy of which is attached as “**PERFORMANCE EVALUATION – SENIOR EXECUTIVE STAFF**”.

Current employees of the College who are hired/promoted/ transferred or otherwise moved into another position within SES either from a bargaining unit at the College or from a County position will not be considered a “new” employee for any purpose under this resolution.

2. **Vacation Leave Sell Back Option**

Effective November 1, 2016 and in future years on September 1\(^{st}\), employees shall be eligible to sell back up to forty (40) hours of vacation each fiscal year. Such employees must always maintain at least eighty (80) hours of vacation leave in their bank in order to be eligible for such sell back. (Balance after sellback must be a minimum of 40 hours). Payment for such sell back shall be made in payroll period 24. For the first year, notification by the employee shall be made no later than December 15, 2016 and payment of the vacation leave shall be made no later than January 30, 2017.

3. **Health Insurance During Active Erie Community College Employment**

   **Current Employees (hired on or before November 1, 2016)**
Plan Options: Core, Core Plus, Enhanced, Value Plan, High Deductible (Bronze Plan). The Value Plan shall become the base plan effective January 1, 2017.
  o Employees may buy up to the Core or Enhanced Plans at 100% of the complete difference in cost between Value and the higher plan.
    ▪ For example, if the total cost of Value Plan is $10,000 per year and the cost for Core Plan is $12,000 per year, an employee contributing 5% would be required to pay 5% of the premium of Value Plan in addition to $2,000 which is the difference in cost between Core Plan and Value Plan.
    ▪ The employee may choose to purchase the Core Plus plan as an option and will be responsible for the employee’s premium contribution for the Core Plus Plan. For example if the employee contributes 10%, he or she will pay 10% of the premium of the Core Plus Plan.

  • Effective January 1, 2017, no further Health Reimbursement Account contribution from the Employer shall be due to current employees in the Value Plan.

  • Effective January 1, 2017, those SES staff who are paying 0% (hired pre 1/2/93) and 5% (hired between 1/2/93 and 1/1/07) contributions to health insurance premiums will shift to 5% and 10% contributions respectively. Employees hired post 1/1/07 shall remain at a 15% contribution.

  • Effective January 1, 2018, those SES staff at 5% (hired pre 1/2/93) and 10% (hired between 1/2/93 and 1/1/07) contribution will move to 10% and 15% contribution respectively.

  • Effective September 1, 2018 all SES employees will move to a 15% contribution.

  • The employer agrees to make available the Bronze Plan for those employees choosing to exercise that option. Contribution rates for the Bronze Plan, if selected by the employee, shall be the same percentages of the Bronze Plan premium as set forth within.

  • Active and new employees who elect to sign up for the Bronze Plan will have 50% of the difference in cost between the premium for Value Plan and Bronze Plan placed in a 105-H plan.
An employee who elects the Bronze Plan will be responsible for his or her percentage of premium share in effect based upon hire and contract date.

- For example, if the Value Plan was $10,000 and the Bronze Plan is $5,000 an employee who is at 10% contribution would pay 10% of the premium ($500) and would have $2,500 ($10,000-$5,000 divided by 2) placed into a 105-h plan.

**New SES Employees (hired after November 1, 2016)**

- Upon approval, Value Plan shall be the base plan for such employees. No further Health Reimbursement Account contribution from the Employer shall be due to any such employees except for those who enroll in the High Deductible Plan as outlined above.

- The contribution rates for new employees shall remain fifteen percent (15%) of the Value Plan premium. Such contribution shall be made through payroll deduction on a pre-tax basis.
  - Employees may buy up to the Core or Enhanced Plans at 100% of the complete difference in cost between Value and the higher plan.
    - For example, if the total cost of Value Plan is $10,000 per year and the cost for Core Plan is $12,000 per year, the new employee contributing 15% would be required to pay 15% of the premium of the Value Plan in addition to $2,000 which is the difference in cost between Core Plan and Value Plan.
    - The employee may choose to purchase the Core Plus plan as an option and will be responsible for the employee’s percentage premium contribution for the Core Plus Plan. For example because the employee contributes 15%, he or she will pay 15% of the premium of the Core Plus Plan if he or she chooses that option.

- The employer agrees to make available the Bronze Plan for those employees choosing to exercise that option. Contribution rates for the Bronze Plan, if selected by the employee, shall be the same percentages of the Bronze Plan premium as set forth within.

**4. Health Insurance Upon Retirement**

**Current SES Employees (hired on or prior to November 1, 2016)**
• The terms of this section apply only to pre-Medicare (pre-age 65) retiree health insurance coverage.
  o *Post-Medicare (Age 65 and above) retiree health insurance coverage remains unchanged for current employees following the terms of the 2007-2011 AAECC contract. The pertinent portion of the 2007-2011 AAECC contract (Article 35) pertaining to retiree health insurance is attached as ARTICLE 35: HEALTH INSURANCE”.

• Under all of the provisions in the agreement, “Retirement” and “Retire” means that the individual is eligible to retire and begin receiving benefits without penalty under the terms of the New York State Retirement plan (including TIAA-CREF) in which he/she is enrolled through the College.

• In conformity with the provisions of the AAECC contractual provisions regarding IPA banks, IPA banks for SES will be frozen as of November 1, 2016, but may be utilized toward the sick leave accrual for accumulation of time towards retiree health care as outlined in the 2007-2011 AAECC contract where use of sick hours are applicable. No further IPA will be accumulated by any SES employee after November 1, 2016.

• For those current employees who Retire on or after November 1, 2016, the Value Plan shall become the base plan, and the following guidelines shall apply:

  1) Employees hired prior to August 31, 2011 shall have the option of selecting retirement insurance premium contributions in accordance with the 2007-2011 AAECC agreement or the option set forth in paragraph 2 below.
  2) Employees hired between September 1, 2011 and November 1, 2016 shall be provided retiree health insurance contributions in accordance with the following guidelines:

    ▪ Ten (10) years of completed public sector service at the time of the employee’s Retirement, but less than fifteen (15) years of completed service:
      Seventy Five percent (75%) College premium contribution.
      Twenty Five percent (25%) Retiree premium contribution.

    ▪ Fifteen (15) or more years of completed public sector service at the time of the employee’s Retirement:
      Ninety percent (90%) College premium contribution.
      Ten percent (10%) Retiree premium contribution.
**Medicare Wraparound Coverage:** Each employee and covered dependent or spouse is required to obtain a Medicare wraparound product when first eligible (not only upon age 65).

**New SES Employees (hired after November 1, 2016)**

- New SES employees with twenty years of service shall be eligible to participate in the Erie Community College Health Insurance plan in order to enjoy the group rate upon retirement; however, there shall be no employer contribution toward the premium of such Health Insurance Plan.

**5. Sick Leave Upon Retirement**

**New SES Employees (hired after November 9, 2015)**

- New SES Employees who Retire with at least twenty (20) years of service shall be eligible for the following Sick Leave Bonus Upon Retirement, which shall be placed into a Health Reimbursement Account:

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<tr>
<td>1200</td>
<td>$10,000</td>
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<tr>
<td>At 1800 Hours</td>
<td>$15,000</td>
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<tr>
<td>At 2400 Hours</td>
<td>$15,000</td>
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These additional amounts shall be added to the HRA Account at the time of Retirement if the employee reaches this milestone.

Any funds remaining in the HRA account upon the death of the employee will revert back to the College.

**6. Paid Holidays**

- Effective January 1, 2017, eliminate Election Day and Columbus Day as paid holidays and add the day after Thanksgiving as a paid holiday.
- Accordingly, SES staff will enjoy the following paid holidays after January 1, 2017, on an annual basis: New Year’s Day, Martin Luther King Day, Presidents’ Day, Good Friday, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving, the day after Thanksgiving, Christmas day.
• If the holiday falls on a Saturday, staff will observe the holiday on the Friday preceding the holiday; if the holiday falls on a Sunday, the staff will observe the holiday on the Monday following the holiday.

7. **Variable Schedule/Work Hours and Compensatory Time Policy for SES**

The SES policy regarding variable schedule/work hours and compensatory time will go into effect on January 1, 2017.

8. **Parental Leave Policy for SES**

In recognition of the growing societal emphasis on work-life balance in employee’s lives, an SES parental leave policy establishes the availability of up to 6-months (1040 hours) of unpaid Parental Leave to all benefit-eligible SES employees, due to the birth of an employee’s child or the placement in an employee’s home of an adopted child.

9. **Other Benefits Offered to SES Staff**

Unless otherwise modified by this resolution, it is agreed that the following Articles only of the AAECC contract shall be applicable to SES staff, as they may be amended by agreement with the AAECC or as amended by the President with respect to SES staff from time to time: Article 25 (Bereavement Leave), Article 26 (Emergency Closing), Article 27 (Jury Duty Leave), Article 28 (Military Leave), Article 29 (Personal Leave), Article 30 (Sick Leave), Article 31 (Leave of Absence without Pay), Article 33 (Vacation Program), Article 37 (College Courses – Tuition Waiver), Article 48 (Equal Opportunities) and Article 60 (Family Tuition Assistance) and Employee Wellness. Regular Part Time (“RPT”) SES staff will follow the wage and salary rules set forth in this resolution but will follow the AAECC contract for RPT benefits with respect to health insurance, leave time and tuition waiver established under the AAECC contract article for AAECC RPT employees.

10. **Applicability of this Resolution**

This resolution applies to all current and future SES Staff, with the exception of the College President. All sections of this Resolution will be in effect on November 1, 2016, unless specifically noted otherwise. The terms of this Resolution supersede any prior Resolutions approved by the Board of Trustees pertaining to these matters for SES employees who retire on or after January 4, 2016.
PERFORMANCE EVALUATION – SENIOR EXECUTIVE STAFF

NAME__________________________________________ DATE OF HIRE________________

JOB TITLE____________________________________DIVISION________________

SUPERVISOR____________________________________

RATER (if other than supervisor)____________________________________________________

☐ Full Time  ☐ Part Time  ☐ Regular Part Time (works 20 or more hours per week)

PURPOSE OF EVALUATION:  ☐ Annual  ☐ Probationary  ☐ Counseling  ☐ Other

SECTION I: EMPLOYEE PERFORMANCE GOALS AND SELF ASSESSMENT. This is to be completed by the employee and submitted to the Supervisor before the Supervisor completes Section II. Both the employee and supervisor will review the employee’s goals and self assessment at the time the evaluation is discussed. Short narratives, tables and bulleted lists are fine. This part of the evaluation should:

- promote a culture of respect, accountability, continual learning and innovation/improvement at ECC
- provide a snapshot of annual activities and future plans
- identify lessons learned
- suggest areas for future professional development and goals for upcoming year

1) Identify 2-3 key goals from ECC Excels Strategic Plan addressed by your area in the current fiscal year (September –August), and for each goal, report on the following:
   a) Activities undertaken in advancing goal within the context of the college mission (i.e., how you operationalized this goal in daily activities)
   b) Results obtained from these activities (i.e., how you assessed whether the activities worked or didn’t work; quantified whenever possible)
   c) Lessons learned from reviewing the results

2) Identify 2 key goals from ECC Excels Strategic Plan you are focusing on this year, and for each goal, provide the following:
   a) Rationale for selecting these goals
   b) Resources that will be allocated to the activities supporting the goals
   c) Plan for communicating this focus within your area
   d) Plan for assessing success of activities
3) Briefly outline your plan for responding to the budget reductions and difficult financial times:
   a) How you will involve your team in this activity
   b) How you will identify areas appropriate for reduction
   c) Timeline for work

4) What barriers or challenges—if any—currently stand in your way of accomplishing your goals? How can your supervisor help in addressing these?

SECTION II: TO BE COMPLETED BY SUPERVISOR/MANAGER

INSTRUCTIONS: A performance evaluation should be completed at least once per year (prior to September 1st). In an employee’s first year of employment at ECC or in a SES position, this evaluation should be completed at least twice.

The performance evaluation is intended to facilitate meaningful communication between an employee and his/her supervisor regarding the employee's work assignments, the supervisor’s performance expectations, individual and departmental goals, and the employee/supervisor relationship. It is also intended to improve the employee's effectiveness and competency, identifying both strengths and possible areas for improvement. It is important that the supervisor make constructive comments aimed at helping the employee, and that both parties have a shared understanding of the standards used by the supervisor, as well as his/her expectations.

Each employee should be evaluated on the factors below that are relevant and applicable to his/her position.

| Outstanding: Consistently exceeds expectations and requirements. Truly outstanding (5) | Highly Effective: Consistently meets and frequently exceeds job requirements (4) | Effective/Satisfactory: Meets all job requirements. This is the expected level for all employees. (3) | Needs Improvement: Inconsistency in meeting job requirements. Meets some requirements and minimally meets others. (2) | Unsatisfactory: Does not meet job requirements. Immediate and significant improvement is required. (1) | Factor does not apply to this job: N/A |

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<tr>
<th>GOAL</th>
<th>RATING</th>
<th>COMMENTS</th>
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<td>TEAMWORK: Consider how well the employee gets along with other individuals in the performance of job duties; Consider effectiveness of relations and cooperation with coworkers, subordinates, supervisor, other campus departments and the general College community.</td>
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<td>COMMUNICATION: (oral and written)</td>
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<td>Consider employee’s effectiveness in communicating general and specific information in an accurate manner and on a timely basis; Consider employee’s effectiveness in keeping supervisor and subordinates informed in an objective and timely manner.</td>
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<tbody>
<tr>
<td>Consider employee’s demonstrated ability to motivate others to assist in the achievement of job, departmental and campus objectives and goals; Consider ability to effectively delegate, define responsibilities and set priorities.</td>
<td></td>
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</tbody>
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<thead>
<tr>
<th>DECISION MAKING/PROBLEM SOLVING:</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Consider employee’s demonstrated ability to analyze problems and make decisions effectively in support of departmental and institutional objectives. Consider soundness of judgment.</td>
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</table>

<table>
<thead>
<tr>
<th>ETHICS/CONCERN FOR OTHERS:</th>
<th></th>
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<tbody>
<tr>
<td>Consider extent to which employee exhibits tact and diplomacy; inspires a high trust level; acts decisively and fairly in dealing with job-related concerns; uses authority properly; practices and promotes values of the College.</td>
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</tbody>
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<thead>
<tr>
<th>FISCAL RESPONSIBILITY/ECONOMY:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Consider employee’s effective use of resources, controlling of costs, adherence to budgetary guidelines, and if applicable, cash handling and fiscal policies/procedures.</td>
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<table>
<thead>
<tr>
<th>TECHNICAL KNOWLEDGE/JOB KNOWLEDGE:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Consider the degree of understanding of job requirements; knowledge and technical skills of own and related jobs; and the degree to which the employee remains informed of current</td>
<td></td>
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</tbody>
</table>
events, developments, and advancements in the area.

<table>
<thead>
<tr>
<th><strong>ACCOUNTABILITY:</strong> Consider how consistently employee accepts all responsibility of job; consider how well employee follows through to meet deadlines/schedules/goals with minimum supervision.</th>
</tr>
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</table>

<table>
<thead>
<tr>
<th><strong>QUALITY OF WORK:</strong> Consider the accuracy and thoroughness exhibited in performance of job responsibilities.</th>
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</table>

<table>
<thead>
<tr>
<th><strong>INITIATIVE:</strong> Consider the degree to which the employee is self-starting and takes appropriate and independent action when necessary; Consider the employee’s willingness to contribute new ideas or methods, and the degree to which he/she actively seeks increased job productivity.</th>
</tr>
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</table>

<table>
<thead>
<tr>
<th><strong>QUANTITY OF WORK:</strong> Consider the volume of work regularly produced, and consistency of output and speed.</th>
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<thead>
<tr>
<th><strong>SAFETY AND SECURITY:</strong> Consider employee’s knowledge of applicable safety and security policies, practices and procedures and the extent to which the employee follows and correctly applies those policies/practices/procedures.</th>
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<tr>
<th><strong>FLEXIBILITY:</strong> Consider the employee’s willingness to adapt to change, and ability to balance multiple tasks and priorities.</th>
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<tr>
<th><strong>RELIABILITY:</strong> Consider the dependability and conscientiousness of the employee; Consider the employee’s punctuality, time and attendance and the extent to which he/she correctly uses vacation, sick or other leave time.</th>
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</thead>
</table>
**REPRESENTATION AND SERVICE:**
Consider employee’s professionalism, enthusiasm and interest regarding position responsibilities; Consider whether the employee displays an attitude that promotes a positive image of the department and College.

**OVERALL EVALUATION DESCRIPTION:** The overall evaluation should reflect an assessment of the employee’s total performance, based upon the factors above. In making the assessment, consider the relative or weighted performance of each factor to the overall job.

- **OUTSTANDING:** Truly exceptional and superior; employee consistently goes above and beyond job expectations; unlikely to find a better performer and/or fit for the position.

- **HIGHLY EFFECTIVE:** Better than satisfactory; employee regularly performs job duties efficiently and thoroughly; employee considered to be among the better individuals to do the job.

- **EFFECTIVE/SATISFACTORY:** Very adequate; employee fulfills expectations of job and is cooperative.

- **NEEDS IMPROVEMENT:** Some duties are performed satisfactorily, but areas of improvement are needed. This rating should be accompanied by a Performance Improvement Program. Please contact Human Resources for Performance Improvement Program Form.

- **UNSATISFACTORY:** Employee has failed to demonstrate consistently the ability or willingness to do the job adequately. Significant improvement is necessary. This rating should be accompanied by a Performance Improvement Program. Please contact Human Resources for Performance Improvement Program Form.

**EVALUATOR’S COMMENTS:** (e.g. comments regarding employee’s overall performance level, achievements and strengths, future performance expectations/goals, areas requiring improvement, actions employee can take to improve and/or sustain performance)
EMPLEYEE’S COMMENTS: (e.g. comments regarding the performance evaluation, job, supervisor, and general comments about working at Erie Community College)

SECTION III: GOALS FOR UPCOMING YEAR
(To be completed by EMPLOYEE AND MANAGER)

1.

2.

3.

4.

5.
RECOMMENDED FOR SALARY INCREASE:  ☐ YES  ☐ NO

Comments:

__________________________________________________
Supervisor/Evaluator’s signature

__________________________________________________
Name and title of Supervisor/Evaluator

My signature indicates that my performance evaluation has been discussed with me by my supervisor (not that I agree or disagree with the evaluation)

__________________________________________________
Employee signature

Date
Amend health insurance provisions of the collective bargaining agreement, to take effect after ratification of this agreement, by deleting current provisions and substituting the following:

1. Current employees and employees who retire after the effective period of the collective bargaining agreement ("future retirees") shall have a single provider for health insurance. Employees shall have a choice among three (3) insurance products: the Enhanced Plan, the Core Plan, or the Value Plan. Future retirees and retirees since January 1, 2003 shall have the Core Plan, except as indicated in paragraph 9 herein. The health care provisions of this agreement are retroactive for eligible employees who retire on or after January 1, 2003.

2. For employees hired prior to January 2, 1993, the employer shall pay one hundred percent of the monthly cost of the Core Plan health insurance product. For employees hired on or after January 1, 1993, the employer shall contribute ninety-five percent (95%) of the monthly cost of the Core Plan health insurance product. For employees hired after September 1, 2007, the employer shall contribute eight-five percent (85%) of the monthly cost of the Core Plan health insurance plan.

3. In addition, employees who chose the Enhanced Plan shall pay the difference in the cost between the Core Plan and the Enhanced Plan. An employee required to contribute 5% towards health insurance, shall pay 5% of the monthly cost of the Core Plan, plus the difference between the Core and the Enhanced Plans. For employees hired after September 1, 2007, who choose the Enhanced Plan, shall pay fifteen percent (15%) of the difference in the monthly premiums cost of the Core Plan plus the difference in the cost between the Core Plan and the Enhanced Plan.

4. For employees who chose the Value Plan, the employer shall deposit fifty percent (50%) of the difference in the monthly premium cost between the Core Plan and the Value Plan in an I.R.S. Section 105-h account. Monies deposited in such account shall roll over year to year until expended, or until the employee’s death, at which time any unexpended funds shall revert to the County. For employees hired after September 1, 2007, who choose the Value Plan, shall have deposited fifty percent (50%) of the difference in the monthly premiums cost of the Core Plan net of the fifteen percent (15%) required employees contribution and the monthly premium cost of the value plan in an I.R.S. 105-h account.

5. The employee will bear the expense, through bi-weekly payroll deductions, of any amount in excess of the employer contribution.

6. Open Enrollment: Employees may select from among the insurance plans, annually, during the open enrollment period. The open enrollment period will take place after the annual rates are received from the insurance provider.

7. The negotiated provisions of the collective bargaining agreement regarding dental coverage will remain in effect.

8. The negotiated provisions of the collective bargaining agreement regarding health insurance waivers shall remain in effect.

9. (a) Pre-65 Retirees: The employer shall pay seventy-five percent (75%) of the monthly premium single, family or double rate for the Core plan for eligible employees who retire from County until age 65. The employer shall pay seventy-five percent (75%) of the monthly premium family rate for the Core Plan for families of eligible employees who retire from County service until age 65, upon written
proof of family status. The employer shall pay higher percentages of the monthly premiums if the retiree meets the conditions set forth in paragraph 13 herein. 65.

(b) The employer shall pay seventy-five percent (75%) of the monthly premium family rate for the Core Plan for families of eligible employees who retire from County service until age 65, upon written proof of family status. The employer shall pay higher percentages of the monthly premiums if the retiree meets the conditions set forth in paragraph 13 herein. All other employer contributions shall be eliminated.

10. The negotiated provisions of the collective bargaining agreement regarding continued health insurance coverage in certain circumstances (for example: injury or illness) shall remain in effect.

11. The negotiated provisions of the collective bargaining agreement for eligibility for health insurance coverage for employees, and employees who retire under this agreement, shall remain in effect.

12. The negotiated provisions of the collective bargaining agreement concerning union participation in, or cooperation with the County, to reduce the cost of health care insurance shall remain in effect.

13. The employer shall pay seventy-five percent (75%) of the monthly premium Core Plan rate for eligible employees who retire from County service with 1600 hours or less of accumulated sick leave. Employees with other accumulated sick leave shall have their health insurance premiums paid at the following percentages:

Employees who retire with 1700 hours accumulated shall receive 80%.
Employees who retire with 1800 hours accumulated shall receive 85%.
Employees who retire with 1900 hours accumulated shall receive 90%.
Employees who retire with 2000 hours accumulated shall receive 95%.
Employees who retire with 2100 hours accumulated shall receive 100%.

Employees hired after September 1, 2007, the employer shall pay seventy-five percent (75%) of the monthly premium Core Plan rate for eligible employees who retire from County service with 1700 hours or less of accumulated sick leave. Employees with other accumulated sick leave shall have their health insurance premiums paid at the following percentages:

Employees who retire with 1,800 hours accumulated shall receive 80%.
Employees who retire with 1,950 hours accumulated shall receive 85%.
Employees who retire with 2,100 hours accumulated shall receive 90%.
Employees who retire with 2,250 hours accumulated shall receive 95%.
Employees who retire with 2,400 hours accumulated shall receive 100%.

Core Plan - For employees hired after September 1, 2007, the employer shall contribute 85% of the monthly cost of the Core Plan health Insurance plan.

Enhanced Plan - For employees hired after September 1, 2007, who choose the Enhanced Plan, shall pay 15% of the difference in the monthly premiums cost of the Core Plan plus the difference in the cost between the Core Plan and the Enhanced Plan.

Value Plan - For Employees hired after September 1, 2007, who choose the Value Plan, shall have deposited 50% of the difference in the monthly premiums cost of the Core Plan net of the 15% required employees contribution and the monthly premium cost of the value plan in an t.R.S. 105-h account.

The County shall provide single, double, or family coverage. Family coverage will be provided upon written documentation. All other employer contributions shall be eliminated.

14. Employees who retire under this agreement may exchange accrued compensatory time and/or vacation time for sick credits at the time of retirement up to a maximum of 2100 hours (2400 hours for those hired after 9/1/07). The maximum annual accruals for sick leave shall be eliminated.
15. The County shall provide a retirement incentive for the following calendar years in the following amounts. The relevant amount is payable only to those employees who retire in the stated calendar year; they are not cumulative:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
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<tbody>
<tr>
<td>2003</td>
<td>$5,000</td>
</tr>
<tr>
<td>2004</td>
<td>$4,000</td>
</tr>
<tr>
<td>2005</td>
<td>$3,000</td>
</tr>
<tr>
<td>2006</td>
<td>$2,000</td>
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</tbody>
</table>

This incentive shall be placed in an I.R.S. Section 105-h account. Monies deposited in such account shall roll over from year to year until expended, or until the employee's death, at which time any unexpended funds shall revert to the County. This incentive expires on December 31, 2006. It will not be offered to anyone retiring after December 31, 2006.

16. IPA requests will be deemed granted if not denied at least seven (7) days in advance in writing by the administrator's supervisor and senior executive staff. Administrators who have accumulated 2100 sick hours shall be paid straight time in lieu of IPA accumulation when required to work in excess of the 80 hours per pay period. It is understood that any change in the article dealing with accumulated sick hours (Article 35) shall pertain.

17. This proposal was accepted by all appropriate parties approved and/or ratified by AAEC on September 11, 2003, the Erie County Legislature, and the Board of Erie Community College.

18. The attached health benefit summaries cannot be changed without the approval of the labor-management health insurance panel, the format of which is to be determined by mutual agreement.

Section 36.1

Effective Immediately, the Association agrees to participate in any future efforts to reduce the costs of health insurance.

In the event an employee is disabled from work by accident or illness, the Employer agrees to continue his health insurance coverage for the length of his accumulated sick leave, plus 90 days thereafter.

In the event an employee is disabled from work due to pregnancy, the employer agrees to continue his health insurance coverage for the length of her accumulated sick days, plus 120 days.

Dental: The employer shall provide the GHI Spectrum 2000 Full Basic (diagnostic and preventive) Dental Plan for each employee covered under this contract in accordance with the type of coverage (single or family) desired by the employee. The employer shall pay $5.03 per month for single coverage and $22.45 per month for family coverage. Any premium costs above those costs set forth in this section shall be paid by the employee on a biweekly payroll deduction. Effective 1/1/97 employees in the AAEC shall receive the GHI preferred for their dental insurance with a cap of $10.44 for singles and $41.08 for family.
Section 35.2 Insurance Waiver during the annual health coverage open period effective beginning June 1st, 1986 and for all such open periods thereafter, employees who desire to withdraw from any County health insurance coverage shall be permitted to so withdraw upon signing a waiver which is counter signed by the Director of Human Resources and the Commissioner of Erie County Personnel. Administrators eligible for paid medical and dental insurance may waive coverage and receive cash payment in lieu of the benefits. The Administrator who waives family coverage will receive $100.00 per month. An employee who waives single coverage will receive $67.00 per month.

Following the effective date of such withdrawal, the employee shall receive each month thereafter a payment of $100 in lieu of such coverage for each calendar month of such withdrawal. Each monthly payment shall be included in the last paycheck of each calendar month. Employees who so withdraw shall have the option of rejoining the plan only during any subsequent open period.

Employees utilizing this option shall sign a waiver form which shall include a clear acceptance of the responsibility of such a withdrawal by the employee and shall also include a release of liability for both the County and the Association from any claims arising from such withdrawal.

Section 36.3 Full-time and R.P.T. employees will be eligible for coverage the first day of the month following one (1) month of employment.

WAIVER OF INSURANCE

I, hereby for myself, my heirs, executors and administrators, waive my rights to health insurance coverage pursuant to the collective bargaining agreement between the County of Erie and the Administrator's Association of Erie Community College and I release any and all rights and claims I may have against the County of Erie, the Administrators Association of Erie community College and their respective representatives as a result of the waiver of insurance coverage to which I was previously entitled. Furthermore, it is understood that once this withdrawal of insurance coverage is in effect, I may not reenter the Insurance plan until the next open period.

Director of Human Resources

Commissioner of Personnel

ARTICLE 36: RETIREMENT PLAN

The County shall provide retirement plans known as "The New Career Retirement Plan" or the "Coordinated-Escalator Plan," whichever is applicable to all employees of the bargaining unit who are eligible under the law.

ARTICLE 37: COLLEGE COURSES-TUITION WAIVER

Employees upon approval of the President or his designee may be permitted to register for and attend tuition waived, any course on any campus provided space exists, provided admission to the course does not affect an escalation of the instructor's compensation, provided that a minimum enrollment of 15 has been met without the tuition waiver registration of any employee, and provided that such attendance in no way interferes with his/her official duties. See Article 56 Tuition Assistance and Reimbursement.
POLICY NAME: Sexual Harassment

POLICY TYPE: Managerial

SUBMITTED BY: Maria Carroll – Director of Human Resources

ISSUE OR STATEMENT OF PURPOSE: SUNY Erie Community College will provide an educational and working environment that is free of discrimination and sexual harassment.

NEW OR EDITED POLICY: Edited VII-A-3 Sexual Harassment, approved 2/81, 7/92, 9/00 and 1/04

Policy Statement
SUNY Erie will comply with all federal, state and local laws related to discrimination and sexual harassment and ideally will institute policies and procedures that ensure a nurturing workplace and school environment. The most recent New York State mandated policy is attached as Exhibit A and the SUNY Erie Sexual Harassment Complaint form is attached as Exhibit B.

DOES IT SUPERCEDE A POLICY/WHICH ONE: Edited VII-A-3 Sexual Harassment

POLICY & GOVERNANCE COMMITTEE RECOMMENDED ACTION: Policy Committee recommends the Board of Trustees accept the Managerial policy under Committee Briefings, Policy and Governance Committee. This Policy supersedes all prior policies/procedures and practices related to Sexual Harassment.

POLICY & GOVERNANCE COMMITTEE MEMBERS PRESENT:
Trustee Len Lenihan, Trustee Kathleen Masiello, Executive Vice President for Administration and Finance Penelope Howard, VP Human Resources, Equity and Inclusion Tracey Cleveland, Director of Human Resources Maria Carroll, Vice President of Enrollment Management Steven Smith, Director of Registrar Paul Lamanna, Dean of Liberal Arts and Sciences Joanne Colmerauer, Dean of Liberal Arts and Sciences Jamie Smith and College Senate Representative Michael Delaney

DATE OF BOARD ACCEPTANCE: December 13, 2018

POLICY & GOVERNANCE COMMITTEE TEAM FOLLOW-UP:
Following Trustee acceptance, this Managerial policy will be included in the SUNY Erie Community College Managerial Policy Manual.

**INFORMATION/INPUT CONSIDERED DURING POLICY & GOVERNANCE COMMITTEE DELIBERATIONS:**

New York State Model Policy on Sexual Harassment

The Policy has been reviewed and discussed at the Policy & Governance Committee meeting of November 16, 2018.
SUNY Erie Community College
Sexual Harassment Policy

Introduction
SUNY Erie Community College (hereinafter “ECC”) is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All ECC employees are required to work in a manner that prevents sexual harassment in the workplace. This policy is one component of ECC’s commitment to a discrimination-free work environment. Sexual harassment is against the law and all employees have a legal right to a workplace free from sexual harassment. Employees are encouraged to report sexual harassment by filing a complaint internally with Human Resources or the Chief Diversity Officer. Employees can also file a complaint with a government agency or in court under federal, state, or local antidiscrimination laws.

Policy:

1. ECC’s Sexual Harassment Policy applies to all employees, applicants for employment, interns whether paid or unpaid, contractors and persons conducting business with ECC. In the remainder of this document, the term “employee” or “employees” refers to this group.

2. Sexual harassment will not be tolerated. It is considered a form of employee misconduct. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action up to and including termination.

3. Retaliation Prohibition: No person covered by this policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. ECC does not tolerate retaliation against anyone who, in good faith, complains or provides information about suspected sexual harassment. Any employee of ECC who retaliates against anyone involved in a sexual harassment investigation will be subject to remedial and/or disciplinary action up to and including termination. Any employee, paid or unpaid intern, or non-employee working in the workplace who believes he or she has

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1 A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as
been subject to such retaliation should inform a supervisor, manager, Chief Diversity Officer, or Human Resources. Any employee, unpaid intern or non-employee who believes he/she has been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.

4. Sexual harassment is offensive, a violation of our policies, unlawful, and may subject ECC to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who knowingly allow such behavior to continue, will be penalized for such conduct.

5. ECC will conduct a prompt, thorough and confidential investigation that ensures due process for all parties whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. ECC will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.

6. All employees are encouraged to report any harassment or behaviors that violate this policy. ECC will provide all employees a complaint form for employees to report harassment and file complaints. That form can be found on-line on the MyECC Human Resources portal.

7. Managers and supervisors are required to report any complaint that they receive, or any harassment that they observe, to Human Resources.

8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. A copy of this policy will be provided via email to all employees, posted on-line, in the Human Resources office, and will be provided to employees upon hiring.

What is “Sexual Harassment”?

Sexual harassment is a form of sex discrimination and is unlawful under federal, state and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual independent contractors, “gig” workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any services provided pursuant to contract with the employer.

Each claim of sexual harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim.
orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual’s sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment, even if the complaining individual is not the intended target of the sexual harassment;

- Such conduct is made either explicitly or implicitly a term or condition of employment; or

- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual’s employment.

A sexually harassing hostile work environment consists of words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual’s sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory comments or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, or which interfere with the recipient’s job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called “quid pro quo” harassment.

**Examples of Sexual Harassment**

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical assaults of a sexual nature, such as:
  - Touching, pinching, patting, grabbing, brushing against another employee’s body or poking another employee’s body;
  - Rape, sexual battery, molestation or attempts to commit these assaults.

- Unwanted sexual advances or propositions, such as:
  - Requests for sexual favors accompanied by implied or overt threats concerning the target’s job performance evaluation, a promotion, or other job benefits or detriments.
  - Subtle or obvious pressure for unwelcome sexual activities.
· Sexually oriented gestures, noises, remarks, jokes or comments about a person’s sexuality or sexual experience, which creates a hostile work environment.

· Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people’s idea or perceptions of how individuals of a particular sex should act or look.

· Sexual or discriminatory displays or publications anywhere in the workplace, such as:
  · Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.

· Hostile actions taken against an individual because of that individual’s sex, sexual orientation, gender identity and the status of being transgender, such as:
  · Interfering with or destroying or damaging a person’s workstation, tools or equipment, or otherwise interfering with the individual’s ability to perform the job;
  · Sabotaging an individual’s work;
  · Bullying, yelling, name-calling.

**Who can be a target of Sexual Harassment?**

Sexual harassment can occur between any individuals regardless of their sex or gender. New York law protects employees, paid or unpaid interns, and non-employees including independent contractors and those employed by companies contracting to provide services in the workplace. A perpetrator of sexual harassment can be a superior, a subordinate, a co-worker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

**Where can Sexual Harassment occur?**

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer-sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if it occurs away from the workplace premises or outside of working hours.
Retaliation

Unlawful retaliation can be any action, more than trivial, that keeps a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (for example, threats of physical violence outside of work hours). Retaliation is unlawful under federal, state and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in “protected activity.” Protected activity occurs when a person has:

- made a complaint of sexual harassment either internally or with an anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- complained that another employee has been sexually harassed; or
- encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. The retaliation provision, however, is not intended to protect persons from making intentionally false charges of harassment.

Reporting Sexual Harassment

Preventing sexual harassment is everyone’s responsibility. ECC cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager, the Chief Diversity Officer, or Human Resources. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager, the Chief Diversity Officer, or Human Resources.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this policy is available on the ECC website on the MyECC Human Resources portal, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee’s behalf.
Any employees, paid or unpaid interns or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Procedures.

**Supervisory Responsibilities**

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, are required to report such suspected sexual harassment to the Chief Diversity Officer or Human Resources.

In addition to being subject to remedial and/or disciplinary action, up to and including termination, if they engage in sexually harassing conduct themselves, supervisors and managers will be subject to remedial and/or disciplinary action up to and including termination for failing to report suspected sexual harassment or otherwise knowingly allow sexual harassment to continue.

Supervisors and managers will also be subject to remedial and/or disciplinary action, up to and including termination, for engaging in any retaliation.

**Complaint and Investigation of Sexual Harassment**

All complaints or information about suspected sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate, as needed, in an investigation of suspected sexual harassment or retaliation. Failure to cooperate may result in disciplinary action up to and including termination. Employees who file a complaint or who participate in any investigation will not be retaliated against.

While the process may vary from case to case, investigations should be done in accordance with the following steps:
Upon receipt of a complaint, whether verbally or in writing, either the Chief Diversity Officer or Human Resources will conduct an immediate review of the allegations and will take any interim actions, as appropriate.

If the complaint is oral, the individual will be encouraged to complete the “Complaint Form” in writing. If the individual refuses, a Complaint Form will be prepared based upon the oral reporting.

If documents, surveillance tapes, emails or phone records are relevant to the allegations, take steps to obtain and preserve them.

Request and review all relevant documents, including electronic communications.

Interview all parties involved, including any relevant witnesses.

Create written documentation of the investigation (such as a letter, memo or email) including the final resolution of the complaint together with any recommended corrective action(s). This should include the following:

- A list of documents reviewed, along with a detailed summary of relevant documents;
- A list of names of those interviewed, along with a detailed summary of their statements;
- A timeline of events;
- A summary of prior relevant incidents, reported or unreported; and
- The basis for the decision and final resolution of the complaint, together with any corrective action(s).

Keep written documentation and associated documents in a secure and confidential location.

Notify the individual who complained and the individual subject of the complaint of the final determination, and implement any corrective actions.

Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

Legal Protections and External Remedies

Sexual harassment is not only prohibited by ECC but is also prohibited by state, federal and, where applicable, local law.
Aside from the internal process at ECC, employees may also choose to pursue legal remedies with the following governmental agencies:

**New York State Division of Human Rights**

The Human Rights Law (HRL), codified as NYS Executive Law, Art. 15, § 290 et seq., applies to New York State employers with regard to sexual harassment, and protects employees, unpaid interns and non-employees. A complaint alleging a violation of the HRL may be filed with either the Division of Human Rights or NYS Supreme Court.

Complaints with the DHR may be filed within one (1) year of the harassment. Alternatively, if the individual did not file a complaint with the DHR, he/she can sue directly in State Supreme Court within three (3) years of the alleged discrimination. An individual may not file with the DHR if he/she has already filed a complaint in State Court.

Contact information: New York State Division of Human Rights, 65 Court Street, Buffalo, NY 14202, (716) 847-7632, www.dhr.ny.gov.

**United State Equal Employment Opportunity Commission**

The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (42 U.S.C. § 2000e et seq.). An individual may file a complaint with the EEOC anytime within 300 days of the alleged harassment. The EEOC conducts an investigation and determines whether there is reasonable cause to believe that discrimination has occurred. If it so concludes, then it issues a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of a complainant. Federal courts may award remedies if discrimination is found to have occurred. If an employee believes that he/she has been sexually harassed at work, he/she can file a “Charge of Discrimination.”

If an individual files an administrative complaint with the NYS DHR, the State agency will automatically file the complaint with the EEOC to preserve the right to proceed in federal court.

Contact information: EEOC, 6 Fountain Plaza, #350, Buffalo, NY 14202, (716) 551-4441, www.eeoc.gov
Local Protections

Some localities enforce laws protecting individuals from sexual harassment. An individual should contact the county, city or local government in which they live to find out if such law exists.

Contact the Local Police Department
If the harassment involves physical touching, coerced physical confinement, stalking, telephone harassment, or coerced sex acts, the conduct may constitute a crime. Contact the local police department.
New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form to report alleged incidents of sexual harassment.

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to the Chief Diversity Officer at 121 Ellicott Street-Room 174A, Buffalo, NY 14203, or at (716) 851-1118. The form can be submitted in person and the College will follow its sexual harassment prevention policy and investigate all claims. Retaliation for filing a sexual harassment complaint is illegal.

If you are more comfortable reporting verbally or in another manner, Erie Community College is still required to follow its sexual harassment prevention policy by investigating the claims as outlined in its policy.

For additional resources, visit: ny.gov/programs/combating-sexual-harassment-workplace

COMPLAINANT INFORMATION

Name:
Home Address:
Home Phone
Work Address:
Work Phone:
Job Title: Email:
Select Preferred Communication Method: Email Phone In person

SUPERVISORY INFORMATION

Immediate Supervisor's Name:
Title:
Work Phone: Work Address:

COMPLAINT INFORMATION

1. Your complaint of Sexual Harassment is made against:

   Name: Title:
2. Please describe the conduct or incident(s) that is the basis of this complaint and your reasons for concluding that the conduct is sexual harassment. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

   a. Date(s) sexual harassment occurred:

   Is the sexual harassment continuing? ☐Yes ☐No

3. Please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

4. Have you previously complained or provided information (verbal or written) about related incidents? If yes, when and to whom did you complain or provide information?

5. Have you filed a complaint regarding this complaint with a federal, state or local government agency? ☐Yes ☐No

6. Have you instituted a legal suit or court action regarding this complaint? ☐Yes ☐No

   Have you hired an attorney with respect to this complaint? ☐Yes ☐No

I request that Erie Community College investigate this complaint in a timely and confidential manner, consistent with ECC policies on confidentiality, and advise me of the results of the investigation.

Signature: __________________________  Date: __________________

Print Name: _________________________
POLICY NAME: Sexual Misconduct Policy

POLICY TYPE: Board

SUBMITTED BY: Daniel Kaufmann, Employee Relations Manager and Petrina Hill-Cheatom, Dean of Students

ISSUE OR STATEMENT OF PURPOSE: SUNY Erie Community College, its Board of Trustees, and the County of Erie, are committed to providing all members of the SUNY Erie community an educational and working environment that is free from sexual misconduct. The College seeks to foster a climate free from sexual misconduct through a coordinated education and prevention program, the promulgation of clear and effective policies, and the enforcement of investigative and grievance procedures that are prompt, decisive, equitable and accessible to all.

Acts of sexual misconduct are harmful and will not be tolerated at SUNY Erie. Such acts corrupt the integrity of the educational process, are contrary to the mission and values of the College community and are against College policy. In response to any reported sexual misconduct, the College will take all appropriate steps to eliminate the misconduct, prevent its recurrence and address its effects.

In addition, to defining various forms of sexual misconduct, this policy also:

1. Identifies resources and support for all members of the College community;
2. Identifies the Title IX Coordinator, Deans of Students, and College Safety and their respective roles;
3. Provides information about where a College community member can obtain support or access to confidential resources;
4. Provides information about how a College community member can submit a report of sexual misconduct;
5. Describes options for persons who believe they have experienced behaviors that are prohibited by this policy; and
6. Provides information about how a report against a College community member will be assessed and resolved.

NEW OR EDITED POLICY: New

Scope of Policy

This policy applies to all members of the SUNY Erie community, including faculty, staff and students, visitors, vendors and independent contractors. It applies to all persons regardless of ethnicity, age, sex, gender, gender expression, sexual orientation or gender identity and/or any status protected under applicable federal, state or local law. When used in this policy, “employees” generally refers to both staff and faculty members. Vendors,
independent contractors, visitors and others who conduct business with the College or are on College property are also expected to comply with this policy. This policy will be reviewed annually.

Definitions

The term “complaint”: An allegation of behavior that violates this policy filed against a faculty or staff member, student, vendor, independent contractor or visitor that initiates a formal process for resolution of the complaint.

The term “Complainant” means any person, victim or witness, who files a report or submits a charge alleging that a student violated the Code of Student Conduct. When a student believes that he or she has been a victim of another student’s misconduct, the student who believes that he or she has been a victim will have the same rights under this Code of Student Conduct that are provided to the Complainant, even if another member of the College community submitted the charge.

The term “Respondent” means any person responding to an alleged violation of the Code of Student Conduct or complaint.

The term “Third Party” means any individual who makes a report about behaviors prohibited by this policy that were experienced or perpetrated by another person.

The term “report” means a disclosure of any incident or concern regarding sexual misconduct made directly to the Title IX Coordinator, a Dean of Student, College Safety, or a College employee with mandatory reporting responsibilities or to any other person who then subsequently shares the information with the Title IX Coordinator, or her/his designee.

Notice of Non-Discrimination

SUNY Erie Community College is committed to establishing and maintaining an environment free of all forms of harassment and discrimination for all College community members. The College does not discriminate on the basis of race, color, ethnicity, national origin, age, sex, sexual orientation, gender identity or expression, physical or mental disability, religion or any other protected class.

SUNY Erie Community College does not discriminate on the basis of sex in its educational, extracurricular, athletic or other programs or in the context of employment. Sexual misconduct, including sexual harassment as defined in this policy, is a form of sex discrimination that unjustly deprives a person of equal treatment. It is prohibited by Title IX of the Education Amendments of 1972, a federal law that provides that:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

Sexual harassment is also prohibited under Title VII of the Civil Rights Act of 1964, and other applicable statutes. This policy prohibits sexual misconduct against all SUNY community members of any sex, gender or
POLICY NAME: Sexual Misconduct Policy - Continued

sexual orientation. This policy also prohibits gender-based harassment that does not involve conduct of a sexual nature.

Contact Information:

U.S. Department of Education
Office for Civil Rights
Lyndon Baines Johnson Department of Education Bldg.
400 Maryland Avenue, SW
Washington, DC 20202-1100
Telephone: (800) 421-3481
FAX: 202-453-6012; TDD: 800-877-8339
Email: OCR ed.gov

Civil rights Bureau
New York State Attorney General’s Office
28 Liberty Street
New York, NY 10005
Telephone: (212) 416-8250
Fax: (212) 416-6030
Email: civil.rights ag.ny.gov

Prohibited Conduct and Definitions

The College prohibits sexual misconduct which includes, but is not limited to, sexual harassment, sexual assault, sexual violence, domestic and dating violence, sexual exploitation, stalking, and aiding or facilitating the commission of a violation and retaliation.

Consistent with the values of an educational and employment environment free from harassment based on sex, the College also prohibits gender-based harassment, which may include acts of verbal, nonverbal or physical aggression, bullying, intimidation or hostility based on gender or gender-stereotyping, even if those acts do not involve conduct of a sexual nature.

Examples of behavior that may be considered sexual misconduct include, but are not limited to:

Sexual Harassment

Sexual harassment is a form of sex discrimination and is unlawful under federal, state and local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.
POLICY NAME: Sexual Misconduct Policy - Continued

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual’s sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment, even if the complaining individual is not the intended target of the sexual harassment;

- Such conduct is made either explicitly or implicitly a term or condition of employment; or

- Submission to or rejection of such conduct is used as the basis for an individual’s workplace and/or employment decisions.

The College is committed to maintaining a workplace free from sexual harassment and bans all forms of sexual harassment under its Sexual Harassment Policy. Examples include but are not limited to:

A. Unwanted or inappropriate sexual innuendo, propositions, sexual attention or suggestive comments and gestures; humor and jokes about sex or gender-specific traits; sexual slurs or derogatory language directed at another person’s sexuality or gender; insults and threats based on sex or gender and other oral, written or electronic communications of a sexual nature that an individual communicates which is unwanted and unwelcome.

B. Written graffiti or the display or distribution of sexually explicit drawings, pictures or written materials; sexually charged name-calling; sexual rumors or ratings of sexual activity/performance; the circulation, display or creation of emails or websites of a sexual nature.

C. Non-academic display or circulation of written materials or pictures degrading to one or more individuals or gender group.

D. Inappropriate or unwelcome physical contact or suggestive body language, such as touching, patting, pinching, hugging, kissing or brushing against an individual’s body.

E. Undue and unwanted attention, such as repeated inappropriate flirting, inappropriate or repetitive compliments about clothing or physical attributes, staring, or making sexually oriented gestures.

F. Physical coercion or pressure of an individual to engage in sexual activity or punishment for a refusal to respond or comply with sexual advances.

G. Change of academic or employment responsibilities (increase in difficulty or decrease of responsibility) based on sex, gender identity/expression or sexual orientation.
H. Use of a position of power or authority to (1) threaten or punish, either directly or by implication, for refusing to tolerate harassment, for refusing to submit to sexual activity or for reporting harassment or (2) promise rewards in return for sexual favors.

I. Abusive, disruptive or harassing behavior, verbal or physical, which endangers another’s mental or physical health, including, but not limited to, threats, acts of violence or assault based on gender and/or in the context of intimate partner violence.

J. Demeaning verbal or other expressive behavior of a sexual or gendered nature in instructional settings.

K. Acts of verbal, nonverbal or physical aggression, intimidation or hostility based on sex or sex-stereotyping. Harassment for exhibiting what is perceived as a stereotypical characteristic for one’s sex, or for failing to conform to stereotypical notions of masculinity and femininity, regardless of actual or perceived sexual orientation or gender identity of the harasser or target.

Sexual Violence

Physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent. This includes rape, sexual assault, battery, and sexual coercion. Sexual Violence may involve individuals who are known to one another or have an intimate and/or sexual relationship, or may involve individuals not known to one another. Examples include, but are not limited to:

A. Having or attempting to have sexual intercourse with another individual without consent. Sexual intercourse includes vaginal or anal penetration, however slight, with a body part or object or oral copulation by mouth- to- genital contact.

B. Having or attempting to have sexual contact with another individual without consent. Sexual contact includes kissing, touching the intimate parts of another, causing the other to touch one’s intimate parts or disrobing of another without permission. Intimate parts may include the breasts, genitals, buttocks, mouth or any other part of the body that is touched in a sexual manner.

C. Domestic Violence: An act of violence committed by: 1) (a) a current or former spouse or intimate partner of the victim; (b) a person with whom the victim shares a child; and/or c) with whom the victim cohabitants; or 2) a person considered similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction. Prohibited activities include, but are not limited to:

   a. attempting to cause or causing physical harm

   b. placing another in fear of imminent serious physical harm
c. causing another to engage involuntarily in sexual relations by force, threat or duress

“Family or household members” are persons who:

1. are or were married to one another
2. are or were residing together in the same household
3. are or were related by blood or marriage
4. have a child in common regardless of whether they have ever married or lived together, or
5. are or have been in a substantive ongoing dating or engagement relationship

D. Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

Sexual Exploitation:

An act or acts committed through non-consensual abuse or exploitation of another person’s sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage or any other non-legitimate purpose. Sexual exploitation may involve individuals who are known to one another, have an intimate or sexual relationship and/or individuals not known to one another. Examples include, but are not limited to:

A. Observing another individual’s nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved

B. Non-consensual streaming of images, photography, video or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all parties involved

C. Prostituting another individual for monetary gain.

D. Knowingly exposing another individual to a sexually transmitted disease or virus without their knowledge, and

E. Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.
Stalking:

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for her/his safety or the safety of others or suffer substantial emotional distress. This includes cyber-stalking, a particular form of stalking in which electronic media such as the Internet, social networks, blogs, cell phones, texts or other similar devices or forms of contact are used to pursue, harass or make unwelcome contact with another person. Stalking and cyber-stalking may involve individuals who are known to one another or have an intimate or sexual relationship, or may involve individuals not known to one another.

Aiding or Facilitating:

Aiding, facilitating, promoting or encouraging the commission of a violation under this policy is prohibited. Aiding or facilitating may also include failing to take action to prevent an imminent act when it is reasonably prudent and safe to do so. Taking action may include directly intervening, calling SUNY Erie College Safety or local law enforcement and/or seeking assistance from a person in authority.

Intimidation:

Placing another person in reasonable fear of bodily harm for the purpose of interfering with that person’s opportunity to report sexual misconduct through: 1) the use of threatening words and/or other conduct; and/or 2) subjecting the person to actual physical attack.

Statement on Consent, Coercion, Incapacitation, and Alcohol

Affirmative consent is a clear, unambiguous, knowing, informed, and voluntary agreement between all participants to engage in sexual activity. Consent is active, not passive. Silence or lack of resistance cannot be interpreted as consent. Seeking and having consent accepted is the responsibility of the person(s) initiating each specific sexual act regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. Consent to any sexual act or prior consensual sexual activity between or with any party does not constitute consent to any other sexual act. The definition of consent does not vary based upon a participant’s sex, sexual orientation, gender identity or gender expression. Consent may be initially given but withdrawn at any time.

When consent is withdrawn or cannot be given, sexual activity must stop.

Consent cannot be given when a person is incapacitated. Incapacitation occurs when an individual lacks the ability to fully and knowingly choose to participate in sexual activity. Incapacitation includes impairment due to drugs or alcohol (whether such use is voluntary or involuntary), the lack of consciousness or being asleep, being involuntarily restrained, if any of the parties are under the age of 17, or if an individual otherwise cannot consent. Consent is not given when it is the result of any coercion, intimidation, force, or threat of harm.
Further resources may be found at the SUNY Sexual Violence Prevention Resources page and the SUNY Compliance Page Safety, Security, and Public Health.

Information on complying with the Violence Against Women Act and SUNY created policies may be found in the SUNY Office of General Counsel document Policy and Programming Changes Pursuant to the Campus SaVE Provisions of the Violence Against Women Act.

The College considers sexual contact while under the influence of alcohol or drugs to be risky behavior. Alcohol and drug use impairs a person’s decision-making capacity, awareness of the consequences and ability to make informed judgments. Being intoxicated or impaired by drugs or alcohol is never an excuse for sexual misconduct and does not excuse one from the responsibility to obtain consent.

**Reporting Sexual Misconduct to the College**

SUNY Erie encourages anyone who directly experiences, becomes aware of or witnesses an incident or potential violation of a College policy or procedure to immediately report the incident to the person in authority.

The College also recognizes that the decision whether or not to report sexual misconduct is personal and that there are many barriers to reporting, both individual and societal. Not every individual will be prepared to make a report to the College or to law enforcement, and individuals are not expected or required to pursue a specific course of action.

The College will promptly and thoroughly review and respond to all reports of sexual misconduct in an integrated, consistent manner that treats each individual with dignity and respect. The College will approach each report with an earnest intent to understand the perspective and experiences of each individual involved, so as to ensure fair and impartial evaluation and resolution.

An incident does not have to occur on campus to be reported to the College. Off-campus conduct that adversely affects the College or the SUNY Erie community also falls under this policy as well as the Code of Student Conduct policy.

**Complainants, Respondents, and Third Parties can expect:**

- The opportunity to meet with the Title IX Coordinator, or her/his designee, to answer questions regarding the College’s policies and processes related to sexual misconduct.

- Notice of resources, including health care and mental health counseling services, on campus and in the local community.

- Notice of the option to pursue law enforcement action and to be assisted by SUNY Erie College Safety or other College officials in accessing and communicating with such authorities. This notice will include a discussion of the importance of the preservation of evidence.
POLICY NAME: Sexual Misconduct Policy - Continued

- The opportunity to request that the College take steps to prevent unnecessary or unwelcome contact or communication with another member of the SUNY Erie community.

- Prompt response to reports of retaliation. Any concerns of retaliatory behavior should be immediately reported to SUNY Erie College Safety and/or the Equity and Diversity Office.

Campus Reporting Options

To enable the College to respond to all reports in a prompt and equitable manner, the College encourages all individuals to directly report any concerns regarding sexual misconduct to the Title IX Coordinator, or her/his designee.

SUNY Erie’s Title IX Coordinator is the Chief Diversity Officer within the Equity and Diversity Office.

Any report made at a SUNY Erie Health Services location or the Erie County Crises Services is confidential.

Emergency/Immediate Reporting Options

The College encourages all individuals to seek prompt assistance from a medical provider and/or law enforcement immediately after an incident of sexual misconduct. This is the best option to preserve evidence and to begin a timely investigative and remedial response. The College will assist any member of the SUNY Erie community and law enforcement and will provide information about the College’s resources and complaint processes to the Complainant.

Assistance is available from College Safety year-round by calling the office at (716) 270-6600. Any individual can request that a member of the SUNY Erie Department of College Safety respond and take a report, or request to speak with an Administrator on Call or a member of the Student Support Centers, a full list of on and off campus resources is attached. There is no requirement that an individual file an incident report with the SUNY Erie Department of College Safety in order to speak with an Administrator on call or a member of the Student Support Centers.

The College encourages persons to obtain medical attention promptly after an assault. A medical provider can provide emergency and/or follow-up medical services, and the ability to discuss any health care concerns related to the incident in a confidential medical setting may bring peace of mind. The medical exam has two goals: first, to diagnose and treat the full extent of any injury or physical effect (e.g. sexually transmitted infection or the possibility of becoming pregnant) and second, if qualified as a Sexual Assault a Nurse Examiner can properly collect and preserve evidence. There is a limited window of time (typically no longer than 72 to 96 hours) following an incident of sexual assault to preserve physical and other forms of evidence.

Taking the step to gather evidence immediately does not commit an individual to any course of action. The decision to seek medical attention and gather any evidence will remain confidential and may assist in the
POLICY NAME: Sexual Misconduct Policy - Continued

preservation of the full range of options to seek resolution through the College’s complaint processes or through the pursuit of criminal action.

Private Report to the Title IX Coordinator or to a Person Who Is Obligated to Share a Report with the Title IX Coordinator:

Any individual who is concerned about sexual misconduct affecting any SUNY Erie community member may provide that information to the Title IX Coordinator, or her/his designee, in person, via email, or by using the Discrimination/Harassment Complaint Form (https://myecc.ecc.edu/student/supportservices/Pages/equality-antidiscrimination.aspx).

The reporting person can include their identifying information or maintain their anonymity within the form.

Mandatory Reporters of Information Regarding Sexual Misconduct

Individuals may also disclose concerns to faculty, staff, and certain employees who have been designated by the College as “mandatory reporters” of information regarding sexual misconduct.

All College employees, including faculty and staff, except those identified in Confidential Resources and Support, are required to share with the Title IX Coordinator, or her/his designee, information they learn that then gives them reason to believe that a SUNY Erie community member has been affected by sexual misconduct.

Student employees also have the responsibility to report – to the Title IX Coordinator, or her/his designee – instances of sexual misconduct which they become aware of while acting in the following roles:

- Student leaders e.g. Student Government Association, Student Ambassadors, START (Support, Through, Advisement, Registration, Transition) Orientation Leaders, Student Assistants and or Work Study students.

All SUNY Erie community members are strongly encouraged to report information regarding any incident of sexual misconduct to the Title IX Coordinator, or her/his designee, once made aware.

Anonymous Reporting

Any individual may make an anonymous report concerning an act of sexual misconduct. An individual may report the incident without disclosing her/his name, identifying the Respondent or requesting any action. Depending on the level of information available about the incident or the individuals involved, however, the College’s ability to respond to an anonymous report may be limited. Anonymous reports may be made by telephone at (716) 270-6600.
POLICY NAME: Sexual Misconduct Policy - Continued

Reporting Patterns of Sexual Misconduct

In the event that an individual believes that s/he may be experiencing behavior that points to a pattern of sexual misconduct, s/he should document that behavior and report it to the Title IX Coordinator, or her/his designee.

Time Frame for Reporting

Individuals are encouraged to report sexual misconduct promptly in order to maximize the College’s ability to respond promptly and equitably. The College does not, however, limit the time-frame for reporting.

Regardless of the status of the alleged perpetrator, however, the College will conduct a Title IX review and take appropriate steps depending on the level of control the College has (if any) over the accused person. Adjudication processes are not available for reports against individuals who are no longer associated with the College.

Coordination with Law Enforcement

The College encourages Complainants to pursue criminal action for incidents of sexual misconduct that may also be crimes under New York law. The College can assist a Complainant in making a criminal report, either with the SUNY Erie Department of College Safety or a local Police Department. The College will, to the extent permitted by law, cooperate with law enforcement agencies if a Complainant decides to pursue the criminal process.

Amnesty for Students Who Report Sexual Misconduct

The College encourages reporting and seeks to remove barriers to reporting. The College recognizes that an individual who has been drinking or using drugs at the time of the incident may be hesitant to make a report because of potential Code of Student Conduct consequences related to her/his personal conduct. Individuals who report sexual misconduct, either as a Complainant or as a third-party witness, will not be subject to disciplinary action by the College for their own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk. The College may, however, initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs. This amnesty policy applies to the College’s Community Standards Adjudication Hearing Board process.

Bystander Intervention

The College encourages all community members to take reasonable and prudent actions to prevent or stop an act of sexual misconduct. Taking action may include direct intervention, creating a distraction or delegating by calling law enforcement or seeking assistance from a person in authority.

Statement against Retaliation
POLICY NAME: Sexual Misconduct Policy - Continued

SUNY Erie does not engage in retaliation against anyone who has brought forth a complaint in good faith. Any retaliation engaged in by any person involved in the complaint and investigation process is strictly prohibited, regardless of the ultimate resolution of the complaint. Retaliation, itself, may be grounds for disciplinary action up to and including dismissal. Students who believe they have been retaliated against for filing a complaint should report the facts and circumstances promptly to a person in authority.

The College recognizes that retaliation can take many forms, may be committed by an individual or a group against an individual or a group and that a Respondent can also be the subject of retaliation by the Complainant or a third party. The College will take immediate and responsive action to all reports of retaliation and may pursue disciplinary action as appropriate. An individual reporting sexual misconduct is entitled to protection from any form of retaliation following a report that is made in good faith, even if the content of the report is later not proven to be actionable.

Interim Measures

Upon receipt of a report, the College will provide, when appropriate, interim measures and support and reasonable protective measures to prevent further acts of misconduct and to provide a safe educational and work environment. The College will determine the necessity and scope of any interim measures. Even when a person involved with the Title IX process does not specifically request that protective action be taken, the College may choose to impose interim measures at its discretion to ensure the safety of any individual, the broader College community or the integrity of the review process.

All persons involved with concerns related to sexual misconduct or sex- or gender-based harassment are entitled to request and receive interim measures.

Students seeking such assistance should speak with the Title IX Coordinator, a Dean of Students or College Safety, who will coordinate such requests on the behalf of the student. The College will maintain contact with the parties to ensure that all safety and emotional and physical well-being concerns are being addressed.

All individuals are encouraged to report concerns about the failure of another individual to abide by any restrictions imposed by an interim measure. The College will take immediate and responsive action to enforce measures previously ordered or implemented by the College.

The College may impose any remedy that can be tailored to the involved parties to achieve the goals of this policy, even if the remedy is not specifically listed here. The range of interim measures may include, but is not limited to:

No Contact Order (NCO): A student may request, or the College may impose, communication and contact restrictions to prevent further potentially harmful interaction between individuals. These communication and contact restrictions generally preclude in-person, telephone, electronic or third-party communications e.g., social media.
In some cases, an individual may also wish to consider an Abuse Prevention Order or a Harassment Prevention Order, both of which can be obtained from the local courts through a civil proceeding that is independent of the College. If a court order is issued, the College will, to the extent possible, assist the protected person in benefiting from the restrictions imposed by the court and will also facilitate on campus compliance with the order. The College may also limit an individual or organization’s access to certain College facilities or activities as part of the NCO.

Academic, Employment, or Residence Interim Measures: An individual involved with the Title IX process may request an academic or employment modification or a change in residence after a report of sexual misconduct. An individual who requests assistance in changing their academic or living situation will receive appropriate and reasonably available modifications. These may include:

- Academic modifications, including a change in class schedule, taking an incomplete, dropping a course without penalty, attending a class via Skype or other alternative means, providing an academic tutor or extending deadlines for assignments
- Change of residence hall assignment
- Change in work assignment or schedule, or
- Providing an escort to ensure safe movement between classes and activities.

Emotional Support: The College will provide counseling services through the Student Support Service Centers or will assist in providing a referral to off-campus agencies as detailed in the Campus Resources and Community Resources sections of this policy. Services and emotional support are available to any member of the campus community.

Interim Suspension or Employee Leave: Where the report of sexual misconduct poses an ongoing risk of harm to the safety or well-being of an individual or members of the campus community, the College may place any student or organization on interim suspension or impose leave for an employee in accordance with the employee’s collective bargaining agreement. Pending resolution of the complaint, the student or organization may be denied access to campus. When interim suspension or leave is imposed, the College will make reasonable efforts to complete the investigation and resolution within an expedited time frame.

Role of the Title IX Coordinator

The Title IX Coordinator oversees the College’s centralized review, investigation and resolution process for reports of sexual misconduct and coordinates the College’s compliance with Title IX. The Title IX Coordinator leads the College’s Title IX Teams supported by several College administrators who may serve as Title IX designees.

The Title IX Coordinator can be contacted by telephone, by mail, by email or in person during regular office hours.
POLICY NAME: Sexual Misconduct Policy - Continued

The duties and responsibilities of the Title IX Coordinator and her/his designees include training, education and climate checks as well as the oversight of procedures that promptly and equitably eliminate sexual harassment, prevent its recurrence and address its effects on individuals and our community. The Title IX Coordinator will:

- Oversee the investigation and resolution of all reports of sexual misconduct
- Meet with any individual, whether a Complainant, a Respondent or a third party, to discuss interim measures, resources and procedures on and off campus
- Ensure prompt and equitable resolutions that comply with all requirements and time-frames specified in the complaint procedures
- Conduct ongoing and regular climate checks, tracking and monitoring of sexual misconduct allegations on campus, and
- Coordinate and assist in developing and training, education and prevention efforts related to sexual misconduct.

Role of the Title IX Team

All reports of sexual misconduct are brought to the College’s Title IX team. This interdepartmental team, led by the Chief Diversity Officer (CDO), designated as the Title IX Coordinator, responds promptly and equitably to coordinate the review and resolution of all reports, ensures that all appropriate interim measures are implemented, and ensures consistent application of this policy to all persons. Members of the Title IX team include the Title IX Coordinator, a Dean of Students, the SUNY Erie Vice President for College Safety, and others as may be necessary.

The Title IX team also oversees the resolution of reported misconduct through the College’s complaint processes. The role of the Respondent will determine which complaint process is followed with the assistance of the Title IX Coordinator:

**Complaints against students will be resolved by the Code of Student Conduct system.**

**Complaints against faculty and staff will be resolved by the Human Resources Office.**

Each process is guided by the same principles of fairness and respect for all parties. Resources are available for both students and employees, whether as Complainants or Respondents, to provide guidance throughout the investigation and resolution of the complaint.

**Initial Assessment of Reports of Sexual Misconduct**

The College will address all reports of sexual misconduct. The Title IX team, under the leadership of the Title IX Coordinator, will oversee the College’s Title IX review process.

In every report of sexual misconduct, the College, through members of the Title IX team, will make an initial assessment of any risk of harm to individuals or to the campus community and will take steps necessary to
address those risks, including, when necessary, interim measures to provide for the safety of the Complainant and the campus community.

The College’s responsibility to review and respond to all allegations of misconduct exists regardless of whether that review culminates in additional investigation or goes before the Adjudication Hearing Board. The College’s investigation exists independently of the criminal justice process.

The College will take all reasonable steps to review and respond to the report, consistent with the request for confidentiality or request not to pursue an investigation (see section Request for Confidentiality). In doing so, the College may take steps to limit the effects of the alleged sexual misconduct and prevent its recurrence without initiating formal action. Examples include providing increased monitoring, supervision or security at locations or activities where the misconduct occurred; providing training and education materials for students and employees; revising and publicizing the school’s policies on sexual misconduct; and conducting climate surveys regarding sexual misconduct. At all times, the College will seek to respect the request of the Complainant, and where it cannot do so, the College will consult with the Complainant and keep her/him informed about the chosen course of action.

Request for Confidentiality

Where the College has received a report of sexual misconduct, but the Complainant requests anonymity and/or that the College not pursue an investigation, the College will balance this request in the context of its responsibility to provide a safe and non-discriminatory environment for all College community members, including the Complainant. The College will take all reasonable steps to review and to respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation, but its ability to review may be limited by the request for confidentiality. Although rare, there are times when the College may not be able to honor a Complainant’s request in order to provide a safe, non-discriminatory environment for all students. The Title IX Coordinator is the individual responsible for evaluating requests for confidentiality.

When weighing a Complainant’s or victim’s request for confidentiality or that no investigation or discipline be pursued, the Title IX Coordinator will consider a range of factors, including the following:

- Whether there have been other reports of alleged sexual misconduct against the same Respondent
- Whether the Respondent has a history of arrests or records from a prior school indicating a history of violence
- Whether the Respondent is alleged to have threatened further sexual misconduct or other violence against the Complainant or others
- Whether the alleged sexual misconduct was committed by multiple Respondents
- Whether the alleged sexual misconduct involved the use of a weapon
- Whether the Complainant or victim is under 18 years of age
- Whether the College possesses other means to obtain relevant evidence of the sexual misconduct (e.g. security cameras, physical evidence), and
Whether the Complainant’s report reveals a pattern of alleged sexual misconduct (e.g. via illicit use of drugs or alcohol, at a particular location, or by a particular group).

The presence of one or more of these factors could lead the College to investigate and, if appropriate, to pursue disciplinary action. If none of these factors is present, the College will likely respect the Complainant’s request for confidentiality, but may nonetheless be prompted to consider broader remedial action, such as: increased monitoring, supervision or security at locations where the sexual misconduct occurred; increased education and prevention efforts, including to targeted population groups; conducting climate surveys; and/or revisiting its policies and practices.

At all times, the College will seek to respect the request of the Complainant, and where it cannot do so, the College will consult with the Complainant and keep her/him informed about the chosen course of action, and, to the extent possible, share information with only those people responsible for handling the College’s response. The Complainant has an option to participate in any investigation or disciplinary proceeding.

**Investigation**

The Title IX Coordinator, or her/his designee, will determine if an investigation of the report of sexual misconduct will be conducted. This determination is based on a variety of factors. The Title IX Coordinator may designate an investigator of her/his choosing. Any investigator used by the College, whether internal or external, must have specific training and experience investigating allegations of sexual misconduct.

Notice of Investigation. Within the first 1-3 days of the investigation, the Title IX Coordinator or her/his designee will notify the Complainant and the Respondent in writing (either by regular and certified mail, e-mail, or in person) of the commencement of the investigation. Students who may need an accommodation based on a disability to participate in the investigation are encouraged to notify the Title IX Coordinator as soon as possible. The notice of investigation will: (1) identify the Complainant and Respondent (if known); (2) specify the date (or range of dates if applicable), time (if known), location, and a description of the alleged conduct allegedly constituting the potential violation; (3) identify specific potential policy violations; (4) identify the investigators; (5) explain the prohibition against retaliation; (6) instruct the parties to preserve any potentially relevant evidence in any format; (7) provide links to or a copy of the any relevant policies or procedures; (8) inform the parties of available interim actions/measures (9) offer the respondent the opportunity to meet with the investigator.

The investigator will coordinate the gathering of information from the Complainant, the Respondent and any other individuals who may have information relevant to the determination of the investigation. The investigator will also gather any available physical or medical evidence, including documents, communications between the parties and other electronic records as appropriate. The investigator may also consider prior allegations of, or findings of responsibility for, sexual misconduct by the Respondent. In gathering such information, the investigator will comply with applicable laws and SUNY Erie policies. The investigation will be thorough, impartial and fair, and all individuals will be treated with appropriate sensitivity and respect.
POLICY NAME: Sexual Misconduct Policy - Continued

As described in the College Statement on Privacy, all College investigations will respect individual privacy concerns.

Information gathered during the investigation will be used to evaluate the responsibility of the Respondent, to provide for the safety of the individual and the College campus community and to impose remedies as necessary to address the effects of the alleged conduct. Any investigative report will serve as the foundation for all related resolution processes. These investigative documents will be secured when not in use.

Time Frame for Resolution

The College will make a good faith effort to complete the review and resolution of all reports within 60 days. However, there are some circumstances that may affect and extend the time frame for resolution including, but not limited to: the complexity and severity of the review; whether a complaint has been filed that has initiated adjudication; if there is a parallel criminal investigation; or if a review or adjudication occurs during school breaks or between school years. In general, a Complainant and Respondent can expect to receive periodic updates as to the status of the review or investigation, particularly if the timeframe must be extended.

Resources

The College is committed to treating all individuals with dignity, care and respect. All SUNY Erie community members affected by sexual misconduct have equal access to support and counseling services through the College. The College recognizes that any individual may have questions and we encourage Erie Community College members to seek the support of campus and community resources. The College can provide guidance in making decisions, obtaining information about available resources and assisting either party in the event that a report and/or resolution is pursued. Individuals are encouraged to use all available resources, regardless of whether the incident occurred recently or in the past.

Confidential Resources and Support—Making a Confidential Disclosure

The College encourages all SUNY Erie community members to report concerns about sexual misconduct. The College recognizes, however, that there are many barriers to reporting, both individual and societal, and not every individual will choose to report to the College or local law enforcement. For those individuals who are not prepared for their information to be reported to the Equity and Diversity Office, there are several confidential resources available for students, staff and faculty. The staff at these confidential resources are prohibited, either by state law and/or College policy, from releasing an individual’s information without that individual’s express consent (except under limited circumstances that pose an imminent danger to the individual or to others.)

Disclosures made to individuals at the following resources (not affiliated with SUNY Erie) are confidential and will not be shared with the Title IX Coordinator:
POLICY NAME: Sexual Misconduct Policy - Continued

Confidential Resources:

- Crisis Services Advocate  
  (716) 834-3131
- NY State Office of Victim Services  
  https://ovs.ny.gov
- Sexual Assault & Violence Response (SAVR) Resources  
  https://www.suny.edu/violence-response/
- RAINN The Rape, Abuse and Incest National Network  
  1-800.656.HOPE (4673)  
  https://www.rain.org
- SUNY Erie Health Offices

City Campus  
Post, Room 228  
(716) 851-1199

North Campus  
Building S, Room 152B  
(716) 851-1499

South Campus  
Building 5, Room 5109  
(716) 851-1699

On-Campus Resources

In addition to the confidential resources listed above, all SUNY Erie community members have access to a variety of resources provided by the College that can provide crisis intervention services, counseling, academic support and medical services. All of the staff and faculty listed below are trained to support individuals affected by sexual misconduct and to coordinate with the Title IX Coordinator consistent with the College’s commitment to a safe and healthy educational environment. While not bound by confidentiality, these resources will nevertheless maintain the privacy of an individual’s information within the limited circle of those involved in the Title IX resolution process.

SUNY Erie Title IX Coordinator  
Chief Diversity Officer  
Equity and Diversity Office  
City Campus  
Post Building, Room 174  
(716) 851-1118

SUNY Erie Student Support Centers  
City Campus  
45 Oak Street, Room 150  
(716) 851-1188

North Campus  
Building S, Room 213  
(716) 851-1488

South Campus  
Building 5, Room 5200  
(716) 851-1653
Community Resources

Faculty, staff and students may also access resources located in the local community. Most services are free, however some community organizations may use a sliding scale fee based on income. These organizations can provide crisis intervention services, counseling, medical attention, and assistance in interfacing with the criminal justice system. All individuals are encouraged to utilize the resources that are the best suited to their needs, whether on or off campus.

New York State Police 24-hour hotline: 1-844-845-7269

New York State Domestic and Sexual Violence Hotline: 1-800-942-9606

New York State Office of Victim Assistance: 1-800-247-8035

Erie County Crisis Services Advocate: (716) 834-3131

DOES IT SUPERCEDE A POLICY/WHICH ONE: N/A

POLICY & GOVERNANCE COMMITTEE RECOMMENDED ACTION:
Policy & Governance Committee recommends the Board of Trustees approve this Board policy under Committee Briefings, Policy and Governance Committee. This Policy supersedes all prior policies/procedures and practices related to Sexual Misconduct Policy.
POLICY NAME: Sexual Misconduct Policy - Continued

POLICY & GOVERNANCE COMMITTEE MEMBERS PRESENT: Trustee Kathleen Masiello, Provost and Executive Vice President Douglas Scheidt, Executive Vice President for Administration and Finance Penelope Howard, VP Human Resources, Equity and Inclusion Tracey Cleveland (by phone), Vice President of Enrollment Management Steven Smith, Director of Registrar Paul Lamanna, Dean of Liberal Arts and Sciences Joanne Colmerauer, Dean of Liberal Arts and Sciences Jamie Smith, Professor and College Senate Representative Michael Delaney, Dean of Students Jason Perri

DATE OF BOARD APPROVAL: March 28, 2019

POLICY & GOVERNANCE COMMITTEE TEAM FOLLOW-UP:
Following Trustee approval, this Board policy will be included in the SUNY Erie Community College Board of Trustees Policy Manual.

INFORMATION/INPUT CONSIDERED DURING POLICY & GOVERNANCE COMMITTEE DELIBERATIONS:
Applicable state and federal laws. Education Law 6440 (1) regarding compliance under Article 129-A and 129-B, SUNY Board of Trustee policy regarding Violence Against Women’s Act, New York State Penal Law; federal laws regarding Title IX and Clery Act,

Several College policies were referenced State University of New York at Buffalo, Buffalo State College, SUNY Cortland, Columbia Greene, and SUNY Suffolk.

The Policy has been reviewed and discussed at the Policy & Governance Committee meeting of February 8, 2019 and March 8, 2019.
Committee Meeting: Policy & Governance Committee  Date: March 8, 2019
Committee Chair: Kathleen Masiello
New or Edited: New

POLICY NAME: Spend Authority Delegation Policy

POLICY TYPE: Board

SUBMITTED BY: Penelope Howard, EVP for Administration and Finance

ISSUE OR STATEMENT OF PURPOSE: To delegate the spend authority given to the SUNY Erie Community College Board of Trustees in the 2003 Erie County Local Law No. 3 for all contracts for professional, technical and other consultant services to the SUNY Erie Community College President.

NEW OR EDITED POLICY: New

The SUNY Erie Community College Board of Trustees (BOT) delegates the spend authority provided to the College in the Erie County local autonomy law to the SUNY Erie Community College President.

This delegation provides College management the ability to timely manage operational activities for the College within the annual budget approved by the BOT and Erie County. Any spend that would exceed the approved annual budget requires approval by the BOT before the spend may be executed.

This policy works in conjunction with the managerial policies on procurement as well as state and county thresholds regarding when informal/formal bids and requests for proposals must be sought.

DOES IT SUPERCEDE A POLICY/WHICH ONE: N/A

POLICY & GOVERNANCE COMMITTEE RECOMMENDED ACTION: Policy & Governance Committee recommends the Board of Trustees approve this Board policy under Committee Briefings, Policy and Governance Committee.

POLICY & GOVERNANCE COMMITTEE MEMBERS PRESENT:

Trustee Kathleen Masiello, Provost and Executive Vice President Douglas Scheidt, Executive Vice President for Administration and Finance Penelope Howard, VP Human Resources, Equity and Inclusion Tracey Cleveland(by phone), Vice President of Enrollment Management Steven Smith, Director of Registrar Paul Lamanna, Dean of Liberal Arts and Sciences Joanne Colmerauer, Dean of Liberal Arts and Sciences Jamie Smith, Professor and College Senate Representative Michael Delaney, Dean of Students Jason Perri

DATE OF BOARD APPROVAL: March 28, 2019
POLICY NAME: Spend Authority Delegation Policy - Continued

POLICY & GOVERNANCE COMMITTEE TEAM FOLLOW-UP:
Following Trustee approval, this Board policy will be included in the SUNY Erie Community College Board of Trustees Policy Manual.

INFORMATION/INPUT CONSIDERED DURING POLICY & GOVERNANCE COMMITTEE DELIBERATIONS:

Local Law 3-2003 (Exhibit A)
Erie County Administrative Code 3.06 and 3.07 (Exhibit B)
Erie County Administrative Code 19.08 (Exhibit C)
New York Consolidated Laws, General Municipal Law – GMU §104-B (Exhibit D)

The Policy has been reviewed and discussed at the Policy & Governance Committee meeting of March 8, 2019.
Local Law Filing

Text of law should be given as amended. Do not include matter being eliminated and strike through italics or underlining to indicate new matter.

County of...Erie.................................................................

Local Law No. 3..................... of the year 2003.

A local law, authorizing Erie Community College to have the authority and responsibility for the performance of its own personnel...payroll and purchasing functions.

Section 1. Declaration of Purpose. The Board of Trustees of Erie Community College, formerly known as the State University Institute of Applied Arts & Sciences at Buffalo and the Erie County Technical Institute (hereinafter the "College") and the Erie County Executive have requested that the County of Erie provide the College with greater autonomy with regard to Purchasing, Personnel and Payroll functions (collectively the "Functions"). The Board of Trustees and the County Executive believe that granting these Functions to the College will streamline the business affairs of the College, reduce costs, and help improve the College's educational services. Furthermore, it is believed that granting the College greater autonomy in connection with these Functions will help facilitate the College's unconditional re-accreditation by the Commission on Higher Education of the Middle States Association. Consequently, the Legislature hereby declares its support for granting the College greater autonomy with regard to these Functions.

Section 2. Local Law No. 1-1959, constituting the Erie County Charter, as amended, is hereby amended as follows:

Article XVI is hereby amended by adding a new Section 1613 which shall read as follows:

Section 1613. Board of trustees of Erie Community College, additional powers. The Board of Trustees of Erie Community College, formerly known as the State University Institute of Applied Arts & Sciences at Buffalo and the Erie County Technical Institute (hereinafter "Board"), shall continue as provided by law, except that the following additional powers shall be conveyed to the Board:

A. 1. The Board shall have the authority to make all purchases and contracts, including leases of personal property, for all furniture, appliances, fixtures, equipment, materials and supplies necessary for the efficient operation of the College to the extent that appropriations have been provided therefor.
the college budget. The Board, or the president of the college acting with the authority of the Board, shall designate an individual to be its purchasing agent who shall supervise and manage the personnel responsible for the purchasing duties and perform the responsibilities hereunder in conformity with the provisions of this section, generally accepted principles of management and procurement, and policies established from time to time by the Board. Except as otherwise provided by law, authority to enter into contracts for capital improvements and real property leases of college property shall continue to be vested in the county.

2. The procedures for purchasing, including public advertising and competitive bidding, shall be the same as those set forth in section three hundred six of the charter and section 3.06 and 3.07 of the administrative code as these sections now exist or hereafter may be amended, except that where those sections specify that actions may be taken by the county legislature, the action of the Board shall be substituted as sufficient, and where those sections specify that action may be taken by the county executive, the division of purchase and/or the purchasing director, the action of the purchasing agent of the college shall be substituted as sufficient.

3. The Board shall have the authority to approve all contracts for professional, technical and other consultant services to be rendered to or for the college, which are not required to be competitively bid pursuant to the General Municipal Law, provided that such services to be rendered to or for the college shall not exceed $50,000, and provided further that the Board complies with the procedures for requests for proposals set forth in section 19.08 of the administrative code as this section now exists or hereafter may be amended, except that where section 19.08 specifies that action shall be taken by the county legislature, the action of the Board shall be substituted as sufficient, and where section 19.08 specifies that action shall be taken by the department head or administrative unit head, such action may be taken by the president of the college.

4. No services provided by employees of the college shall be contracted out without complying with appropriate existing collective bargaining agreements and following the procedures required by section two hundred nine of the civil service law of the state of New York, if applicable.

5. All contracts entered into pursuant to this subsection A shall not be valid and enforceable until approved as to form by the county attorney. With regard to contracts entered into pursuant to subdivision 1 of this subsection A, such contracts shall be approved by the purchasing agent of the college and the county attorney. With regard to contracts entered into pursuant to subdivision 3 of this subsection A, such contracts shall be approved by the Board and the
county attorney. The Board may designate the president of the college to execute, on behalf of the Board, contracts entered into pursuant to subdivision 3 of this subsection A.

6. No purchases shall be made pursuant to this subsection A unless sufficient funds exist therefore from budgetary appropriations or other funding sources, or except as otherwise permitted by law. However, the Board shall not be prevented from entering into any lawful contract or lease of personal property providing for the payment of funds beyond the end of the college's fiscal year.

B. 1. Subject to the civil service law and rules and to all provisions of applicable collective bargaining agreements, the Board shall have the power, through its existing budgetary process, to create and abolish full-time and part-time permanent or temporary positions of employment. The Board, or the president of the college acting with the authority of the Board, will designate a personnel agent who shall act in place of the Erie county commissioner of personnel and have the same powers and duties of the commissioner of personnel as set forth in the Erie county charter and administrative code, with regard to employment and personnel matters within the college. The president or the college's personnel agent, acting with the authority of the Board, may execute all necessary documents relating to the appointment of employees and the payroll of the college. Subject to the requirements of Civil Service law and rules and provisions of existing collective bargaining agreements, the college personnel agent shall submit required documentation to the county commissioner of personnel. Assignment of job groups, to the extent required by law, shall be certified by the Erie county department of personnel. When the college is unable to fill a non-managerial/confidential position with a qualified person at the lowest salary level for the job group assigned to the position, the Board may fill such position at a higher salary increment within the assigned job group.

2. Except as otherwise permitted by law, no position of employment shall be created by the college unless sufficient funds exist therefore from budgetary appropriations or other funding sources. Subject to existing or future laws, regulations and collective bargaining agreements, positions may be created and abolished by the college during its fiscal year.

3. Notwithstanding any provision contained in this subsection B, the county and the college shall negotiate on behalf of the college, and the county attorney shall approve as to form, all collective bargaining agreements and other contracts with civil service unions to which the college is a signatory. With respect to collective bargaining agreements and other contracts with civil service unions to which the college is not a signatory, but involve employees at
the college, the college shall be permitted to participate in negotiations as part of a negotiating team.

C. All provisions of this charter and the administrative code relating to Erie community college, which have not otherwise been amended by this section or other local laws, shall continue in full force and effect.

Section 3. The annual county contribution to the operating budget of the college, to the extent not previously advanced, shall be paid to the college in one lump sum no later than the fifteenth (15th) day of April in each calendar year. Should the county approve a budgetary increase for the college on or after the fifteenth (15th) day of April for the fiscal year commencing on the first (1st) day of September of the preceding calendar year, the additional contribution shall be paid to the college no later than fifteen (15) days after such approval.

Section 4. Nothing contained in this local law shall prohibit the county, at the request of the college, from contracting with the college to perform one or more functions, or portions thereof, on behalf of the college.

Section 5. This local law may be amended at any time by a local law that is subsequently enacted by the Erie county legislature.

Section 6. This local law shall be effective upon its filing with the Secretary of State pursuant to Section 27 of the New York Municipal Home Rule Law.

ELISE M. CUSACK
CHARLES M. SWANICK
DALE W. LARSON
STEVEN P. McCARVILLE

BARRY A. WEINSTEIN
MICHAEL H. RANZENHOFER
JEANNE Z. CHASE
GREGORY P. FALKNER
(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. ........................................... of 20...... of the (County)(City)(Town)(Village) of ...................................................... was duly passed by the ...................................................... on .......................... 20......, in accordance with the applicable provisions of law.

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2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. .............. of 2003 of the (County)(City)(Town)(Village) of ...................................................... was duly passed by the (Name of Legislative Body) on March 6, 2003, and was (approved)(not approved)(repassed after disapproval) by the Elective Chief Executive Officer* and was deemed duly adopted on March 24, 2003, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. ........................................... of 20...... of the (County)(City)(Town)(Village) of ...................................................... was duly passed by the ...................................................... on .......................... 20......, and was (approved)(not approved)(repassed after disapproval) by the Elective Chief Executive Officer* on .......................... 20....... Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on ........................................... 20......, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. ........................................... of 20...... of the (County)(City)(Town)(Village) of ...................................................... was duly passed by the ...................................................... on .......................... 20......, and was (approved)(not approved)(repassed after disapproval) by the Elective Chief Executive Officer* on .......................... 20....... Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of ........................................... 20......, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a countywide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.
5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. ................................. of 20........ of the City of ................................................... having been submitted to referendum pursuant to the provisions of section (56)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on ..................... 20........, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. ................................. of 20........ of the County of ................................................... State of New York, having been submitted to the electors at the General Election of November ..................... 20........, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph............., above.

[Signature]

Date: March 25, 2003

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Erie

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature

[Signature]

Title

County

City (or Town) of Erie

Date: 3/25/03

(3)
A Public Hearing was held on the foregoing Local Law Intro. No. 5-2003 on Monday, March 24, 2003, due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby APPROVE and SIGN said Local Law this 24th day of March, 2003.

[Signature]

A Public Hearing was held on the foregoing Local Law Intro. No. 5-2003 on Monday, March 24, 2003, due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby DISAPPROVE and VETO said Local Law this 24th day of March, 2003.
Section 3.06 Division of purchase.

a. The purchasing director shall be the head of the division of purchase. Such division shall have a deputy director.
b. The purchasing director and the deputy purchasing director shall each give a surety bond to the county in a sum fixed by the county legislature, conditioned for the faithful performance of his duties, which bond shall be approved as to form by the county attorney and as to the sufficiency of surety by the county executive and filed in the office of the county clerk.
c. The purchasing director shall (1) establish and maintain a central purchasing system; (2) establish and enforce standard specifications with respect to supplies, materials, equipment and such services as are specified hereinafter; (3) upon departmental or legislative request, the purchasing division shall inspect or supervise the inspection of deliveries of supplies, materials and equipment and determine their quality, quantity and conformance to specifications; (4) maintain and have charge of such storerooms and warehouses of the county as may be provided by the county legislature; (5) disburse and transfer the supplies, materials and equipment in his custody among the administrative units upon requisitions signed by the respective administrative head or by such employees as the administrative head shall designate; (6) make transfers of supplies, materials and equipment between administrative units; (7) sell or lease any surplus, obsolete or unused supplies, materials and equipment under such rules and regulations as may be established by act of the county legislature; (8) prepare annually an inventory of all property, real or personal, in his custody, and submit the same to the comptroller, finance commissioner and budget director; (9) upon request of any city, town, village, school district or other unit of local government in the county, act as purchasing agent for the same, either for all or for any part of its purchases, upon such conditions as may be prescribed by the county legislature; (10) perform such other duties as may be required by the county executive; (11) perform under the direction of the county executive and all other duties of county purchasing agent under the laws of this state, not inconsistent with the provisions of this code.

Amended by Local Law No. 4 1982.

Section 3.07 Division of purchase; purchasing procedure.

a. The division of purchase shall make all purchases of and contracts for supplies, materials, equipment and insurance for the county, the county legislature or any administrative unit, other than primary or election supplies or the county shall be liable. The division of purchase shall also purchase or contract for those services which are subject to bidding. A service contract which is subject to approval by the Erie county legislature or contracted for by a department head pursuant to charter or code authority shall not be considered a purchase or contract made by this division. The lease of real property shall not be considered a service for the county purchased or contracted by the division of purchase. The division of purchase will review contracts for services and shall contract for those services which are determined to be subject to bid. The county legislature shall fix a sum as the limit above which any such purchase or contract cannot be made without publishing an advertisement in a daily newspaper printed in the English language and
published in the county of Erie and having a circulation of not less than fifty thousand which advertisement shall invite sealed bids for the same, provided, however, that public advertisement shall not be required for purchase of perishable foodstuffs, drugs, dental and medical supplies or purchase of primary or election supplies or services. By a resolution adopted by a two thirds vote of all its members, the county legislature may exclude the purchase of other materials, supplies, equipment, insurance or services from the requirements of public advertisement. Such advertisement shall contain a statement of time when and the place where all bids received pursuant to such notice will be publicly opened and read. At least five days shall elapse between the first publication of such advertisement and the date specified therein for the opening and reading of bids. The purchasing director or the person designated by him to open the bids at the time and place specified shall make a record of such bids in such form and detail as the purchasing director shall prescribe. The contract shall be awarded to the lowest responsible bidder furnishing the required security after advertisement for sealed bids in the manner provided in this section unless the county legislature by a two thirds vote shall determine that it will best promote the public interest that a bid other than that of the lowest bidder shall be accepted, and shall authorize, as hereinafter provided, the acceptance of such other bid. Where the bid of the lowest responsible bidder is in excess of one hundred thousand dollars ($100,000) and the bidder's product is not manufactured within the county, or the bidder's service is not performed by a contractor whose principal place of business is located within the county, and where a difference of five percent or less exists between such low bid and the lowest bid submitted by a bidder residing or having a principal place of business in the county of Erie, the purchase director shall submit the bids to the legislature to determine whether or not it will best promote the public interest to award the bid to the lowest responsible bidder residing or having a principal place of business in the county of Erie. In the event the legislature does not adopt, at its first or second meeting after submission of said bids, a resolution determining that it will best promote the public interest to award the bid to the lowest responsible bidder residing or having a principal place of business in the county of Erie, the purchase director may award the contract to the lowest responsible bidder. In cases where two or more responsible bidders furnishing the required security submit identical bids as to price, the purchase director may award the contract to any of such bidders. The purchase director may in his discretion, reject all bids and re-advertise for new bids in the manner provided by this section.

Amended by Local Law No. 4 1982.

b. The purchasing director may purchase supplies, materials, equipment, insurance or services to be rendered by contract without the advertisement required by paragraph a of this section in the following cases: (1) when the county executive has declared a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting the life, health or safety of inhabitants of the county of Erie require immediate action which cannot await competitive bidding; (2) when, by resolution adopted by a two thirds vote of all its members, the county legislature has determined it to be impracticable to advertise for such bids, or (3) when the county legislature is not in session, and through some accident or other unforeseen circumstances the machinery, apparatus or equipment of any of the public buildings of the county shall become disabled or any of such buildings or parts thereof shall be rendered untenantable by reason of the sudden action of the elements, and the administrative head in charge of
such building shall certify in writing to the purchasing director such emergency and the
necessity of immediate repair of the defect. Such certificate shall be approved by the
county executive.
c. Upon the adoption of a resolution by a vote of at least two thirds of all the members of
the county legislature stating that, for reasons of efficiency or economy, there is need for
standardization, purchase contracts for a particular type or kind of equipment, material,
services, insurance or supplies in excess of the amount specified by the county legislature
in accordance with paragraph a may be awarded to the lowest responsible bidder
furnishing the required security after advertisement for sealed bids therefor in the manner
provided in this section. Such resolution shall contain a full explanation of the reasons for
its adoption.
d. Surplus and second hand supplies, materials or equipment may be purchased without
competitive bidding from the federal government, the state of New York or any other
political subdivision or district.
e. No supplies, materials, equipment, insurance or biddable services shall be delivered
except as specifically ordered by the division of purchase. No supplies, materials,
equipment, insurance or biddable services shall be provided by the division to any
administrative unit, office or employee except on a requisition in writing signed by an
authorized person.
Amended by Local Law No. 4 1982.
f. Where the administrative code or other provision of law specifies that a purchase or
contract is to be let by the purchasing division such purchase or contract shall be ordered
by the purchasing director and the director shall certify the prices at which he made the
purchases. The county comptroller shall not audit any bill or invoice for supplies,
materials, equipment, insurance or biddable services unless it shall fully appear that such
items or services were ordered pursuant to this code or other applicable law. All
requisitions received by the purchasing director shall be filed in his office and open to
public inspection under reasonable regulations for their safety and preservation. The
purchasing director shall make no purchases until he has first secured the certification of
the county comptroller that there are unencumbered balances available for the purpose.
Procedures established for the division of purchase shall be applicable only to purchases
and contracts made by the division of purchase. Other purchases and contracts shall be
made pursuant to procedures established by the executive department in consultation with
the comptroller.
Amended by Local Law No. 4 1982.
Section 19.08 Professional, technical or other consultant services. When a professional, technical or other consultant service contract has a value in gross of ten thousand dollars ($10,000) or more, the head of a department or administrative unit shall distribute to responsible persons able to provide the required special skill or service, (for the purposes of this section, persons, including the singular of that term, shall include individuals, firms, partnerships and corporations), a request for a proposal (RFP). The RFP shall contain all information, including any particular or unique specifications required, necessary to adequately inform the potential contractor of the special skill or service required by the county and shall afford the potential contractor an opportunity to submit a response to the RFP outlining his qualifications, expertise, experience, past experience with the county, if any, and the total estimated cost, or rate, for providing the special service or skill required. Necessary information shall include the name, title and department of any employee or officer who was a county employee or officer one year prior to the date of the potential contractor's response.

Upon receipt of responses to the RFP, a three member committee shall be formed by the department head or administrative unit head, and the members of this committee shall preliminarily review and evaluate the responses. This committee shall prepare in writing and shall submit a comparison of all the persons who responded showing (a) what special skill or service will be provided; (b) the qualifications of the person; (c) the expertise of the person and the quality of any past experience that person has had with the county; (d) the total estimated cost, or rate, for providing the special service or skill; and (e) the person shall disclose the name, title and department of any employee or officer of his who was a county employee or officer one year prior to the date of his response. The head of the department or administrative unit shall submit such evaluation with his recommendation to the Erie county legislature.

The head of the department or administrative unit shall in writing represent to the legislature that, if he uses as a pre qualified list for prospective suppliers of professional, technical or other consultant services, he has published or otherwise made known to the community at large that his department or administrative unit uses such a pre qualified list and that, if a potential contractor wishes to be considered by the county for such services, he should submit necessary information as to what type of service he provides so his name will be added to the list. If the department or administrative head does not use a pre qualified list, then he shall in writing represent to the legislature that he published or otherwise made known to the community at large on a regular basis the fact that his department from time to time requires certain professional, technical or other consultant services and, if a potential contractor is interested in providing such services to the county that he contact the head of the department or administrative unit with necessary information as to what type of service he provides.

This provision shall in no event mandate a department head or administrative unit head to recommend or the county legislature to award such contracts to the lowest bidder or any bidder. This provision, moreover, shall not prohibit the county legislature from approving a contract with a qualified minority person, as defined in the county's minority business enterprise local law, who provides a special service or skill required by the county whether or not this informal procedure has been followed.
Notwithstanding this provision, if the county legislature makes a finding of necessity that the special service or skill must be provided immediately, or, in the case of doctors, dentists or ministers, makes a determination that this procedure is impracticable, then it may by resolution waive this procedure.
Section 104-B
Procurement policies and procedures
General Municipal (GMU)

1. Goods and services which are not required by law to be procured by political subdivisions or any districts therein pursuant to competitive bidding must be procured in a manner so as to assure the prudent and economical use of public moneys in the best interests of the taxpayers of the political subdivision or district, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption. To further these objectives, the governing board of every political subdivision and any district therein, by resolution, shall adopt internal policies and procedures governing all procurements of goods and services which are not required to be made pursuant to the competitive bidding requirements of section one hundred three of this article or of
New York Consolidated Laws, General Municipal Law - GMU §104-B | NY State Senate

any other general, special or local law. In cities with a population of one million or more, the procurement policy board shall develop and promulgate such policies and procedures by rule.

2. Such policies and procedures shall contain provisions which, among other things:

   a. prescribe a procedure for determining whether a procurement of goods and services is subject to competitive bidding and documenting the basis for any determination that competitive bidding is not required by law;

   b. provide that, except for procurements made pursuant to subdivision three of section one hundred three or section one hundred four of this article, section one hundred seventy-five-b of the state finance law, section one hundred eighty-six of the correction law, or the policies and procedures adopted pursuant to paragraph f of this subdivision, alternative proposals or quotations for goods and services shall be secured by use of written requests for proposals, written quotations, verbal quotations or any other method of procurement which furthers the purposes of this section;

   c. set forth when each such method of procurement will be utilized, taking into account which method will best further the purposes of this section and the cost-effectiveness of the method;

   d. require adequate documentation of actions taken in connection with each such method of procurement;

   e. require justification and documentation of any contract awarded to other than the lowest responsible dollar offeror, setting forth the reasons such an award furthers the purpose of this section; and

   f. identify the individual or individuals responsible for purchasing and their
respective titles. Such information shall be updated biennially.

g. set forth any circumstances when, or types of procurements for which, in the sole discretion of the governing body (or in the case of cities with a population of one million or more, the procurement policy board), the solicitation of alternative proposals or quotations will not be in the best interest of the political subdivision or district therein.

3. Comments concerning the policies and procedures shall be solicited from officers of the political subdivision or district therein involved in the procurement process prior to the enactment of the policies and procedures, and from time to time thereafter.

4. The governing board shall annually review its policies and procedures. In the case of a city with a population of one million or more, the annual review shall be the duty and responsibility of the procurement policy board.

5. The unintentional failure to fully comply with the provisions of this section shall not be grounds to void action taken or give rise to a cause of action against the political subdivision or district or any officer or employee thereof.

6. Notwithstanding any other provisions of this section or any provision of law, boards of education shall have the authority to include in the internal policies and procedures governing procurement of apparel or sports equipment, where such procurement is not required to be made pursuant to the competitive bidding requirements of section one hundred three of this article, a prohibition against the purchase of apparel or sports equipment from any vendor based upon either or both of the following considerations: (a) the labor standards applicable to the manufacture of the apparel or sports equipment, including but not limited to employee compensation, working conditions, employee rights to form unions, and the use of child labor; or (b) the bidder's failure to provide information sufficient for boards of education to determine the labor standards applicable to the
manufacture of the apparel or sports equipment.
POLICY NAME: Standards of Eligibility – Student Leadership Positions and Athletes

POLICY TYPE: Board

SUBMITTED BY: Jason Perri, Dean of Students

ISSUE OR STATEMENT OF PURPOSE: To establish standards of eligibility for students who participate in student leadership positions and athletes.

NEW OR EDITED POLICY: Edited V-A-3 Standards of Eligibility – Student Leadership Positions and Athletes

Students who are members of executive boards of SGA's, student members of the ASC, editors of student publications, presidents of student clubs, and the President/Student Trustee are required to meet the standards of eligibility as outlined in the SUNY Erie Community College Catalog and the Student Government Association Policies and Procedures Manual.

Student athletes participating on the intercollegiate level in any of the National Junior College Athletic Association (NJCAA) certified sports must be eligible to compete based on the requirements set forth by SUNY Erie Community College and the NJCAA. Student athletes are required to follow the SUNY Erie Community College Code of Student Conduct as well as Rules of Conduct established by the NJCAA.

Students in leadership positions and student athletes will sign a release allowing their grades to be used to determine eligibility and for advisement purposes by College Counselors and Mentors.

The SGA Student Trustee, all SGA Executive Board Members, students in leadership positions and student athletes are required to immediately disclose to their respective Dean of Students any arrest that occurs during their term of office. An arrest may not automatically result in the student’s removal from office or team. Each case will be assessed on an individual basis dependent on the severity of the pending charges.

DOES IT SUPERCEDE A POLICY/WHICH ONE: Yes, V-A-3 Standards of Eligibility – Student Leadership Positions and Athletics
POLICY NAME: Standards of Eligibility – Student Leadership Positions and Athletes - Continued

POLICY & GOVERNANCE COMMITTEE RECOMMENDED ACTION:
Policy & Governance Committee recommends the Board of Trustees approve this Board policy under Committee Briefings, Policy and Governance Committee. This Policy supersedes all prior policies/procedures and practices related to Standards of Eligibility – Student Leadership Positions and Athletes.

POLICY & GOVERNANCE COMMITTEE MEMBERS PRESENT: Trustee Kathleen Masiello, Executive Vice President for Administration and Finance Penelope Howard, Director of Human Resources Tracey Cleveland, Director of Registrar Paul Lamanna, Dean of Liberal Arts and Sciences Joanne Colmerauer, and Dean of Liberal Arts and Sciences Jamie Smith

DATE OF BOARD APPROVAL: August 29, 2019

POLICY & GOVERNANCE COMMITTEE TEAM FOLLOW-UP:
Following Trustee approval, this Board policy will be included in the SUNY Erie Community College Board of Trustees Policy Manual.

INFORMATION/INPUT CONSIDERED DURING POLICY & GOVERNANCE COMMITTEE DELIBERATIONS:
The Policy has been reviewed and discussed at the Policy & Governance Committee meeting of August 16, 2019.
Committee Meeting: Policy Committee | Date: Friday March 9, 2018
Committee Chair: Kathleen Masiello
New or Edited Policy: Edited-Policy IV-A-14 Standards for Probation and Dismissal

POLICY NAME: Standards for Probation and Dismissal Policy

POLICY TYPE: Board

SUBMITTED BY: Joanne Colmerauer, Dean of Liberal Arts and Science

ISSUE OR STATEMENT OF PURPOSE: The current Probation and Dismissal Policy was approved in 2012. In July 2017, a proposed policy was submitted to the Policy Committee, however, it was recommended that the changes be first approved by College Senate.

The Academic Standards Committee has since approved changes to the minimum cumulative Quality Point Average (QPA) requirements and the dismissal policy. These changes are intended to result in a decrease in the number of Academic Dismissals and increase student success. These new standards also align with current Financial Aid guidelines. The new standards were approved by College Senate on March 13, 2018.

NEW OR EDITED POLICY: Edited Policy IV-A-14 Standards for Probation and Dismissal

Every student is required to remain in good academic standing to continue coursework as a matriculated student at Erie Community College. Students must maintain a minimum cumulative quality point average (QPA) to maintain acceptable academic standing. Students who fail to maintain a minimum QPA are subject to Academic Probation and/or Dismissal.

The standards for probationary status are illustrated in the chart below. A student who falls below the relevant threshold is placed on probation. Probation is an academic standing which informs a student that they are not meeting minimal standards but are still eligible to remain matriculated and pursue academic coursework toward a degree.

Any student on probation for two consecutive semesters whose QPA is still below the required threshold will be dismissed. Dismissed is an academic standing which means a student is no longer matriculated.

Students on probation may have registration restrictions and must meet with academic advisors to jointly develop a student academic success plan which identifies next steps and ramifications of non-compliance. This plan will be created using SUNY Erie’s early intervention processes and tools.
Policy Name: Standards for Probation and Dismissal Policy - Continued

<table>
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<tr>
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POLICY COMMITTEE RECOMMENDED ACTION:
Policy Committee recommends the Board of Trustees approve the Board policy under the Report of the Chair, Ad Hoc Committee Reports, and Policy Committee. This Policy supersedes all prior policies/procedures and practices related to Standards for Probation and Dismissal.

POLICY COMMITTEE MEMBERS PRESENT: Trustee Kathleen Masiello, Trustee Susan Swarts, Student Trustee Rebecca Krakowiak, Provost and Executive Vice President Richard Washousky, Executive Vice President of Institutional Advancement and Efficiency Michael J. Pietkiewicz, Vice President of Enrollment Management Steven Smith, Director of Registrar Paul Lamanna, and College Senate Representative Michael Delaney.

DATE OF BOARD APPROVAL:  April 26, 2018.

POLICY COMMITTEE TEAM FOLLOW-UP:
Following Trustee approval, this Board Policy will be included in the SUNY Erie Community College Board of Trustees Policy Manual.

INFORMATION/INPUT CONSIDERED DURING POLICY COMMITTEE DELIBERATIONS:
The current Academic policy dictates that students are dismissed if they fall below a certain GPA. The result is that students are often dismissed before ever being put on probation. In comparison with other SUNY Community Colleges, SUNY Erie was 1 of only 2 that dismissed students without placing them on Probation first. The current policy results in a large number of students being dismissed. Only 39% appealed to return. This is a retention issue for the College.

May 2017:

| 1243 students were dismissed | 269 were placed on Probation |
| 486 appealed dismissals      | 424 were allowed back in and placed on Probation |
Policy Name: Standards for Probation and Dismissal Policy - Continued

The Policy has been reviewed and discussed at the Policy Committee meeting of July 14, 2017, August 4, 2017 and March 9, 2018. Policy was addressed and approved at College Senate meeting of March 13, 2018.
POLICY NAME: Student Activity Fee Allocation Policy

POLICY TYPE: Board

SUBMITTED BY: Susan M. Holdaway, Executive Director, Auxiliary Services Corporation

ISSUE OR STATEMENT OF PURPOSE: The Auxiliary Services Corporation of Erie Community College (“the ASC”) serves as designated custodian of mandatory Student Activity Fees, as required by the County of Erie Faculty-Student Association Guidelines approved by a 1974 Erie County Legislative Resolution. Furthermore, pursuant to the Agreement between the ASC and SUNY Erie Community College (SUNY Erie), the ASC, as campus fiscal agent, has carefully and comprehensively reviewed the College’s current policies and practices for Student Activity Fees. The ASC is proposing several policy revisions and additions in order to address the following Corrective Action Plan (CAP) Actions Nos. 18(b), (c), 19 (a), (b), (c), (d) and 20 (a). The ASC proposals will allow for improved oversight of the allocation, use, disbursement of mandatory Student Activity Fees and implement new rules governing the accumulation and maintenance of carryover balances of Mandatory Fees. The ASC believes that the implementation of these revised procedures will promote greater transparency in the annual reporting of the allocation and disbursement of Mandatory Fees to the SUNY Erie Board of Trustees and the SUNY Erie student body, and will assist the SUNY Erie Board of Trustees in setting future Activity Fee levies. The Agreement between the College and the ASC will specify the purposes for which the Mandatory Activity Fees may be used.

CORRECTIVE ACTION PLAN RECOMMENDATION (if any): The revisions to the existing SUNY Erie BOT “Student Activities Fee Allocation Board Policy” V-D-3a are recommended to specifically address the CAP approved by the SUNY Erie Board of Trustees on April 12, 2016 as well as to address any inconsistencies or confusion noted in the administration of the existing process for allocating activity fees.

The current SUNY Erie BOT “Student Activity Fee Allocation Board Policy”, last revised in February of 2015, requires updating to provide for (1) a revised composition of the Activity Fee Allocation Committee (“the Committee”); the implementation of a standard practice for the scheduling and conduct of Committee meetings; and (3) the implementation of a comprehensive policy on Student Activity Fee allocation. The new policy will ensure consistency and standard procedures for annual activity fee account applications, submission of account budgets, review of fee usage history, and allocations that will provide a more effective distribution of funds needed to conduct Student Activities.

The revised policy will prevent unspent funds from rolling over without good cause and provide the SUNY Erie Board of Trustees with a clearer picture of the information relevant to its decisions concerning the Student
Activity Fee levy. It should also provide the SUNY Erie student body with clearer information regarding fund distribution.

The attached Exhibit A details the permitted uses of Activity Fees during the previous three years with a history of activity fee allocations and disbursements. The ASC, in its capacity as designated custodian of the fees, certifies that all expenditures were reviewed and determined them to be in accord with the permitted uses of fees, as defined in Article 8 of the Agreement between the College and the ASC.

The recommended revisions and updates were reviewed and discussed with the Policy Committee on November 7 and November 22, 2016 and approved for full board consideration pending a few minor updates. Auxiliary Services Executive Director Susan Holdaway and ASC Board member William Reuter attended the Policy Committee meetings to respond to any questions or concerns as well as providing background information.

NEW OR EDITED POLICY: NEW - Student Activity Fee Allocation Policy dated November 2016.

DOES IT SUPERCEDE A POLICY/WHICH ONE: 1. Existing SUNY Erie Board of Trustees Policy V-D-3a “Student Activities Fee Allocation Board”, last revised February 2015 (Attachment A) is being revised/updated as follows:

Student Activity Fee Allocation Policy:

Purpose:

To establish a Committee that will, on an ongoing basis, consistent with the principles of equal opportunity and viewpoint neutrality, review Student Activity Fee usage, and allocate funding of fees for permitted activities based on applications and budgets that represent the interests of the student body at SUNY Erie Community College. The Committee will also review year end fund balances. No account will be permitted to carry over a balance in excess of twenty-five percent (25%) of the prior year’s allocation, unless an applicant can demonstrate that good cause exists for an excess balance to carry over into the next fiscal year. The policy will define the procedures for scheduling Committee meetings, recording the proceedings and maintaining records of Committee meetings, and informing the SUNY Erie student body of mandatory Student Activity Fee account allocations.

Statement:

Both part-time and full-time students at SUNY Erie Community College pay a mandatory Student Activity Fee to support co-curricular and out-of-classroom activities which provide intellectual, social, cultural and leadership opportunities, as well as support-services, which assist in student persistence, engagement and success and complement the long-term planning and Mission of SUNY Erie Community College.
POLICY NAME: Student Activity Fee Allocation Policy - Continued

Policy:

A Student Activity Fee Allocations Committee will be comprised of eight members – seven voting and one non-voting member as follows: the elected SGA President/Student Trustee and three SGA Vice Presidents, (“VP”), one faculty member and one administrator from the Auxiliary Services Corporation Board, (ASC), the President’s designee from Student Affairs and the Executive Director of the ASC (a non-voting member). In the event that an SGA has a vacancy in the office of VP, that SGA may designate one other alternate SGA officer from their campus to fulfill the role of Committee member.

The President’s designee from Student Affairs will serve as Committee Chair and all meetings should be conducted with an agenda and documented in written minutes. Meetings will be attended by a recording secretary and the proceedings will be recorded. Minutes will subsequently be posted on the MYECC portal for Students, under Campus Life, Student Activities and a copy will be filed in the ASC Business Office.

The Committee will meet annually beginning no later than February 15th to begin the review of each activity fee account’s prior year allocation and expenditures. The ASC will provide an Annual Activity Fee Recap Report, supported by account Financial Statements and/or General Ledger detail as requested. The Committee will post an Application Form for Student Activity Fee Funding for the next fiscal year on ECC Today with a due date of no later than March 1st. All Applications for funding must be accompanied by a statement of goals and objectives for the use of the funds and a projected budget of expenditures. Budgets should include an adequate projected rollover amount to provide sufficient cash flow if the account wishes to continue to be active each year as Activity fees are not received by the ASC until late September. Rollovers should not exceed twenty-five percent (25%) of the prior year allocation unless good cause can be shown. Good cause will be determined by a majority vote of the Committee.

The ASC will provide an estimate to the Committee of the total anticipated activity fees for the upcoming funding cycle to be derived from the fee set by the College and the enrollment projections for the upcoming fiscal year. The Committee will review all applications submitted at a second meeting to occur no later than March 15th. Funding requests will only be considered if they are (1) in accord with the permitted uses of activity fees as defined in the Agreement between the College and the ASC; (2) are consistent with the principles of equal opportunity and viewpoint neutrality; (3) and support student engagement and success. The Committee will approve or deny funding amounts based on total anticipated activity fee funds to be received and the dollar amounts requested in each funding application. All Committee decisions will be based on majority vote.

The Committee Chair (President’s designee from Student Affairs), will bring the funding recommendations of the Committee forward to the appropriate subcommittee(s) of the Board of Trustees for their review and
POLICY NAME: Student Activity Fee Allocation Policy - Continued

approval by April 1st of each year. The ASC Executive Director will provide the Activity Fee Recap Report to the subcommittee(s) as well. In the event that the projected activity fees for the subsequent fiscal year exceed the approved applications for funding, the Board of Trustees may consider an appropriate reduction of the Student Activity Fee levy for future years.

Any excess fund balances will remain in a restricted ASC account pending direction from the Committee or the Board of Trustees. The Committee may also recommend an Activity Fee increase to the Board if current Activity fees are deemed to be insufficient to fund all requested accounts.

Upon Board of Trustee approval of the funding allocations, the SGA President/Student Trustee will provide notification to all applicants of funded accounts. The ASC Executive Director will post the funded accounts along with the account advisor contact information on the MYECC portal where it will be generally available to the SUNY Erie student body.

Activity fee account holders will be required to complete an ASC Agency Account Agreement (attached). The ASC, as the independent fiscal agent for mandatory Student Activity Fees, will administer the accounts in accord with the applicable instructions found in the Student Government Association, Clubs and Organizations Policies and Procedures Manual (Activity Fee Manual) as well as the general disbursement guidelines of the ASC. The Activity Fee Manual is to be reviewed annually and revised as needed by the Student Government with any revisions to be approved by Student Affairs Administration to reflect current best practices.

POLICY COMMITTEE RECOMMENDED ACTION: Approved as amended above. Policy Committee recommends the Board of Trustees approves this Board policy under the Report of the Chair, Ad Hoc Committee Reports, Policy Committee. This Policy supersedes all prior policies/procedures and practices related to Student Activity Fee Allocations.

Policy Committee Members Present – Trustees Kathleen Masiello, Susan Swarts, and Neal McCallum, Trustee Tim Callan via telephone call in, Senior Vice President of Operations Mike Pietkiewicz, EVP Academic Affairs Rick Washousky, Director of Human Resources Tracey Cleveland and Chief Administrative and Financial Officer William Reuter.

DATE OF BOARD APPROVAL: January 27, 2017

POLICY COMMITTEE TEAM FOLLOW-UP: Distribution of new policy to Student Affairs Administration, all Activity Fee Account administrators or signatories and inclusion in training for all future Student Activity Fee funded accounts.
POLICY NAME: Student Activity Fee Allocation Policy - Continued

INFORMATION/INPUT CONSIDERED DURING POLICY COMMITTEE DELIBERATIONS: The changes to existing policy and procedures above are designed to specifically address the CAP approved by the SUNY Erie Board of Trustees on April 12, 2016. The proposals will also serve to provide full transparency concerning the usage and allocation of Student Activity Fees while ensuring that the Student Activity Fee charged to students is properly reflective of the student activities supported by the fee.

In addition, the existing SUNY Policy “Student Activity Fees-Mandatory”, which is applicable only to the SUNY four year state operated institutions, and not community colleges, was reviewed to identify best practices to incorporate into ECC’s Student Activity Fee Allocation Policy.

Lastly, the Faculty Council of Community Colleges on October 8, 2016 approved a position statement in support of student governance at community colleges which states in parts the following:

1. SUNY policies exist regarding the management of Student Activity Fees at state operated campuses, no such SUNY system exists to codify the management of community college student activity fees.
2. The Faculty Council of Community Colleges supports the Student Assembly initiative to work with SUNY System Administration to improve community college’s student governments’ access to decision making processes on their campuses that include written policies and procedures describing how the Student Activity Fee is managed.

This Policy has been previously reviewed and discussed at the Policy Committee meetings of December 13, 2016, November 22, 2016 and November 7, 2016. At the meeting of January 3, 2017 the Policy Committee unanimously approved this Policy with edits that have been made to the above.
ARTICLE 8 – All activity fees collected by the Corporation under the provisions of this contract are to be expended for the benefit of the College community in the following categories:

a) Programs of cultural and educational enrichment;

b) Recreational and social activities;

c) Tutorial programs;

d) Athletic programs, both intramural and intercollegiate;

e) Student publications and other media;

f) Assistance to recognized student organizations, whose purposes and activities are educational, cultural, recreational, or social in nature;

g) Campus Childcare programs;

h) Support for Campus alumni activities;

i) Support for College commencement programs, including without limitation, compensation for commencement speakers;

j) Career Placement activities;

k) College Honors programs;

l) Insurance related to conduct these programs;

m) Administration of these programs;

n) Transportation in support of these programs;

o) Stipends to student officers for service to student government and publications.

p) Student services to supplement or add to those provided by the College;

q) Remuneration and reimbursement of reasonable and necessary travel expenses in accordance with state guidelines to students for service to student government;

r) Campus-based scholarships, fellowships and grant programs, provided the funds are administered by the College or a College affiliated organization;
POLICY NAME: Student Activity Fee Allocation Policy - Continued

s) Payments for contractual services provided by a nonprofit organization to the extent that such services are in aid of an approved student activity during the budget year and which activity serves the purposes set forth above in this Article, and provided further that such payments may not be exclusively for the general corporate purposes of such organization;

t) Salaries for professional non-student employees of the student government to the extent that they are consistent with hiring practices and compensation rates of other campus affiliated organizations; and

u) Charitable donations to a nonprofit organization; provided, however, that such donations may be funded only from the proceeds of a fundraiser held by a recognized student organization.
Committee Meeting: Policy Committee           Date: May 18, 2018
Committee Chair: Kathleen Masiello

New or Edited Policy: Student Credit Hour Enrollment Cap per Term

POLICY NAME:       Student Credit Hour Enrollment Cap per Term

POLICY TYPE:       Board

SUBMITTED BY: Jim Bierl - Academic Standards Committee

ISSUE OR STATEMENT OF PURPOSE: The current credit hour cap was approved by the Board of Trustees on June 30, 2016. This policy called for a cap of 24 credits per term. Prior to this, SUNY Erie had no credit hour cap in place.

Over the past year, the Academic Standards committee reviewed probation/dismissal policies of 29 New York state community colleges in an effort to review and make changes to our policy. That review discovered that of the 29 community colleges, SUNY Erie had the highest credit hour cap (see below). As part of the committee’s efforts to update our probation/dismissal policy, we also felt it necessary to change our credit hour cap to 19 credit hours, which is more in line with other community colleges.

29 Community Colleges in New York State were reviewed
27/29 community colleges have published caps.
2/29 stated that the cap was based on the actual semester credits needed for a particular program.

18 credits – 9
19 credits – 14
19.5 credits – 1
20 credits – 0
20.5 credits – 1
21 credits – 1
24 credits 1 – SUNY Erie

NEW OR EDITED POLICY: Edited. Student Credit Hour Enrollment Cap per Semester. No policy number was found. Approved at the June 30, 2016 Board of Trustees meeting.

The proposed new policy:
Change the credit hour cap to 19.0 hours per term. “Term” is defined as Fall Semester, Inter-Session, Spring Semester, Summer 1 or Summer 2. A student may be able to take more credits with approval of their department chair /head and direct supervisor.
POLICY NAME: Student Credit Hour Enrollment Cap per Term-Continued

DOES IT SUPERCEDE A POLICY/WHICH ONE: Yes Student Credit Hour Enrollment cap per Semester - A cap of 24 credit hours will be placed on students registering for courses in either fall or spring semesters. There will be an option to go above 24 credits to accommodate any special needs. However, this action will require academic departmental approval.

POLICY COMMITTEE RECOMMENDED ACTION:
Policy Committee recommends the Board of Trustees approve the Board Report of the Chair, Ad Hoc Committee Reports, and Policy Committee. This Policy supersedes all prior policies/procedures and practices related to Credit Hour Cap

POLICY COMMITTEE MEMBERS PRESENT: Trustee Kathleen Masiello, Trustee Susan Swarts, EVP of Administration and Finance Penelope Howard, VP of Enrollment Management Steven Smith, Dean of Liberal Arts and Sciences Jamie Smith, Dean of Liberal Arts and Sciences Joanne Colmerauer, Director of Registrar Paul Lamanna, and College Senate Representative Michael Delaney


POLICY COMMITTEE TEAM FOLLOW-UP:
Following Trustee approval this Board policy will be included in the Erie Community College Board of Trustees Policy Manual.

INFORMATION/INPUT CONSIDERED DURING POLICY COMMITTEE DELIBERATIONS:

29 Community Colleges in New York State were reviewed
27/29 community colleges have published caps.
2/29 stated that the cap was based on the actual semester credits needed for a particular program.

18 credits – 9
19 credits – 14
19.5 credits – 1
20 credits – 0
20.5 credits – 1
21 credits – 1
24 credits 1 – SUNY Erie

The Policy has been reviewed and discussed at the Policy Committee meeting of April 13, 2018 and May 18, 2018.
| Committee Meeting: Policy & Governance Committee | Date: September 14, 2018 |
| Committee Chair: Trustee Kathleen Masiello |
| New or Edited Policy: Edited policy that references V-A-6c Student Complaint Procedure, replaces Student Grievance Policy V-A-4, and supersedes Student Grievance of Academic Decisions Policy approved by Board on April 26, 2018 |

**POLICY NAME:** Student Grievance of Academic Decisions Policy  
**POLICY TYPE:** Managerial  
**SUBMITTED BY:** Dean of Liberal Arts and Sciences, Dr. Jamie Smith  

**ISSUE OR STATEMENT OF PURPOSE:** SUNY Erie systematically addresses academic student grievances received from registered students in a uniform process that addresses informal and formal academic student grievances, outlines the procedures for filing an academic grievance, and addresses how student grievances are reviewed and resolved in a timely manner.

Academic issues include any accusation of failure to meet protocols, measurements, guidelines, or rubrics outlined within the context of a course and/or clinical setting; including a College policy or procedure that results in the student receiving a grade, suspension or dismissal from a class, internship and/or a clinical setting, or an academic program.

Employees of SUNY Erie are obligated to report any knowledge of complaints that are perceived to be discriminatory based on race, ethnicity or gender, harassing, disability or sexually violent as they are covered under Title IX and should be immediately referred to the Office of Equity and Diversity. For expanded definitions and/or the procedures to inform or file a Title IX complaint, visit [https://www.ecc.edu/equity-diversity/](https://www.ecc.edu/equity-diversity/).

**NEW OR EDITED POLICY:** Edited Policy that references Student Affairs Policy V-A-6c Student Complaint Procedure under the Student Code of Conduct, replaces V-A-4 Student Grievance Policy and supersedes Student Grievance of Academic Decisions received by the Board on April 26, 2018.

**Background:** This policy was developed to establish a separate grievance policy to deal with Student Academic Complaint issues. The existing student grievance policy Student Grievance Policy V–A–4, is a standalone policy and is superseded by this policy. In addition, the student complaint policy Student Complaint Procedure V–A–6c is under the Code of Student Conduct and, thus, a Student Affairs policy that and should be edited to be aligned and comparable to this Student Grievance of Academic Decisions Policy, as required by Middle States Commission Higher on Education.

This Student Grievance of Academic Decisions policy is intended to address the grievances of students experiencing dissatisfaction based on the grading, academic program, internship, clinical, class placement, assessment suspension or dismissal in an equitable, timely and uniform manner. Before filing a formal complaint, the student must attempt to resolve the issue through the informal process outlined in the Procedures for Student Grievance of Academic Decisions (Appendix A). Adherence to the procedures will
**Policy - Student Grievance of Academic Decisions Policy - Continued**

eNSure a documented process for addressing filed grievances, ensuring student grievances are reviewed, addressed and resolved in a uniform, and timely manner.

The documentation of student complaints is maintained by all faculty and staff of SUNY Erie of any issue taking place in or out of the classroom for reporting purposes and to provide background in case a grievance escalates. See Appendices B and C - SUNY Erie Academic Affairs Online Praise, Complaint, Suggestion Form and its accompanying Log of Submissions. Title IX complaints are logged along with all students’ complaints. Federal law 34 CFR 602.16(a) (1)(ix), obliges SUNY Erie to track student complaints to maintain quality of service.

Although logged, Title IX or any complaints regarding harassment or discrimination do not follow this policy or the related procedures. As per the U.S. Department of Education, Title IX complaints are handled in accordance to the rules and regulations for such complaints through the College’s Office of Equity and Diversity.

Exhibits supporting the policy include:

- Exhibit A: Procedures for the Student Academic Grievances
- Exhibit B: SUNY Erie Academic Affairs Online Praise / Complaint / Suggestion Form
- Exhibit C: SUNY Erie Academic Affairs Online Praise, Complaint, Suggestion Form - Log of Submissions
- Exhibit D: Flowchart of Academic Grievances

**DOES IT SUPERCEDE A POLICY/WHICH ONE:** Student Grievance of Academic Decisions received by the Board on April 26, 2018.

**POLICY COMMITTEE RECOMMENDED ACTION:**
Policy Committee recommends the Board of Trustees accept the Managerial policy under the Committee Briefings, Policy & Governance Committee. This Policy supersedes all prior policies/procedures and practices related to Student Grievance of Academic Decisions Policy.

**POLICY COMMITTEE MEMBERS PRESENT:** Trustee Kathleen Masiello, Trustee Susan Swarts, Student Trustee TK Adebayo, Executive Vice President for Administration and Finance Penelope Howard, Vice President of Enrollment Steven Smith, Vice President of Student Affairs Nora Clark, Vice President of Facilities and Security Tracy Gast, Director of Registrar Paul Lamanna, Dean of Liberal Arts and Sciences Joanne Colmerauer, College Senate Representative Michael Delaney, Dean of Students Petrina Hill-Cheatom.

**DATE OF BOARD ACCEPTANCE:** September 27, 2018

**POLICY COMMITTEE TEAM FOLLOW-UP:**
Following Trustees acceptance, this Managerial policy will be included in the SUNY Erie Managerial Policy Manual and the Student Handbook.

**INFORMATION/INPUT CONSIDERED DURING POLICY COMMITTEE DELIBERATIONS:**
Student Grievance Policy (V-A-4) Student Complaint Procedure (V-A-6c)
Policy - Student Grievance of Academic Decisions Policy - Continued

http://www.highered.nysed.gov/ocue/spr/COMPLAINTFORMINFO.html

The Policy has been reviewed and discussed at the Policy & Governance Committee meeting of August 17, 2018 and September 14, 2018.
Exhibit A: Procedures for Student Grievance of Academic Decisions

Students who perceive that their rights were violated through an inappropriate interpretation, application or enforcement of a policy must engage in the informal grievance process before engaging in the formal grievance process. Title IX complaints are not subject to this requirement and must be documented and then submitted to the Office of Equity and Diversity according to the Title IX procedure. Employees of SUNY Erie are obligated to report any knowledge of complaints that are perceived to be discriminatory based on race, ethnicity or gender, harassing, disability or sexually violent as these complaints are Title IX and should be immediately referred to the Office of Equity and Diversity. For an expanded definitions and or the procedure to inform or file a Title IX complaint visit https://www.ecc.edu/equity-diversity/.

All faculty and staff of SUNY Erie must document knowledge of student complaints for reporting purposes and to provide background if the grievance escalates. This includes logging of Title IX complaints. Additionally, SUNY Erie has an obligation under federal law 34 CFR 602.16(a)(1)(ix) to track student complaints to maintain quality of service.

The Procedures for Student Grievance of Academic Decisions offer both complainant and respondent the opportunity for mediation and resolution by following a systematic process.

Informal Grievance Process:

1. The first step in the Informal Grievance Process involving complaints related to a grade on a (test, paper, quiz, exam or another assignment) requires the student to first attempt resolution with the instructor of the course. If the concern pertains to a grade received in a course, the request for review must be made no later than three weeks after the final grade for the course is submitted.

2. If a resolution is not reached with the instructor, the student must next attempt resolution with the Department Chair or Head of the department involved.

3. If a resolution cannot be reached with the Department Chair or Head, the student may then contact the Dean of Academics over the department, or Vice Provost if a Health Sciences program, to consider the student's request and attempt to negotiate an equitable resolution between the student and instructor.

4. At this point, if the student is not satisfied with the resolution, the student may then file a formal grievance that will be presented to a committee for adjudication. The steps of the formal grievance process are below.

All faculty and staff that are informed of the students’ complaint during the informal complaint process are required to log the complaint in compliance with SUNY Erie, State University of New York (SUNY), New York State Education and Federal requirements. The record of the complaint must identify the student, the nature of the complaint and individuals involved, the individual reporting the complaint, and the steps used to resolve the complaint. The complaints can be tracked on the SUNY Erie Academic Affairs Online Praise, Complaint – Log of Submissions.
Exhibit A Continued: Procedures for Student Grievance of Academic Decisions

Formal Grievance Process:

The Formal Grievance Process is invoked when a student is unable to achieve resolution through the Informal Grievance Process.

1. Students who wish to progress into the Formal Grievance Procedure must submit their grievance and their recollection of all interactions during the Informal Grievance Process to the Dean of Academics or Vice Provost over the department that was involved in the Informal Grievance Process. The Dean of Academics or Vice Provost must record the escalation of the grievance. The escalation can be documented with the SUNY Erie Academic Affairs Online Praise, Complaint, Suggestion - Log of Submissions.

2. Students may opt to involve another staff or faculty member as a Staff Advocate to advocate on their behalf and to help them navigate as the issue is investigated with the goal of achieving a fair and equitable outcome. The Dean of Students’ office can be contacted for more information on the role of Student Advocates.

3. The student’s grievance will be reviewed by the Adjudicating Committee. The committee will be convened when the Dean of Academics notifies the Provost’s office of the formal grievance.

4. The Adjudicating Committee will be comprised of members of the academic team, representatives of Student Affairs and faculty members, minimally. At least one member of this adjudicating body will be trained on SUNY policies, educational law and the adjudication process.

5. The Adjudicating Committee will review the grievance and any accompanying documentation submitted from the faculty member(s) involved in the grievance, the complainant and any witnesses. The Adjudicating Committee may question any of the parties involved in the process.

6. The Adjudicating Committee’s written recommendation will be submitted to the Provost and Executive Vice President who oversees Academic Affairs and Student Services. The Adjudicating Committee will address any questions of the Provost and the Provost will provide a written decision to all persons involved. The final decision rests with the Provost. New information is the only factor that can be considered for revisiting the case.

7. The official decision will be sent within thirty days to the student via email, certified mail return receipt and regular mail and the Provost’s decision will be final unless new evidence, or a new information that would impact the decision is presented. Student should maintain current contact information at the college.

8. Notification of a request to reexamine a case based on new evidence must be submitted in writing to the Office of the Provost. The Provost will notify the student within 30 days of receipt of request as to how to proceed.
9. The adjudication committee and the Provost’s decision are required to log the complaint in compliance with SUNY Erie, the State University of New York (SUNY), New York State Education and Federal requirements.
SUNY Erie Academic Affairs Online Praise / Complaint / Suggestion Form

It is the intent of SUNY Erie to continually improve upon its services and recognize those who go above and beyond. Your praises are welcome as well as your concerns. Students are invited to use this form to provide details of positive or negative experiences at the college. The college will work to recognize those who have made your experience great and will confidentially work toward a prompt resolution of issues that affect your education and experience here.

For complaints, students are expected to follow the Student Grievance of Academic Decision policy, as outlined in the student handbook and in the online catalog. Faculty or staff logging information on a student's behalf are required to include identifying information such as student name or identification/ID number. Faculty are mandated to report all student complaints.

This form is part of SUNY Erie’s ongoing assessment and will assist the college to recognize strengths, weaknesses, and address concerns. Thank you for attending SUNY Erie!

* Required

**Student ID# and Full Name**

Your answer

**Person Submitting**

Choose
- Student
- Faculty
- Support Staff
- Administrator
- Parent
- Other

If Faculty or Staff, enter your name.

(Faculty and Staff are mandatory reporters for complaints for state reporting, and must leave their name and student name or ID # for follow up.)

Your answer

**Campus**

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Type of Praise, Complaint, or Suggestion *
Choose
- Complaint
- Discrimination
- General Comment or Suggestion
- General Concern
- General Praise
- Harassment
- Nomination for an Award
- Personal Concern
- Policies
- Safety / Security
- Other

Topic of Praise, Complaint, or Suggestion *
For topics outside of your classroom or academic program, please contact Student Affairs.
Choose
- Academic Matters, Excluding Grades
- Academic Matters, Including Grades
- College Policy Regarding Academics
- Other

Summary of Praise, Complaint, or Suggestion
Please summarize in your own words here. (The last question will ask for any additional details you may want to provide.)
Your answer

Business and Public Services Division
If in this division, select the department: degree program or certificate that you are in. (If not in this division, skip this question.)
Choose
- Business Administration, A.A.S.
- Business Administration, A.S. (Transfer)
- Business Administration: Accounting Technician, Certificate
- Business Administration: Entrepreneurship, Certificate
Business Administration: Office Management, A.A.S.
Criminal Justice, A.S.
Criminal Justice/Law Enforcement, A.A.S.
Criminal Justice: Corrections Officer, Certificate
Criminal Justice: Crime Scene Technology, Certificate
Early Childhood, A.A.S.
Early Childhood Studies, Certificate
Emergency Management, A.S.
Hospitality Management: Baking and Pastry Arts, Certificate
Hospitality Management: Brewing Science and Service, Certificate
Health and Wellness Promotion, A.S.
Health and Wellness Promotion: Sports and Leisure Studies: Exercise Studies Track
Health and Wellness Promotion: Sports and Leisure Studies: Health Studies Track
Hospitality Management: Culinary Arts, A.O.S.
Hospitality Management: Food Preparation and Safety, Certificate
Hospitality Management: Hotel Restaurant Management, A.A.S.
Paralegal, A.A.S.
Physical Education Studies, A.S.
Police Science, A.A.S.
Police Science: Homeland Security, Certificate
Police Science: Police Basic Training, Certificate
Sports and Leisure Studies, A.S.
Other

Engineering and Technologies Division
If in this division, select the department: degree program or certificate that you are in. (If not in this division, skip this question.)
Choose
Architecture Technology, A.A.S.
Automotive Technology, A.A.S.
Automotive Technology/Ford ASSET Option, A.A.S.
Automotive Technology/Mopar CAP Option, A.A.S.
Automotive Trades: Autobody Repair, A.A.S.
Building Management and Maintenance, A.O.S.
Building Management and Maintenance: Building Trades/Residential Light Commercial, Certificate
Building Management and Maintenance: Green Building Technology, Certificate
Civil Engineering Technology, A.A.S.
Computer-Aided Drafting/Design Technology (CADD), A.A.S.
Computer and Electronics Technology, A.A.S.
Computer and Electronics Technology: Casino Gaming Machine Repair Technician, Certificate
Computer and Electronics Technology: Mechatronics, Certificate
Construction Management Engineering Technology, A.A.S.
Electrical Engineering Technology, A.A.S.
Electrical Engineering Technology: Energy Utility Technology (Lineman), Certificate
Industrial Technology, A.O.S.
Industrial Technology: CNC Precision Machining, Certificate
Industrial Technology: Semiconductor/Electronics Manufacturing, Certificate
Information Technology, A.A.S.

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Information Technology: Network Support Technology, Certificate
Mechanical Engineering Technology, A.A.S.
Nanotechnology, A.A.S
Visual Communications Technology: Graphics Arts and Printing, A.A.S.
Visual Communications Technology: Web Page Design, Certificate
Welding, Certificate
Other

Liberal Arts and Science Division

If in this division, select the department: degree program or certificate that you are in. (If not in this division, skip this question.)

Choose
Communication and Media Arts-Communication Arts, A.S.
Computer Science, A.S.
Computer Science: Web-Network Technology, Certificate
Engineering Science, A.S.
English, A.S.
Environmental Science, A.S.
Environmental Technology Geoscience, A.A.S.
General Studies, A.S.
Humanities and Fine Arts: Fine Arts, A.S.
Humanities and Fine Arts: Humanities, A.A.
Mathematics, A.S.
Natural Science: Astronomy, A.S.
Natural Science: Biology, A.S.
Natural Science: Chemistry, A.S.
Natural Science: Geology, A.S.
Natural Science: Physics, A.S.
Social Science, A.A.
Social Science: Childhood Education 1-6 (Teacher Education Transfer)
Social Science: Human Services, Certificate
Social Science: Teaching Assistant, Certificate
Other

Health Sciences Division

If in this division, select the department: degree program or certificate that you are in. (If not in this division, skip this question.)

Choose
Biotechnological Science, A.A.S
Biotechnological Science, Certificate
Clinical Laboratory Technician, A.A.S.
Dental Hygiene, A.A.S.
Dental Hygiene: Dental Assisting, Certificate
Dental Laboratory Technology, A.A.S.
Emergency Medical Technology: Paramedic, A.A.S.
Emergency Medical Technology: Paramedic, Certificate
Emergency Medical Technology: Emergency Medical Services Provider, Certificate
Food Service Administration: Dietetic Technology, A.A.S.
Food Service Administration: Nutrition Care, A.A.S.
Health Information Technology, A.A.S.
Medical Assisting, A.A.S.
Mental Health Assistant-Substance Abuse Counseling, A.S.
Nursing, A.A.S.
Occupational Therapy Assistant, A.A.S.
Radiation Therapy Technology, A.A.S.
Respiratory Care, A.A.S.
Vision Care Technology, A.A.S.
Other

Other Academic Areas (if applicable)

Choose
Administration
Advanced Studies
Career Services
Distance Learning (Online Courses)
English as an Additional Language
Honors Track / Societies
Internships / Coops
Library Resource Centers
Pathways Programs
Special Programs
Tutoring / Mentoring
Workforce Development

Details / Resolution

Please give any other pertinent details here regarding your praise, complaint, or suggestion. If this concerns an academic complaint, include dates and contact names to show your prior attempt to resolve your academic concern with the faculty and/or department chair. If the complaint has been resolved, please let us know how, or if not, indicate the type of follow up needed.

Your answer

Do you wish to be contacted?

Please enter your preferred method of contact here, including phone number(s) or email.

Your answer

Submit
Never submit passwords through Google Forms.
### Exhibit C

**SUNY Erie Academic Affairs Online Praise / Complaint / Suggestion Form - Log of Submissions**

|   | L | B | C | D | E | F | G | H | I | J | K | L | M | N | O | P | Q | R |
| 1 | Timestamp | Student ID # and Full Name | Person Submitting | Campus | Type of Praise, Complaint, or Suggestion | Topic of Praise, Complaint, or Suggestion | Summary of Praise, Complaint, or Suggestion | Business and Public Services Division | Engineering and Technologies Division | Liberal Arts and Science Division | Health Sciences Division | Other Academic Areas (if applicable) | Details / Resolution | Do you wish to be contacted? | If Faculty or Staff, enter your name | Follow Up Notes | Resolution or Referral | Reported Date |
|   | 00 |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
|   | 01 |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
|   | 02 |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
|   | 03 |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
|   | 04 |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
|   | 05 |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
|   | 06 |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
|   | 07 |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
|   | 08 |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
|   | 09 |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
|   | 10 |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
|   | 11 |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
|   | 12 |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
|   | 13 |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
|   | 14 |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
|   | 15 |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
|   | 16 |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
|   | 17 |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
|   | 18 |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
|   | 19 |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |

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Exhibit D: Student Grievance of Academic Decisions - Flowchart

This flowchart illustrates the Procedures for Student Grievance as outlined in the Student Grievance of Academic Decisions Policy of SUNY Erie.

The Policy - Student Grievance of Academic Decisions refers to any complaint that a student has with regards to grades, suspension, expulsion or standing in an academic program at SUNY Erie.

*Title IX and other discriminatory and harassment complaints are not subject to this procedure and should immediately be reported to the Office of Equity and Diversity.*
POLICY NAME: Student Immunization Policy

POLICY TYPE: Board

SUBMITTED BY: Heather Cruz, Dean of Students, South Campus

ISSUE OR STATEMENT OF PURPOSE: To establish a College-wide policy for student immunization requirements.

NEW OR EDITED POLICY: Edited V-B-5 Student Immunization Policy, approved 12/02

Immunization Statement:

Every student born on or after January 1, 1957 or later and who is enrolled in six (6) or more credit hours at an accredited college or university is required by New York State Public Health Law 2165 to provide proof of immunity to measles, mumps, and rubella. Proof of immunity compliance is accomplished by providing official documentation of two (2) measles immunizations, one (1) mumps immunization, and one (1) rubella immunization or by submitting serological proof of immunity.

New York State Public Health Law 2167 also requires colleges to distribute information about meningococcal disease and vaccination to all students regardless of age. Students are encouraged to review the materials provided to them. A Confidential Health Form must be completed and returned to the College Health Office indicating proof of vaccination or declination of immunization in order to be enrolled.

Student Immunization Policy:

The law requires that students be withdrawn from College if proof of immunity is not provided within thirty (30) days of the start of classes. SUNY Erie Community College reserves the right to withdraw students who do not meet New York State Department of Health regulations as outlined above. Withdrawn students will not be permitted to return to the College during the same semester they were withdrawn. Students who have been withdrawn can attend the following semester, once completion of the New York State immunization requirements have been satisfied.

Additional information concerning College policies for students deemed as non-compliant, is available in the College Health Office on each campus.
POLICY NAME: Student Immunization Policy - Continued

DOES IT SUPERCEDE A POLICY/WICH ONE: Supersedes Student Immunization Policy V-B-5 approved in 12/02. The policy was edited to include new immunization requirements prescribed by New York State Public Health Law 2165 and 2167 respectively.

POLICY COMMITTEE RECOMMENDED ACTION:
Policy Committee recommends the Board of Trustees approve the Board policy under Committee Briefings, Policy & Governance Committee. This Policy supersedes all prior policies/procedures and practices related to Student Immunization Policy.

POLICY COMMITTEE MEMBERS PRESENT: Trustee Kathleen Masiello, Trustee Susan Swarts, Student Trustee TK Adebayo, Executive Vice President for Administration and Finance Penelope Howard, Vice President of Enrollment Steven Smith, Vice President of Student Affairs Nora Clark, Vice President of Facilities and Security Tracy Gast, Director of Registrar Paul Lamanna, Dean of Liberal Arts and Sciences Joanne Colmerauer, College Senate Representative Michael Delaney, Dean of Students Petrina Hill-Cheatom.

DATE OF BOARD APPROVAL: September 27, 2018

POLICY COMMITTEE TEAM FOLLOW-UP:
Following Trustee approval, this Board policy will be included in the SUNY Erie Community College Board of Trustees Policy Manual, included in the Student Handbook and on the website.

INFORMATION/INPUT CONSIDERED DURING POLICY COMMITTEE DELIBERATIONS:

NYS Public Health Law 2165

NYS Public Health Law 2167

The Policy has been reviewed and discussed at the Policy Committee meeting of September 14, 2018.
Committee Meeting: Policy Committee  Date: August 4, 2017
Committee Chair: Kathleen Masiello
New or Edited: Edited IV-A-18 Student Residence Requirement

POLICY NAME: Student Residence Requirement

POLICY TYPE: Board

SUBMITTED BY: Patrick Ryan, Director of Distance Learning and Alternative Programs

ISSUE OR STATEMENT OF PURPOSE: To clarify and define policy regarding transfer students and the number of credits needed from Erie Community College before a degree is granted.

NEW OR EDITED POLICY: Edited IV-A-18 Student Residence Requirement, approved 10/12

Students who intend to receive a degree from SUNY Erie Community College must successfully complete a minimum of 30 semester hours of credit at the College. Students who intend to receive a certificate from the College must also complete a minimum of 15 semester hours of credit at the College. Acceptance of transfer credits is the prerogative of the appropriate College academic department.

DOES IT SUPERCEDE A POLICY/WHICH ONE: IV-A-18 Student Residence Requirement

POLICY COMMITTEE RECOMMENDED ACTION:
The Policy Committee recommends that the Board of Trustees approve this Board policy under the Report of the Chair, Ad Hoc Committee Reports, and Policy Committee. This Policy supersedes all prior policies/procedures and practices related to Student Residence Requirements.

POLICY COMMITTEE MEMBERS PRESENT:
Trustee Kathleen Masiello, Director of Talent Management and Employee Engagement Maria Carroll, Associate Vice President of Human Resources Tracey Cleveland, Vice President of Enrollment Management Erik D’Aquino, Executive Vice President of Operations Michael Pietkiewicz, Provost and Executive Vice President Academics Richard Washousky.

DATE OF BOARD APPROVAL: August 31, 2017

POLICY COMMITTEE TEAM FOLLOW-UP:
Following Trustee approval, this Board policy will be included in the SUNY Erie Community College Board of Trustees Policy Manual, listed in the College Catalog, Student Handbook and on SUNY Erie Community College’s website.
POLICY NAME: Student Residence Requirement - Continued

INFORMATION/INPUT CONSIDERED DURING POLICY COMMITTEE DELIBERATIONS:
The policy needed to be updated to reflect the growing number of certificate programs at the College. Upon approval by the Board, this policy officially adopts the practice that has been followed by the College for the past several years. The Policy was reviewed and discussed at the Policy Committee meeting of July 14, 2017 and August 4, 2017.
POLICY NAME: SUNY Erie Telecommuting Policy

POLICY TYPE: Managerial

SUBMITTED BY: Human Resources

ISSUE OR STATEMENT OF PURPOSE:

Telecommuting or remote work arrangements allow employees to work at home or an alternate location for all or part of their workweek. SUNY Erie Community College (hereinafter “SUNY Erie”) considers telecommuting to be a viable, flexible work option when both the employee and the work being performed are suited to such an arrangement.

To be competitive as an employer, retain valuable qualified talent, and build a robust and rigorous online academic presence, SUNY Erie is implementing a telecommuting policy to be used as a tool in support of these strategic initiatives.

NEW OR EDITED POLICY: New

SUNY Erie values accountability, collaboration, and excellence in service to our faculty, students, and community members. With appropriate use of technology and supervision, employees whose roles allow for work hours to be performed away from a campus-based location may be eligible for telecommuting.

Though telecommuting/remote work is a viable option for certain employees and positions, it is not an entitlement. At the sole discretion of SUNY Erie executive management, telecommuting is an option that can be offered, modified or revoked by SUNY Erie at any time or for any reason. Work that cannot be performed at another location or remotely is not eligible for telecommuting. Further, for a variety of reasons, telecommuting will not be extended to all employees, regardless of the work performed. Non-exempt employees, for example, are not eligible to telecommute. All decisions about the suitability of telecommuting are discretionary and will be determined by authorized executive management members.

Requests to telecommute or work remotely may be made when the arrangements are feasible, secure, reliable, effective, and meet management’s goals and operational needs, as determined by the discretion of executive management. Management generally will determine the specific procedures for evaluating, approving or denying a telecommuting request in a manner consistent with this policy.

Certain departments may have work conducive to hiring, either short or long-term, fully remote employees.
POLICY NAME: SUNY Erie Telecommuting Policy - Continued

Telecommuting in no way changes the terms and conditions of employment with SUNY Erie. All union and employment contracts in place at the time of consideration for telecommuting or remote work status will be applicable.

Any telecommuting arrangement will require a documented and signed telecommuting agreement and are subject to of established College procedures governing telecommuting arrangements.

RELATED DOCUMENTS: SUNY Erie Time and Attendance Policy, ITS Acceptable Use Policy

CONTACTS: Questions regarding the terms of this policy should be directed to the Human Resources

DOES IT SUPERCEDE A POLICY/WHICH ONE: No

POLICY & GOVERNANCE COMMITTEE RECOMMENDED ACTION: Policy & Governance Committee recommends the Board of Trustees accept the Managerial policy under Committee Briefings, Policy and Governance Committee. This Policy supersedes all prior policies/procedures and practices related to Telecommuting

POLICY & GOVERNANCE COMMITTEE MEMBERS PRESENT: Trustee Len Lenihan, Trustee Kathleen Masiello, Executive Vice President for Administration and Finance Penelope Howard, VP Human Resources, Equity and Inclusion Tracey Cleveland, Director of Human Resources Maria Carroll, Vice President of Enrollment Management Steven Smith, Director of Registrar Paul Lamanna, Dean of Liberal Arts and Sciences Joanne Colmerauer, Dean of Liberal Arts and Sciences Jamie Smith and College Senate Representative Michael Delaney

DATE OF BOARD ACCEPTANCE: December 13, 2018

POLICY & GOVERNANCE COMMITTEE TEAM FOLLOW-UP: Following Trustee acceptance, this Managerial policy will be included in the SUNY Erie Community College Managerial Policy Manual.

INFORMATION/INPUT CONSIDERED DURING POLICY & GOVERNANCE COMMITTEE DELIBERATIONS:
Society of Human Resource Management (SHRM), Stanford University, SUNY Flexible Work and/or Alternative Work Location Policies (Geneseo, UB, Albany), William & Mary Telecommuting Policy, and various other college policies readily available online, as well as general review of best practices re: telecommuting policies. Consult with Erie County Attorney.

The Policy has been reviewed and discussed at the Policy and Governance Committee meetings of May 18, 2018, June 22, 2018, August 17, 2018 and November 16, 2018.
POLICY NAME: Travel

POLICY TYPE: Managerial

SUBMITTED BY: Penelope G Howard, EVPAF

ISSUE OR STATEMENT OF PURPOSE: To establish guidelines for a comprehensive travel policy for Trustees and staff of the institution.

NEW OR EDITED POLICY: Edited VI-A-18 Travel, approved 2/05, 8/09, 9/10 and 8/12

PURPOSE: To set the policy for SUNY Erie Community College employees and non-employees traveling on official college business. The related college travel procedures are maintained as a separate document from the policy. Parts of the travel procedures related to reimbursement rates and per diems must be updated periodically as the rates are changed by the federal or state government.

POLICY: The College is responsible for managing its resources prudently, while meeting the travel requirements of college and state, and complying with IRS rules and regulations for reimbursement of travel and entertainment expenses.

The College will reimburse necessary and reasonable travel expenses incurred for authorized College business fairly, equitably, and consistent with federal and state regulations. Non-compliance with these regulations may expose the College and the individual to financial risks and penalties.

College travel expense accounts are open to the public, therefore, individuals are expected to exercise prudent judgment and be able to sustain the test of public review.

DOES IT SUPERCEDE A POLICY/WHICH ONE: Yes, VI-A-18 Travel

POLICY & GOVERNANCE COMMITTEE RECOMMENDED ACTION: Policy Committee recommends the Board of Trustees accept the Managerial policy under the Committee Briefings, Policy and Governance Committee. This Policy supersedes all prior policies/procedures and practices related to VI-A-18 Travel.
POLICY NAME: Travel - Continued

POLICY & GOVERNANCE COMMITTEE MEMBERS PRESENT: T Trustee Len Lenihan, Trustee Kathleen Masiello, Executive Vice President for Administration and Finance (EVPAF) Penelope Howard, Director of Registrar Paul Lamanna, Dean of Liberal Arts and Sciences Joanne Colmerauer, Dean of Liberal Arts and Sciences Jamie Smith; Dean of Students Heather Cruz, College Senate Representative Michael Delaney; Employee Relations Manager (ERM) Daniel Kaufmann and Assistant to the Provost and Executive Vice President Joan Castro

DATE OF BOARD ACCEPTANCE: February 7, 2019

POLICY & GOVERNANCE COMMITTEE TEAM FOLLOW-UP:
Following Trustee acceptance, this Managerial policy will be included in Managerial Policy Manual.

INFORMATION/INPUT CONSIDERED DURING POLICY COMMITTEE DELIBERATIONS:

The travel policies of SUNY, Erie County and other NYS community colleges were considered in formulating the SUNY Erie Travel Policy.

The Policy has been reviewed and discussed at the Policy Committee meeting of December 14, 2018.
POLICY NAME: Tuition Liability and Refund

POLICY TYPE: Board

SUBMITTED BY: Paul Lamanna - Director of Registration

ISSUE OR STATEMENT OF PURPOSE:
This policy is intended to create a reasonable time frame for tuition liability and refunds to former students.

NEW OR EDITED POLICY: New

Student Tuition Liability and Refund Policy:
Refunds of tuition and fees are based upon the student’s withdrawal and/or drop date. The student may drop online at www.ecc.edu during the drop/add period or submit a drop/add form to the Registrar’s office. Once processed, Erie Community College is authorized to calculate the student’s liability and applicable refund per the schedule below. Refunds will be calculated based upon the date of withdrawal or drop as approved by the Registrar’s Office.

<table>
<thead>
<tr>
<th>Liability</th>
<th>Fall and Spring Semesters</th>
<th>Winter and Summer Sessions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prior to the First Day</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>*During 1st Week</td>
<td>25%</td>
<td>75%</td>
</tr>
<tr>
<td>During 2nd Week</td>
<td>50%</td>
<td>100%</td>
</tr>
<tr>
<td>During 3rd Week</td>
<td>75%</td>
<td>100%</td>
</tr>
<tr>
<td>After 3rd Week</td>
<td>100%</td>
<td>100%</td>
</tr>
</tbody>
</table>

*The first week of the semester shall be deemed to start with the first calendar day of the College Semester, and shall end on the 7th calendar day of the term. (Fall and Spring semesters only)

Full refunds may be granted for the following reasons:
1. Courses that have been cancelled by the college and result in a change in liability.
2. A student that returns to military service or
3. Enlists and is accepted into military service during the semester.
4. Receives a change in student status through a decision of the college that affects the student’s liability.

- A student that is dismissed for an academic or disciplinary reason prior to the end of an academic term shall be liable for all tuition and fees for that term.
POLICY NAME: Tuition Liability and Refund - Continued

Deceased Student Liability
In the unfortunate event that a current student has died, once the college receives official notification, the student’s record will be coded as such by the Director of Registration or designee. This must be confirmed through a death notice from the newspaper or by the parents or next of kin. The college will follow the prescribed determination of liability as is outlined in the regulations.


- The college will subsequently relieve the deceased student of any liability remaining with the college and through the DEC screen the student will no longer receive mailings.
- The college will notify ASC of the student’s death and any debt with them will be determined by ASC and Follett.
- Any refunds will be distributed to the deceased student’s next of kin.

Appeals

Under no circumstances will a student’s appeal be reviewed for liability if the student has received federal or state grants, and did not complete the required course work. Appeals will only be reviewed if filed within one year after the term in question. Non-attendance in class, informing the instructor of a withdrawal, or stopping payment on a check does not constitute official withdrawal notification.

Students with overdue tuition and fees may be referred to a collection agency and will incur additional liabilities for all associated collection costs processes.

Students should allow at least six (6) weeks beyond the Liability/Refund Period for refund checks to be processed.

This policy corresponds to the Code of Standards and Procedures for Community Colleges operation under the program of the State University of New York (8, NYCRR 602.11)

DOES IT SUPERCEDE A POLICY/WHICH ONE: No

POLICY COMMITTEE RECOMMENDED ACTION:
Policy Committee recommends the Board of Trustees approve the Board policy under the Report of the Chair, Ad Hoc Committee Reports, and Policy Committee. This Policy supersedes all prior policies/procedures and practices related to Tuition Liability and Refund.
POLICY NAME: Tuition Liability and Refund – Continued

POLICY COMMITTEE MEMBERS PRESENT: Trustee Kathleen Masiello, Student Trustee Rebecca Krakowiak, Vice President of Enrollment Management Erik D’Aquino, Executive Vice President of Operations Michael Piekiewicz, Provost/Executive Vice President of Academic Affairs Richard Washousky, Director of Human Resources, Tracey Cleveland.

DATE OF BOARD APPROVAL: October 26, 2017

POLICY COMMITTEE TEAM FOLLOW-UP:
Following Trustee approval, this Board policy will be included in the Erie Community College Board of Trustees Policy Manual.

INFORMATION/INPUT CONSIDERED DURING POLICY COMMITTEE DELIBERATIONS:
This policy corresponds to the Code of Standards and Procedures for Community Colleges operation under the program of the State University of New York (8, NYCRR 602.11). (See Exhibit attached)

The Policy has been reviewed and discussed at the Policy Committee meeting of July 14, 2017, August 4, 2017, and September 8, 2017.
Committee Meeting: Policy Committee  Date: September 8, 2017
Committee Chair: Kathleen Masiello
New or Edited: Edited VII-B-11 Personnel Verification of Credentials and Falsification of Academic/Employment Records

POLICY NAME: Verification of Credentials of Employees

POLICY TYPE: Board

SUBMITTED BY: Director of Human Resources- Tracey Cleveland

ISSUE OR STATEMENT OF PURPOSE:
SUNY Erie Community College requires verification of credentials required for employment, and may be tied to the College’s accreditation.

CORRECTIVE ACTION PLAN RECOMMENDATION (if any): N/A

NEW OR EDITED POLICY: Edited BOT Policy VII-B-11 Personnel Verification of Credentials and Falsification of Academic/Employment Records

All College employees classified as 1) academic or 2) professional staff are required to provide verification of academic credentials in the form of official transcripts from accredited institutions in conformity with the requirements of the job description.

If certification or equivalency is accepted in lieu of a degree/transcript, that certification must be provided to the College.

This constitutes a term and condition of employment at SUNY Erie Community College. Verification of credentials is related to accreditation of the College.

Failure to provide required transcripts or certification within 30 days of hire may result in the revocation of a job offer or in immediate termination of the employee.

Human Resources is responsible for the administration of this process.

DOES IT SUPERCEDE A POLICY/WHICH ONE: BOT Policy VII-B-11, approved 8/97 and 9/00

POLICY COMMITTEE RECOMMENDED ACTION:
The Policy Committee recommends the Board of Trustees approves this Board policy under the Report of the Chair, Ad Hoc Committee Reports and Policy Committee. This policy supersedes all prior policies/procedures and practices related to the Verification of Credentials of Employees.
POLICY NAME: Verification of Credentials of Employees - Continued

POLICY COMMITTEE MEMBERS PRESENT:
Trustee Kathleen Masiello, Student Trustee Rebecca Krakowiak, Vice President of Enrollment Management Erik D’Aquino, Executive Vice President of Operations Michael Pietkiewicz, Provost/Executive Vice President of Academic Affairs Richard Washousky, Director of Human Resources, Tracey Cleveland.

DATE OF BOARD APPROVAL: October 26, 2017.

POLICY COMMITTEE TEAM FOLLOW-UP:
Following Trustee approval, this Board policy will be included in the SUNY Erie Community College Board Policy Manual.

INFORMATION/INPUT CONSIDERED DURING POLICY COMMITTEE DELIBERATIONS:
This policy was reviewed and discussed at the Policy Committee meeting of July 14, 2017, and September 8, 2017.
Committee Meeting: Policy & Governance Committee  Date: November 8, 2019
Committee Chair: Kathleen Masiello – Members Present Page 4
New or Edited: Edited Visual Identity

POLICY NAME: Visual Identity Policy

POLICY TYPE: Board

SUBMITTED BY: Paula Sandy, Executive Director of Marketing and Communication

ISSUE OR STATEMENT OF PURPOSE:

Policy Overview
The Visual Identity Policy provides information and guidelines to SUNY Erie Community College, State University of New York (SUNY Erie, College), and other related entities regarding the use of the name, logo and/or approved editorial style of the College.

Scope and Applicability
This policy applies to all branding by the College offices, academic divisions, staff, faculty, and students of SUNY Erie and use of the SUNY Erie brand by related, affiliated or external individuals and/or entities.

NEW OR EDITED POLICY: Edited Visual Identity Policy

Policy Statement
The Marketing and Communications Department is responsible for overseeing and managing the brand identity of the College. No entity is authorized to use the name or logo of SUNY Erie without express permission of SUNY Erie’s President, his/her designee, or the Executive Director of Marketing and Communication. Therefore, all requests must be directed to the Executive Director of Marketing and Communications for approval or disapproval. Decisions are based on guidelines promulgated by the President and his/her designees. In certain cases, the Executive Director of Marketing and Communications may refer requests for such use to the President, or his/her designee, as appropriate.

This Visual Identity Policy is intended to ensure the College benefits from the consistent and coherent promotion of SUNY Erie’s brand and to minimize liability and risk associated with the misuse of its brand.

SUNY Erie’s brand identity defines the institution and cohesive brand identity enhances recognition of the College and its programs. The objective is to enhance SUNY Erie publications with common elements that clearly identify publications as a sanctioned part of the College's activities, operations and brand.
POLICY NAME: Visual Identity Policy - Continued

Definitions

Editorial Style - The way punctuation and grammar are used in writing according with the SUNY Erie Editorial Style Guide which can be amended over time.

Logo - A symbol that is used to identify a company or organization which appears on its products and publications. As referenced in this policy, “logo” refers to an approved combination of lettering and graphic symbol.

Organizational Unit - Any office, department, division, or small business unit that falls under the administrative purview of SUNY Erie.

Publication - For the purpose of this policy, publication refers to anything created for the College or any of its organizational units that is intended for public dissemination or to target specific constituencies when one of the following applies:

- The document was created by College staff or faculty using College equipment and/or SUNY Erie Foundation funds;
- The document was created to enhance enrollment and/or endowment efforts

Publications, whether printed or electronic, may be produced on or off campus and include, but are not limited to signage, advertisements, announcements, flyers, invitations, newsletters, email, letterhead, posters, presentations, event programs, social media, videos, websites, webpages and public notifications of events and/or programs.

Policy Process

Guidelines - Current College brand guidelines and resources, including logo use and references for editorial style, are maintained on the SUNY Erie employee portal and can be obtained from the Office of Marketing & Communications (MARCOM) and the MARCOM toolbox.

Logo - SUNY Erie’s official logo shall appear in an approved configuration on all publications produced by or for every College organizational unit. SUNY Erie’s logo shall not be redrawn, re-proportioned, modified or altered in any way. Only approved logos obtained from the College MARCOM Office shall be used.

Publications - All publications must be produced by, use a template provided by, or be developed under the guidance of MARCOM. Unless specifically authorized by MARCOM, no College employee or student group may create an “official” SUNY Erie presence on any form of Social Media, now in existence, or created in the future, or represent themselves as a spokesperson or authorized representative of SUNY Erie (See also Media Relations Policy). All requests for new Social Media accounts should be made through the MARCOM office job
POLICY NAME: Visual Identity Policy - Continued

request form.

Acceptable Use, Copyright, Trademark and Intellectual Property
SUNY Erie publications must follow all existing privacy policies and laws.

Use of content included in an official SUNY Erie publication must be consistent with the mission and goals of the College. SUNY Erie publications represent the College, not individual employees or students and as such, all users must provide materials that are consistent with federal and state law and College policies and established procedures.

MARCOM will provide to approved vendors, SUNY Erie’s approved logos, fonts, colors and taglines, as deemed necessary by MARCOM.

Use of copyrighted material or intellectual property without the original creator's knowledge and permission is not allowed. Proper permissions must be obtained and cleared with MARCOM before using copyrighted material. Trademarks are the property of their owners and may only be used with the permission of the owner. It is the responsibility of the user to determine whether there is a clear legal right to use the information. Failure to provide appropriate permission will result in the publication being withdrawn from the public.

Exceptions and Exemptions
Branding that introduces a new visual identifier (such as a logo, graphic or typeface) or editorial style outside the specifications of the College brand guidelines is not allowed, unless prior approval is obtained from MARCOM.

Materials for class use such as syllabi and other handouts or electronic postings are exempt from this policy.

Statement of Accountability and Responsibility
The Executive Director of Marketing and Communications and MARCOM shall be responsible for enforcing procedures and related policies, under the direction of the President or his/her designee.

NEW OR EDITED POLICY: Visual Identity Policy

DOES IT SUPERCEDE A POLICY/WHICH ONE (if so, attach redline version): Visual Identity Policy last approved October 26, 2017

POLICY & GOVERNANCE COMMITTEE RECOMMENDED ACTION:
Policy & Governance Committee recommends the Board of Trustees approve this Board policy under Committee Briefings, Policy and Governance Committee. This Policy supersedes all prior policies/procedures and practices related to Visual Identity Policy, branding, use of logo and editorial style.
POLICY NAME: Visual Identity Policy - Continued

POLICY COMMITTEE MEMBERS PRESENT: Trustee Kathleen Masiello, Trustee Leonard Lenihan, Executive Vice President for Administration and Finance Penelope Howard, Provost and Executive Vice President of Academic and Student Affairs Douglas Scheidt, Employee Relations Manager Daniel Kaufmann, Dean of Liberal Arts and Science Joanne Colmerauer, Dean of Liberal Arts and Science Jamie Smith and Dean of Students Petrina Hill-Cheatom

DATE OF BOARD APPROVAL: December 19, 2019.

POLICY & GOVERNANCE COMMITTEE TEAM FOLLOW-UP: Following Trustee acceptance, this Board policy will be included in the Erie Community College Board Policy Manual.

INFORMATION/INPUT CONSIDERED DURING POLICY & GOVERNANCE COMMITTEE DELIBERATIONS:
Longwood University Policies & Procedures – Official Printed Publications 9403
Longwood University Policies & Procedures – Institutional Name/Logo 9402

This Policy was reviewed and discussed at the Policy & Governance Committee meeting of October 11, 2019 and November 8, 2019.

History

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<th>Item:</th>
<th>Date:</th>
<th>Explanation:</th>
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<tr>
<td>Policy adopted</td>
<td>June 1988</td>
<td>“Use of College Name, Seal and Logo”</td>
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<tr>
<td>Annual BOT Review/Reaffirmed</td>
<td>September 2000</td>
<td></td>
</tr>
<tr>
<td>Revised, Renamed and Approved</td>
<td>October 26, 2017</td>
<td>“Visual Identity Policy”</td>
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<td>Revised and Approved</td>
<td>December 19, 2019</td>
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SUNY Erie Cross References

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<tr>
<td>Media Relations Policy</td>
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