

**JEFFERSON COMMUNITY COLLEGE  
BOARD OF TRUSTEES**

**MINUTES OF MEETING  
WEDNESDAY, JUNE 7, 2017**

Present: Terry Fralick, Chair ) TRUSTEES  
Pamela Beyor-Murtha )  
Michael Crowley )  
Elizabeth Fipps )  
Judy Gentner )  
Steven Haas )  
Nathan Hunter )  
Reganne Smith )

Excused: David Males )  
Lisa Weber )

Administrative Staff:  
Carole McCoy, President  
Dan Dupee, VP-Administration & Finance

Guests: Rocco Cappello, Dean of Students  
Courtnee Denton, incoming Student Trustee  
Leslie DiStefano, Marketing/Communications Director  
Linda Dittrich, AVP – Science Division  
Jeri Fairman, AVP – Liberal Arts  
Jeff Wiley, Director of Athletics

The regular monthly meeting of the Board of Trustees of Jefferson Community College was called to order at 4:03 p.m., on Wednesday, June 7, 2017, in Room E-130 of the Extended Learning Center, Jefferson Community College, Watertown, New York, by Board Chair Terry Fralick.

**APPROVAL OF MINUTES**

On motion made by Pam Beyor-Murtha, seconded by Judy Gentner, the minutes of the May 8<sup>th</sup> meeting were approved.

**PRIVILEGE OF THE FLOOR**

Chair Fralick offered privilege of the floor. Trustee Haas thanked Karen Freeman for her efforts organizing President McCoy’s Retirement Celebration.

**UPDATE FROM THE FOUNDATION**

Trustee representative on the Foundation Board Nathan Hunter reported the following:

- Donations made in honor of President McCoy to the McCoy Family Scholarship had exceeded \$7000

- The Foundation Board of Directors approved the Foundation’s Strategic Plan
- The theme of the upcoming annual appeal will be “JCC Proud”
- The Foundation budget for the upcoming year had been presented to the Finance Committee and will be brought to the next meeting for Board approval
- Upcoming events include Alumni Wine Cruise on July 20, Clambake on August 11, Cannon Blast weekend in September and possibly a New Year’s Eve event.

Trustee Beyor-Murtha requested the Foundation Strategic Plan be forwarded to all Trustees. Karen Freeman will follow up.

### **UPDATE FROM THE STUDENT TRUSTEE**

Student Trustee Reganne Smith, who graduated in May, thanked fellow Trustees for a wonderful and amazing learning experience on the Board. She introduced incoming Student Trustee, Courtnee Denton, a humanities and social sciences major who stated she is excited to begin her term on the Board. Trustee Smith also reported on her experiential learning trip with the hospitality and tourism program to Hungary and Austria which included working on a service learning project with university students in Hungary. The trip was in collaboration with students from SUNY Potsdam.

### **UPDATE FROM THE SENATE PRESIDENT**

Prior to the meeting, John Penrose provided a written report from the May 24 Senate meeting, the last Senate meeting of the academic year.

### **PRESIDENT’S REPORT**

1. Athletic director Jeff Wiley provided an annual update on the Athletics Department. He highlighted the accomplishments of the volleyball team as well as individual player recognition from the NJCAA. Jeff noted the geographic diversity of the teams including many Frontier League athletes. He also reported on the renewed focus on community service and athletes through the “Cannoneers Care” program. AD Wiley closed with a thank you to President McCoy for her years of support of Cannoneer athletics.
2. President McCoy noted that written annual updates for Student Activities and Campus Safety & Security were posted on Blackboard. There were no questions.
3. President McCoy updated Trustees on the operating budget proposal for 2017-2018. The budget had been submitted to the County and a meeting to discuss had not been set as of yet. Written questions from Deputy County Administrator Sarah Baldwin had been answered by VP Dupee. The budget would be presented to the Finance and Rules Committee of the County legislature on June 27 and all Trustees were encouraged to attend and support the College if possible. President McCoy has invited incoming President Stone to attend. The County will act on the budget at the July 5 meeting; there is no presentation at that time. VP Dupee will attend with President Stone.

### **APPOINTMENT OF NOMINATING COMMITTEE**

Board Chair Fralick appointed Michael Crowley, Steve Haas and Judy Genter to serve as the 2017 Nominating Committee. The nominating committee is tasked with bringing forward a slate of officers for the 2017-2018 year at the July meeting.

## **BUDGET & PLANNING**

Committee Chair Nate Hunter provided the report of the Budget and Planning Committee which met prior to the full Board meeting.

Following presentation and motion by Trustee Hunter, seconded by Judy Gentner, the Board unanimously approved the following budget amendment acknowledging grant funding:

### **RESOLUTION NO. 127-17:           2016-2017 BUDGET AMENDMENT   SBDC STATE GRANT**

**WHEREAS**, the College has received funding from the State University of New York (SUNY);

**WHEREAS**, SUNY has certain funds available to support the activities of the NYS Small Business Development Center (SBDC) and the funding agency has agreed to work together on projects. SUNY wishes to subcontract a portion of the work and services for the projects to the SBDC and both parties have entered into an agreement;

**NOW, THEREFORE BE IT RESOLVED**, that the Jefferson Community College Board of Trustees approves the operating budget amendment:

#### **INCREASE REVENUE:**

SBDC State Grant – Revenue	2531-3011-5410	<u>\$ 29,160.00</u>
	<b>Total Increase in Revenue</b>	<b>\$ 29,160.00</b>

#### **INCREASE EXPENDITURE:**

SBDC State Grant– Advertising	2531-3011-7203	1,000.00
SBDC State Grant– Indirect Cost	2531-3011-7231	2,160.00
SBDC State Grant– Prof Srvc Fees	2531-3011-7241	<u>26,000.00</u>
	<b>Total Increase in Expenditure</b>	<b>\$ 29,160.00</b>

Following presentation and on motion by Trustee Hunter, seconded by Beth Fipps, the Board unanimously approved two budget amendment resolutions 128-17 and 129-17 as follows:

### **RESOLUTION NO. 128-17:           2016-2017 BUDGET AMENDMENT   CENTER FOR COMMUNITY STUDIES – DEVELOPMENT   AUTHORITY OF THE NORTH COUNTRY (DANC) 3<sup>RD</sup> BIENNIAL   REGIONAL TRACKING SURVEY**

**WHEREAS**, the College has received funding from the Development Authority of the North Country (DANC) to develop a survey for distribution, analysis, and present findings of the survey. The survey

will target 350-450 adult residents from the three-county region including Jefferson, Lewis, and St. Lawrence Counties (New York);

**WHEREAS**, the random telephone survey (using both landline and cellular telephone participants) will be used for future data analysis and regional economic tracking statistics regarding quality-of-life in the adult community;

**NOW, THEREFORE BE IT RESOLVED**, that the Jefferson Community College Board of Trustees hereby approves the following budget amendment:

**INCREASE REVENUE:**

Center Comm. Studies Grant – Local Grants & Contracts 2803-3011-5430	<u>\$ 19,500.00</u>
<b>Total Increase Revenue</b>	<b>\$19,500.00</b>

**INCREASE EXPENDITURE:**

Center Comm. Studies Grant – Professional PT	2803-3011-6102	\$ 6,118.00
Center Comm. Studies Grant – State TRS	2803-3011-6202	\$ 918.00
Center Comm. Studies Grant – Social Security	2803-3011-6204	\$ 500.00
Center Comm. Studies Grant – Workers Compensation	2803-3011-6205	\$ 112.00
Center Comm. Studies Grant – Printing	2803-3011-7104	\$ 250.00
Center Comm. Studies Grant – Activity Expense	2803-3011-7202	\$ 2,675.00
Center Comm. Studies Grant – Indirect Cost	2803-3011-7231	\$ 179.00
Center Comm. Studies Grant – Prof Service Fees	2803-3011-7241	<u>\$ 8,748.00</u>
		\$ 19,500.00
<b>Total Increase Expenditure</b>		<b>\$19,500.00</b>

**RESOLUTION NO. 129-17: 2016-2017 BUDGET AMENDMENT  
CENTER FOR COMMUNITY STUDIES – NORTH COUNTRY  
PRENATAL/PERINATAL COUNCIL STUDY**

**WHEREAS**, the College has received funding from the North Country Prenatal/Perinatal Council to complete a needs assessment study;

**WHEREAS**, the study will involve the statistical analysis of survey data collected in each of 2007, 2014, and 2016 in the Northern NY region for the purpose of identifying any significant trends in prenatal/perinatal and maternal health issues in the region;

**NOW, THEREFORE BE IT RESOLVED**, that the Jefferson Community College Board of Trustees hereby approves the following budget amendment:

**INCREASE REVENUE:**

Center Comm. Studies Grant – Local Grants & Contracts 2803-3011-5430	<u>\$ 5,000.00</u>
<b>Total Increase Revenue</b>	<b>\$ 5,000.00</b>

**INCREASE EXPENDITURE:**

Center Comm. Studies Grant – Professional P/T	2803-3011-6102	\$ 3,542.00
Center Comm. Studies Grant – State TRS	2803-3011-6202	\$ 500.00
Center Comm. Studies Grant – Social Security	2803-3011-6204	\$ 335.00
Center Comm. Studies Grant – Worker’s Comp	2803-3011-6205	\$ 50.00
Center Comm. Studies Grant – Computer Equipment	2803-3011-7006	\$ 300.00
Center Comm. Studies Grant – Indirect Cost	2803-3011-7231	\$ 273.00
		\$ 5,000.00

**Total Increase Expenditure \$ 5,000.00**

Following presentation and on motion by Trustee Hunter, seconded by Reganne Smith, the Board unanimously approved the following adjustment to the tuition receivable account:

**RESOLUTION NO. 130-17: TUITION RECEIVABLE WRITE-OFF**

**WHEREAS**, in compliance with generally accepted accounting principles, the College should not retain as accounts receivable items accounts that are deemed to be un-collectable, and;

**WHEREAS**, the accounts receivable items set forth in the attached schedule are deemed to be un-collectable;

**NOW, THEREFORE BE IT RESOLVED**, that the Jefferson Community College Board of Trustees hereby approves the following adjustment to the tuition receivable account:

**Student Accounts Receivable 0-10000-1310 \$204,654.39**

Following presentation and on motion by Trustee Hunter, seconded by Beth Fipps, the Board unanimously approved the following increase in bad debt allowance:

**RESOLUTION NO. 131-17: BAD DEBT ALLOWANCE INCREASE**

**WHEREAS**, the allowance for bad debt reflected in the College’s financial statements is currently at \$187,000;

**WHEREAS**, the College’s auditors have suggested that the bad debt allowance should reflect the average of the past three (3) years’ actual tuition write offs which is an average of \$198,000;

**NOW, THEREFORE BE IT RESOLVED**, that based upon the past three (3) years’ average, the allowance for bad debt shall be increased to \$198,000 for the 2016-2017 fiscal year.

Chair Hunter briefly presented four 2017-2018 budgets for approval – the New Student Services budget, Student Association budget, Jefferson Faculty Student Association Auxiliary (JFSAA) budget and Faculty Student Association (FSA), budget. All were reviewed in detail during the budget and planning meeting.

Both the New Student Services and Student Association budgets, which had been reviewed by Dean of Students Rocco Cappello, both had very little change from the current year's budgets, and both were expected to come in under budget for this fiscal year. Trustee Hunter noted VP Dupee had reviewed the JFSAA and FSA budgets in detail and commended FSA for the positive turn in their financials. VP Dupee noted potential impacts to the FSA budget including the number of residence hall students and changes in textbook delivery. President McCoy recommended that with the positive net income expected, the coming year may be a good time to re-evaluate ways FSA can support the College.

On motion by Trustee Hunter, seconded by Judy Gentner, the Board unanimously approved four 2017-2018 budget resolutions 132-17, 133-17, 134-17 and 135-17 as follows:

**RESOLUTION NO. 132-17:            APPROVAL 2017-18 OPERATING BUDGET  
NEW STUDENT SERVICES**

**BE IT RESOLVED**, that the Jefferson Community College Board of Trustees does hereby approve the attached 2017-18 operating budget for New Student Services.

**RESOLUTION NO. 133-17:            JUNE 7, 2017**

**SUBJECT:                                APPROVAL 2017-18 OPERATING BUDGET  
STUDENT ASSOCIATION, STUDENT GOVERNMENT,  
ATHLETIC BOARD OF CONTROL AND CULTURAL ACTIVITIES  
BOARD**

**BE IT RESOLVED**, that the Jefferson Community College Board of Trustees hereby approves the attached 2017-18 operating budget for the Student Association, Student Government, Athletic Board of Control and Cultural Activities Board.

**RESOLUTION NO. 134-17:            APPROVAL OF 2017-18 OPERATING BUDGET  
FACULTY-STUDENT ASSOCIATION (FSA)**

**BE IT RESOLVED**, that the Jefferson Community College Board of Trustees hereby approves the attached 2017-2018 operating budget for the Faculty - Student Association (FSA).

**RESOLUTION NO. 135-17:            APPROVAL 2017-18 OPERATING BUDGET  
JEFFERSON FACULTY - STUDENT ASSOCIATION  
AUXILIARY (JFSAA)**

**BE IT RESOLVED**, that the Jefferson Community College Board of Trustees hereby approves the attached 2017-18 operating budget for the Jefferson Faculty - Student Association Auxiliary (JFSAA).

Committee Chair Hunter reviewed the financial statements for the month ending April 30, 2017. There were no areas of concern. On motion made by Nate Hunter, seconded by Pam Beyor-Murtha, the financial statements for April 2017 were unanimously accepted.

### **ACADEMIC & EDUCATIONAL SERVICES COMMITTEE**

Committee Chair Pam Beyor-Murtha provided the report of the Academic & Educational Services Committee which met prior to the full Board meeting.

Following presentation and on motion by Trustee Beyor-Murtha, seconded by Steve Haas, the Board unanimously approved two academic program reviews, resolutions 136-17 and 137-17, as follows:

#### **RESOLUTION NO. 136-17: APPROVAL OF PERIODIC PROGRAM REVIEW COMPUTER INFORMATION SYSTEMS A.S.**

**BE IT RESOLVED**, that the Jefferson Community College Board of Trustees hereby approves the attached periodic program review for the Computer Information Systems A.S. degree

#### **RESOLUTION NO. 137-17: APPROVAL OF PERIODIC PROGRAM REVIEW COMPUTER SCIENCE A.S.**

**BE IT RESOLVED**, that the Jefferson Community College Board of Trustees hereby approves the attached periodic program review for the Computer Science A.S. degree.

### **PERSONNEL COMMITTEE**

Committee Chair Mike Crowley provided the report of the Personnel Committee which met on May 30.

Trustee Crowley stated he was pleased to present and read resolution #138-17 recommending President Carole McCoy be designated President Emerita. The resolution was greeted with a round of applause and standing ovation for President McCoy.

Following the reading of the resolution and on motion by Mike Crowley, seconded by Beth Fipps, the Board unanimously approved the following resolution granting President Emerita designation to College president Dr. Carole A. McCoy:

#### **RESOLUTION NO. 138-17: CAROLE A. MCCOY, PRESIDENT EMERITA**

**WHEREAS**, Dr. Carole A. McCoy has served Jefferson Community College as its fifth president since February 1, 2007 and will have completed ten years of dedicated service to the College at the time of her retirement; and

**WHEREAS**, the continued growth and development of Jefferson Community College as a learning institution, to the benefit of its students and the community, is largely attributable to the dedicated commitment, strategic vision and inspiring leadership of Carole McCoy; and

**WHEREAS**, President McCoy has supported student success initiatives and advanced the College's Facilities Master Plan to realization of the Jefferson Higher Education Center, East Hall, Collaborative Learning Center; Health and Wellness Center; and Gregor Building; and

**WHEREAS**, the College community and the North Country community-at-large are indebted to President McCoy for her contributions to education as well as her extensive service to many community organizations and events; and

**NOW, THEREFORE, BE IT RESOLVED** that the Trustees of Jefferson Community College, on behalf of the College and College community, express their deepest appreciation to Carole McCoy for her service and leadership in guiding Jefferson Community College through tremendous growth and maintaining its high standing in the academic world; and

**BE IT FURTHER RESOLVED**, that Dr. Carole A. McCoy be named President Emerita of Jefferson Community College.

President McCoy stated the last ten years has been an incredible experience and thanked the Board of Trustees for their support and the trust placed in her to lead Jefferson. President McCoy then presented each Trustee with a River Keeper coin that she commissioned to honor and recognize those that help students "cross the river" to a better life.

On behalf of the Board, Judy Gentner expressed appreciation and gratitude to President McCoy for her leadership that has taken Jefferson to new heights and noted that she will be greatly missed within the community.

Following presentation and on motion by Mike Crowley, seconded by Steve Haas, the Board unanimously approved the following appointments to the Presidential Transition Team:

**RESOLUTION NO.139-17:                    APPOINTMENT OF PRESIDENTIAL TRANSITION TEAM**

**BE IT RESOLVED**, that the Jefferson Community College Board of Trustees hereby appoints the following individuals to serve on the Presidential Transition Team to organize an orderly transition of presidential leadership and introduction of the new president to the campus and local community:

- Sharon Addison, Watertown City Manager
- Elizabeth Fipps, Jefferson Community College Board of Trustees
- Terry Fralick, Chair – Jefferson Community College Board of Trustees
- Karen Freeman, Assistant to the President
- Judy Gentner, Jefferson Community College Board of Trustees
- Bob Gorman, Executive Director, United Way of Northern New York
- Scott Gray, Chair – Jefferson County Board of Legislators
- Gregory Griffin, College Development Officer
- Walt Hammond, Jefferson Community College Foundation
- Terrence Harris, Dean for Continuing Education & Community Engagement



John Johnson, Chairman and CEO – Johnson Newspaper Corporation  
David Males, Jefferson Community College Board of Trustees  
Kylie Peck, Executive Director – GWNC Chamber of Commerce  
John Penrose, Professor of Chemistry/College Senate President  
Theresa Quintin, President – Jefferson Community College Foundation  
Brandi Williams, Secretary to the Dean of Students, EMSL Division  
Carole McCoy, President Emerita (ex officio)

Following presentation and on motion by Mike Crowley, seconded by Steve Haas, the Board unanimously approved the Management-Confidential salary scale and increases for 2017-2018:

**RESOLUTION NO. 140-17:           MANAGEMENT / CONFIDENTIAL SALARY SCHEDULE  
2017-2018**

**BE IT RESOLVED**, that the Jefferson Community College Board of Trustees hereby approves the attached 2017-2018 salary schedule for management and confidential employees;

**BE IT ALSO RESOLVED**, that the Jefferson Community College Board of Trustees does hereby approve the attached salaries for management and confidential employees for the 2017-2018 academic year, effective September 1, 2017.

Trustee Crowley presented the following resolution to approve a new job title. President McCoy noted it was a management confidential position and reviewed the procedure for establishing new job titles with SUNY. On motion by Mike Crowley, seconded by Steve Haas, the Board unanimously approved the following job title and classification:

**RESOLUTION NO. 141-17:           JOB TITLE AND CLASSIFICATION  
Dean of Student Success**

**BE IT RESOLVED**, that pursuant to Section 201.7 (a) of the New York State Department of Civil Service Rules and Regulations, the Board of Trustees of Jefferson Community College determines the position of:

**Dean of Student Success**

be classified as professional service as defined in Section 6306 of Education law.

**OTHER BUSINESS**

President McCoy presented a revision to the Sexual Misconduct Prevention and Prohibition Policy that clarifies language to match the language in Federal and New York laws. On motion made by Mike Crowley, seconded by Reganne Smith, the Board unanimously approved the following revision to the Sexual Misconduct Prevention and Prohibition Policy:

**RESOLUTION NO. 142-17:           SEXUAL MISCONDUCT PREVENTION AND PROHIBITION POLICY  
(Revises Resolution No. 116-14, March 2014)**

**BE IT RESOLVED**, that the Jefferson Community College Board of Trustees hereby establishes the following policy in compliance with legal requirements of Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Campus Sexual Violence and Elimination (Campus SaVe) Act of 2013, the Violence Against Women Act (VAWA) of 2013, and 20 USC Section 1092 (f), Section 6432 of Article 129-A and Article 129-B of NYS Education Law.

Jefferson Community College is committed to creating and maintaining a community in which students, faculty and staff can work together in an atmosphere free from all forms of sexual misconduct or sexual violence including, but not limited to, sexual assault, sexual harassment, and gender discrimination. Any form of violence, harassment, or discriminatory behavior prevents a member of the campus community from achieving his/her full potential and is a violation of College policy;

Employees, students, applicants or other members of the College community (including but not limited to vendors, visitors, and guests) may not be subjected to sexual violence, harassment, or discrimination that is prohibited by law, or treated adversely or retaliated against. The College is committed to fostering a community that promotes prompt reporting of all types of sexual misconduct including sexual violence, harassment, and discrimination, and ensures timely and fair resolution of sexual misconduct and harassment complaints. It is the intention of the College to take appropriate action to end the misconduct, prevent its reoccurrence and address its effect.

**RESPONSIBILITY TO REPORT**

All members of the College Community are required to report, at the time they become aware of, concerns expressed to them by an alleged victim of sexual harassment / gender discrimination, whether direct or third party, to the Affirmative Action Officer or Title IX Coordinator.

**CONFIDENTIALITY**

Certain college employees, such as the Affirmative Action Officer, Title IX Coordinator, managers, supervisors, and other designated employees have an obligation to respond to reports of sexual misconduct, sexual violence and/or harassment, even if the individual making the report requests that no action be taken. An individual's request regarding the confidentiality of reports of sexual misconduct will be considered in determining an appropriate response; however, such requests will be considered in the dual contexts of the College's legal obligation to ensure a working and learning environment free from violence and harassment and the due process rights of the accused to be informed of the allegations and their source. Some level of disclosure may be necessary to ensure a complete and fair investigation, although the College will comply with requests for confidentiality to the extent possible.

**SEXUAL VIOLENCE RESPONSE PROCEDURES**

In accordance with the Students' Bill of Rights, the College has developed sexual violence response procedures published in the College Catalog and on the website in accordance with federal and state laws.

## **INFORMAL COMPLAINT RESOLUTION PROCEDURE**

If an employee or student feels that he/she has been a victim of any form of sexual misconduct / sexual harassment / gender discrimination, the incident(s) may be addressed informally with the alleged harasser, the Affirmative Action Officer, or Title IX Coordinator. These discussions will be handled in a professional and confidential manner. If appropriate, an attempt will be made to resolve the problem through informal procedures. Mediation will not be permitted for allegations of sexual assault.

**FORMAL GRIEVANCE PROCEDURE** If a complaint is filed with the Affirmative Action Officer or Title IX Coordinator and an informal inquiry indicates that a charge is unlikely to be resolved informally, or an attempt at informal resolution is unsuccessful, then the College may institute more formal procedures.

## **RETALIATION**

Threats or other forms of intimidation and retaliation against a complainant or any other party reporting or acting pursuant to this policy are violations of this policy, and constitute grounds for disciplinary action.

## **FALSE STATEMENT**

Complaints of sexual misconduct including but not limited to sexual violence, sexual harassment and other forms of gender discrimination cannot always be substantiated. Lack of corroborating evidence should not discourage complainants from seeking relief through the procedures outlined above. However, charges found to have been intentionally dishonest or made maliciously without regard for truth will subject complainants to disciplinary action.

## **PREVENTION THROUGH EDUCATION AND INFORMATION**

The College offers to new students and employees educational programs to promote the awareness of sexual misconduct and sexual violence, rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking, which shall include primary prevention and awareness programs for incoming students and new employees, as well as ongoing prevention and awareness programs for students and employees.

Specifically, these education and informational programs include, but are not be limited to, the following subjects:

1. the definition of domestic violence, dating violence, sexual assault, and stalking in its jurisdiction;
2. a statement that the institution prohibits these offenses;
3. the applicable state laws, ordinances, and regulations regarding sex offenses;
4. the penalties under state law for commission of sex offenses as well as on-campus disciplinary sanctions for the same;
5. the procedures in effect at the College for dealing with sex offenses;
6. the definition of consent in reference to sexual activity;
7. information on risk reduction to recognize warning signs of abusive behavior;
8. strategies intended to stop domestic violence, dating violence, sexual assault, or stalking before it occurs through the changing of social norms and other approaches;
9. safe and positive options for bystander intervention;
10. the availability of counseling and other support services for the victims of sex offenses on campus and off-campus;

11. the nature of and common circumstances relating to sex offenses on campuses; and
12. the methods the College employs to advise and to update the campus about security procedures;
13. the role of the Title IX Coordinator, Campus Security and other offices that address sex offenses.

The College has developed a Student Onboarding and Ongoing Education Guide for student training.

## **DEFINITIONS**

**Sexual Assault:** Any type of sexual contact or behavior that occurs without the explicit consent of the recipient. Sexual assault 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. Sexual assault includes, but is not limited to, sexual activities such as: forced sexual intercourse, forcible sodomy, fondling, oral sexual contact, attempted rape, and/or a sexual act where the individual is incapacitated.

**Sexual Harassment:** Sexually harassing behavior includes unwelcome verbal or physical conduct, which is sexually offensive. Sexually offensive conduct may include sexual flirtations or touching, verbal abuse of a suggestive nature, graphic or suggestive comments about an individual's dress or body, use of sexually degrading words to describe an individual, the display in the work place of sexually suggestive objects or pictures. According to current federal, state and SUNY guidelines, sexual harassment is a form of unlawful discrimination.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment or of a student's evaluation;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions or student evaluations affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's (employee or student) performance or creating an intimidating, hostile or offensive working environment.

Sexually-based harassment can include interactions in person, by phone, electronic messages and photos, written words or images such as graffiti and social media postings.

A single isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a pattern of incidents for a hostile environment, particularly if the harassment is physical.

Sexual harassment will be distinguished from behavior which, even though unpleasant or disconcerting, is appropriate to the carrying out of instructional, advisory, or supervisory responsibilities. Instructional responsibilities, in particular, require appropriate latitude for pedagogical decisions concerning the topics discussed and methods used to draw students into discussion and full participation.

**Sexual Exploitation:** When an individual takes non-consensual or abusive sexual advantage of another, for his/her own benefit; or to benefit anyone other than the one being exploited; and that behavior does not otherwise constitute one of the other sexual misconduct offenses.

**Gender-Based Harassment:** Sexual harassment also includes gender-based harassment including harassment based upon an individual's perceived or actual gender identity or sexual orientation, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

College personnel shall not on the basis of a person's gender, sexual orientation or gender identity:

1. Treat one person differently from another in determining whether such person satisfies any requirement or condition for the provision of such aid, benefit, or service;
2. Provide different aid, benefits, or services or provide aid, benefits, or services in a different manner;
3. Subject any person to separate or different rules or behavior, sanctions, or other treatment;
4. Otherwise limit any person in the enjoyment of any right, privilege, advantage, or opportunity.

**Stalking:**

Stalking is the unwanted pursuit of another person. It includes repeated harassing or threatening behavior toward another person, whether that person is a total stranger, slight acquaintance, current or former intimate partner, or anyone else.

**Consent:**

Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

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.

Consent may be initially given but withdrawn at any time. Consent cannot be given when a person is incapacitated. Incapacitation occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness, being asleep, being involuntarily restrained, or otherwise unable to consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.

Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm. Persons under the age of 17 cannot consent. When consent is withdrawn or cannot be given, sexual activity must stop.

Questions regarding the application of this policy may be directed to the College's Title IX Coordinator and/or Affirmative Action Officer. Inquiries may also be directed to the United States Department of Education's Office for Civil Rights<sup>1</sup>, \_\_\_\_\_.

The Board of Trustees directs the President to develop such procedures to ensure compliance with this policy.

<sup>1</sup>The current address, telephone number and email for the College's Title IX Coordinator, Affirmative Action Officer, and the United States Department of Education's Office for Civil Rights should be provided as part of policy distribution.

Sample:

United States Department of Education's Office for Civil Rights, 32 Old Slip 26th Floor, New York, NY 10005-2500; Tel. (646) 428-3900; Email [OCR.NewYork@ed.gov](mailto:OCR.NewYork@ed.gov)

Following presentation by President McCoy, and on motion made by Beth Fipps, seconded by Judy Gentner, the Board unanimously - and with a round of applause - approved a resolution recognizing student Trustee Reganne Smith for her service to the Board:

**RESOLUTION NO. 143-17: RECOGNITION OF SERVICE  
REGANNE H. SMITH**

**WHEREAS**, Reganne H. Smith was first elected by the student body to serve as the student member of the Jefferson Community College Board of Trustees commencing July 1, 2016; and

**WHEREAS**, in addition to serving as a Trustee, Reganne has provided leadership to the Jefferson Community College Student Government helping to plan and promote student programming, leadership training opportunities, and special events, and coordinating open forums to discuss student life; and

**WHEREAS**, Reganne was a leader among her peers as a resident assistant helping to create a positive campus living and learning experience for residential students in East Hall; and

**WHEREAS**, Reganne has supported the Jefferson Community College Board of Trustees through her enthusiastic participation as a member of the Academic and Educational Services Committee and the Presidential Search Committee, her generous donation of time and talent, and her thoughtful insight and counsel;

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Trustees extends appreciation to Reganne H. Smith for her dedicated service to this College and offers every good wish for continued success in her future higher education and professional service endeavors.

Following presentation by President McCoy and on motion made by Pam Beyor-Murtha, seconded by Judy Gentner, the Board unanimously ratified the following contracts:

**RESOLUTION NO. 144-17: RATIFICATION OF CONTRACTS  
Anchor Recovery Center of NNY  
Carthage Area Hospital  
State University of New York**

**WHEREAS**, pursuant to Jefferson Community College Board of Trustees Resolution No. 128-89, the College President approved the following contractual agreements, copies of which are attached hereto:

**Anchor Recovery Center of NNY**  
*(clinical agreement, human services and chemical dependency programs)*

**Carthage Area Hospital**  
*(nurse practitioner, Health & Wellness Center)*

**State University of New York**  
*(Equal Opportunity Program grant agreement)*

**NOW, THEREFORE, BE IT RESOLVED**, that the Jefferson Community College Board of Trustees does hereby recognize and ratify the aforementioned agreements.

**EXECUTIVE SESSION**

On motion made by Mike Crowley, seconded by Judy Gentner, the Board adjourned to Executive Session at 5:00 p.m. pursuant to Article 7, Section 105(f) of the Public Officers Law.

**RECONVENTION**

The Board reconvened in open session at 5:26 p.m.

Trustee Crowley made the following motion, seconded by Trustee Haas:

The Board of Trustees supports VP Dupee's request to take up to 60 days nonconcurrent sabbatical leave between now and July 2018, the days of which are to be coordinated in advance with President Stone, with the expectation that VP Dupee will fulfill his job duties during this timeframe.

The motion was approved by a vote of 6 to 1 with Trustee Beyor-Murtha voting no. The following Trustees voted yes: Terry Fralick, Nathan Hunter, Mike Crowley, Steve Haas, Judy Gentner, and Reganne Smith.

**ADJOURNMENT**

On motion made by Nathan Hunter, seconded by Reganne Smith, the meeting was adjourned at 5:30 p.m.

Respectfully submitted,

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Karen J. Freeman  
Secretary to the Board