Hudson Valley Community College

80 Vandenburgh Avenue, Troy, New York 12180

MINUTES

The regular meeting of the Board of Trustees of Hudson Valley Community College was held on Tuesday, June 28, 2016 on the college campus, 80 Vandenburgh Avenue, Troy, New York.

PRESENT

Neil J. Kelleher, Chairman
Joseph A. Kapp (via telephone, non-voting)
Catherine I. Conroy
William F. Fagan
William C. Jennings
Conrad H. Lang, Jr.
Brody P. O'Connor (arrived at 5:44 pm)
Brian S. Zweig

Andrew J. Matonak, President
James LaGatta, Vice President for Administration
George J. Raneri, Secretary to the Board
Suzanne Kalkbrenner, Assistant Secretary

C. Bosco	J. Fatato	S. McCarthy
J. Brennan	M. Green	M. Elahi S.
D. Clickner	D. Kennedy	A. Popovics
C. Curtis	R. LaGatta	P. White
S. Ely		

Chairman Kelleher called the meeting to order at 5:22 p.m. He paid tribute to trustee James Walsh, who passed away on June 12, and asked that the meeting be adjourned in his memory. The Board concurred unanimously.

Chairman Kelleher welcomed the next student trustee, Manik Elahi S., whose term begins on July 1st. He remarked that the current student trustee, Brody O'Connor, had set a very high bar, and performed at a level that all the Board could aspire to.

MINUTES

Upon a motion by Dr. Jennings, seconded by Mr. Lang, the following resolution was adopted unanimously.

Resolved, that the minutes of the regular meeting of the Board of Trustees held on May 24, 2016, be, and hereby are, approved.

SALARY INCREASE--EOC NTP STAFF

Upon a motion by Mr. Fagan, seconded by Ms. Conroy, the following resolution was adopted unanimously.

Resolved, that the request for approval extension of the salary increase for excluded College non-teaching professional and confidential employees to the eligible non-teaching professional staff, including grant-funded and part-time staff, of the Capital District Educational Opportunity Center, effective September 1, 2016, be, and hereby is, approved.

Upon a motion by Ms. Conroy, seconded by Dr. Jennings, the following resolution was adopted unanimously.

EOC 2016-2021 CONTRACT

Resolved, that the request to delegate to the President of the College the authority to execute, on behalf of the Board of Trustees, the 2016-2021 contract with the State University of New York for the operation of the Capital District Educational Opportunity Center, be and hereby is, approved.

Upon a motion by Mr. Lang, seconded by Mr. Fagan, the following resolution was adopted unanimously.

TRUSTEE EMERITUS DONALD E. FANE

Resolved, that the request to award the title of Trustee Emeritus to Donald E. Fane, in recognition of his excellent and dedicated service to Hudson Valley Community College over the past thirteen years (2003-2016) and to extend to him a unanimous vote of thanks on behalf of the college's Board of Trustees and the campus community, be, and hereby is, approved.

Upon a motion by Mr. Lang, seconded by Mr. Zweig, the following resolution was adopted unanimously.

TRUSTEE EMERITUS JAMES A. WALSH

Resolved, that the request to posthumously award the title of Trustee Emeritus to James A. Walsh, in recognition of his excellent and dedicated service to Hudson Valley Community College over the past nine years (2007-2016) and to present to his family a Certificate of Recognition on behalf of the college's Board of Trustees and the campus community, be, and hereby is, approved. The certificate shall read as follows:

Hudson Valley Community College
BOARD OF TRUSTEES
Certificate of Recognition
presented in loving memory of

JAMES A. WALSH '61

In Grateful Appreciation of Nine Years of Dedicated Service
2007 – 2016

Trustee Walsh was a true champion for all students;
a tireless ambassador of the college and valued board member and advisor to the Hudson Valley Community College Foundation and the Faculty Student Association.

His commitment to his alma mater will never be forgotten and his legacy serves as an example for all trustees and college leaders to follow.

MODIFICATION OF COLLEGE'S JUDICIAL SYSTEM

Upon a motion by Dr. Jennings, seconded by Mr. Zweig, the following resolution was adopted unanimously.

Resolved, that the request to approve modifications to the college's Judicial System, as recommended by the President and College Counsel to show full compliance with Education Law §129-B, be, and hereby is, approved. It shall read as follows:

Judicial System

ARTICLE I.
PREAMBLE

1.1 Hudson Valley Community College ("College") is primarily concerned with academic achievement, the personal integrity of its students and the wellness and safety of the members of its community. In addition, the College is committed to preserving peace, supporting a moral and just climate, maintaining a community where people are treated with courtesy and respect, meeting its contractual obligations, and protecting its property and that of its community members. The College, therefore, has established this Code of Conduct to communicate its expectations of students, visitors, college personnel and organizations.

ARTICLE II.
PURPOSE AND INTENT

2.1 The purpose of the College's having codes and adjudication procedures is to enforce standards of conduct and curtail inappropriate behavior as well as to assist the individual in resolving problems in an institutionally acceptable manner. The adjudication procedure provides a framework for the review of the substance of any alleged violation of the Code of Conduct. The individual is not absolved of the responsibility for his or her own behavior. Each individual is responsible for accepting the fact that rights come with concomitant responsibilities and that violations of the codes may result in discipline.

2.2 The student is charged with the responsibility of becoming familiar with the codes and regulations and the procedures for enforcing them and acting accordingly.

ARTICLE III.
DEFINITIONS

3.1 **"Campus Coordinator"** means the Coordinator of the College Judicial System. This is the person appointed by the College who is charged with the responsibility of ensuring that the procedures provided herein are adhered to in the processing and adjudication of complaints under the Code of Conduct. Campus Coordinator may also mean a designee of that office.

3.2 **"Code of Conduct"** means the list of prohibited conduct established by the College, as more fully set forth in Article V and VII herein, which includes behavior that violates the College's Academic Ethics, Computer Ethics and Campus Regulations, and also includes the procedures for enforcing the Code of Conduct.

3.3 **"College"** means Hudson Valley Community College, with its main campus located at 80 Vandenburgh Avenue in Troy, New York.

3.4 **"College premises"** means all buildings or grounds owned, leased, operated, controlled or supervised by the College including any buildings or grounds that are located off campus.

3.5 **"College-sponsored activity"** means any activity on or off campus which is initiated, aided, authorized or supervised by the College.

3.6 **"College Official"** means any full-time or part-time administrator, faculty, or security guard or security officer.

3.7 **"College Personnel"** means all employees of the College who work either on the campus or on other property used for educational purposes by the College.

3.8 **"Faculty Member"** means any full-time or part-time faculty member.

3.9 **"Organization"** means any group of individuals recognized or otherwise licensed by the College, which includes student groups, faculty groups or any group existing outside of the College community which seeks to utilize the College Premises for its own organizational purposes.

3.10 **"President"** shall mean the President of the College.

3.11 **"Vice President" or "Vice President for Enrollment Services and Student Development"** means the Vice President for Enrollment Management and Student Development or his/her designee.

3.12 **"Student"** means a person, including College Personnel, either enrolled in or auditing credit or non-credit courses at the College, on either a full-time or part-time basis.

3.13 Reference to any "**Time Limits"**, days shall be defined as any day the College is open for business and shall EXCLUDE Saturdays and Sundays, any holiday the College has published as "College closed," and emergency closings. Time limits may be waived for just cause under conditions that are set forth under the procedure affected.

3.14 **"Visitor"** means any individual who is not a Student nor otherwise affiliated with the College but who is on the College Premises for a legitimate purpose.

3.15 **"Ethics and Conduct Committee"** are employees or students of the College who undergo required training and constitute a pool from which review board members are selected.

3.16 **"Advisors"** An advisor may be a parent or child of the accused, a spouse or partner, a member of the College community or any individual of the student's choosing. Advisors may only act in an advisory capacity. No advisor represents a

student or any party at a disciplinary hearing. At a disciplinary hearing the advisor can pass notes to or speak quietly to the student but cannot speak directly to the review board or give evidence or testimony to be taken into the record. Advisors are always engaged by a student or participant directly and must be compensated at the expense of the individual retaining the advisor.

ARTICLE IV.
JURISDICTION

4.1 Generally, College jurisdiction and discipline will be applied to conduct which occurs on College Premises, during off-campus activities related to the College, or which violates federal, state or local laws on or off the College Premises. Jurisdiction and discipline may also be applied at the discretion of the College to conduct which occurs off-campus and which adversely affects the College, the College community or the interests and mission of the College. Students are responsible for the conduct of their guests, and may be subject to discipline for the conduct of their guests.

4.2 College disciplinary proceedings may be instituted against a Student or an Organization charged with conduct that potentially violates both the criminal law and the College's Code of Conduct (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this Code of Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus. Temporary delays requested by external municipal entities while law enforcement gathers evidence may be granted but temporary delays should not exceed 10 days except when law enforcement specifically requests and justifies a longer delay. Determinations made or sanctions imposed under this Code of Conduct shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of the College's Code were dismissed, reduced, or resolved in favor of or against the criminal law defendant. The College has the obligation to cooperate with all police authorities. When the protection of life and property and the regular, orderly operation of the College require it, the assistance of these agencies will be requested as a matter of policy.

4.3 Conduct proceedings are governed by the procedures set forth herein as well as federal and New York State law, including the due process provisions of the United States and New York State Constitutions. The processes herein will not be conducted by individuals with a legal conflict of interest.

ARTICLE V.
CODE OF CONDUCT FOR CAMPUS REGULATIONS AND COMPUTER

ETHICS

5.0 CAMPUS REGULATIONS FOR STUDENTS, VISITORS, COLLEGE PERSONNEL AND ORGANIZATIONS

The College is charged by its sponsoring agency and by the State University to attain its stated objectives. To properly discharge these responsibilities and to ensure a desirable relationship with the community as well as the protection of all Students, Visitors, guests, College Personnel, and Organizations, certain regulations have been established. Students enrolling in the College's education programs and Visitors, guests, College Personnel and Organizations that are associated with or use the College facilities do so subject to the Code of Conduct. In cases where there is an alleged violation of the Code of Conduct, it is the policy of the College to afford each Student and Organization associated with the College the right to adjudicate the allegation in accordance with the adjudication procedures as set forth in this Code. However, in cases where the Vice President for Enrollment Management and Student Development or his/her designee deems the conduct, condition, or infraction to be of such nature that the alleged violator poses a present or future threat to the health, safety and welfare of himself or herself or the College or its community, he/she may take immediate action to suspend the Student or disband any Organization associated with the College prior to the initiation of the formal adjudication procedures. Visitors, guests and organizations not affiliated with the College, while subject to these regulations, do not have rights to adjudicate any decision made which results in their removal from the College Premises.

Judicial Processes at Hudson Valley Community College occur independently of any official law enforcement or Court Proceedings. Any student who feels they may be the victim of a crime is supported in their endeavors to pursue independent criminal charges. Adjournments and delays in the Hudson Valley Community College's Judicial System to resolve criminal or civil cases will not, generally, be entertained. Hudson Valley Community College does assist and participate with local law enforcement and records kept by the College may be exchanged with law enforcement in accordance with applicable laws.

VISITORS: Students are responsible for the conduct of visitors they bring on the HVCC campus and may suffer disciplinary consequences if visitors act inappropriately.

(a) All Visitors must be on the College Premises for a legitimate purpose. Visitors should request temporary visitors' identification cards and temporary parking permits at the Public Safety Department. The College reserves the right to determine whether the purpose of the visit is legitimate. If it is not, Visitors will be asked to leave and those individuals or organizations that invited unapproved visitors may be sanctioned.

(b) Visitors are required to show identification when requested to do so by

security or administrative officers and to park in designated lots. Failure to do so or to leave when requested will result in such Visitors being considered as trespassers subject to arrest.

(c) All visitors must abide by all regulations in the code of conduct.

PROHIBITED CONDUCT

5.1 BIAS RELATED CRIMES

General Policy: Many individuals become targets of hateful acts because others are unable to accept differences based on race, gender sexual orientation, gender identity, religion, age, ethnicity or disability.

Hudson Valley Community College condemns such acts. At Hudson Valley Community College, a hateful incident directed at an individual or group, owing to their differences, is viewed as an attack on the entire college community and such acts simply will not be tolerated.

Nature of Bias-related Crimes/Incidents on College Campuses: While physical attacks and vandalism are rare on college campuses across the nation, demeaning jokes or harassing or threatening phone calls, electronic communications or e-mails are not uncommon. Bias incidents that do not violate criminal law may violate Hudson Valley Community College's policy prohibiting harassment and discrimination, Hudson Valley Community College's code of conduct for students, or federal or state civil law.

Definitions:
Hate Crime-In general, a hate crime is a crime of violence, property damage, or threat that is motivated in whole or in part by an offender's bias regarding race, religion, ethnicity, national origin, gender, disability, sexual orientation or gender identity.

Hate or Bias Incidents- Hate or bias incidents involve behavior that is motivated by bias based on race, religion, ethnicity, national origin, gender, gender identity, disability, or sexual orientation. Unlike hate crimes, these incidents do not involve criminal conduct such as assault, threat, or property damage. Bias-motivated degrading comments often are considered to be bias incidents. Hate or bias incidents may also be violations of other prohibited conduct set for in this code such as harassment, disorderly conduct or sexual harassment.[i]

If you feel you may be the victim of a bias related crime or incident or a victim of domestic violence, dating violence, stalking or sexual assault, please refer to the College's Anti-Discrimination and Anti-Violence Against Women/Harassment Policies and Procedures.

5.2 VIOLENCE AGAINST WOMEN AND OTHER FORMS OF DOMESTIC VIOLENCE

Hudson Valley Community College respects the freedom of all students to learn in an environment free of harassment, intimidation or violence in any form. The College Community supports victims of sexual assault, stalking, dating violence and domestic violence by strictly enforcing its code of conduct against offenders and by providing support services to victims. These incidents will not be tolerated on the College Campus. For a complete description of HVCC Policy, please refer to the SaVE Provisions of the Violence Against Women Act in the following section of the catalog.

Domestic Violence is defined by Hudson Valley Community College as any act which would constitute a violation of the penal law, including, but not limited to loud disruptive arguing, threats of violence, assaults, harassment including through social media or electronic communication, any non-consensual sexual activity, damaging property, theft, unwanted physical activity of any kind, stalking or any other unwanted or unwelcomed activity if the incident occurs between spouses, intimate partners, former spouses or former intimate partners.

Dating Violence is defined by Hudson Valley Community College as any act as articulated above that occurs between individuals who are or were engaged in a social relationship of a romantic or intimate nature.

Sexual Assault: A physical sexual act or acts committed against another person without consent. Sexual assault is an extreme form of sexual harassment. Sexual assault includes what is commonly known as “rape” (including what is commonly called “date rape” and “acquaintance rape”), fondling, statutory rape and incest. For statutory rape, the age of consent in New York State is 17 years old.

Stalking is defined by Hudson Valley Community College as intentionally engaging in a course of conduct, directed at a specific person that is likely to cause a reasonable person to fear for his or her safety or the safety of others. Examples include, but are not limited to, repeatedly following such person(s), repeatedly committing acts that alarm, cause fear, or seriously annoy such other person(s) and that serve no legitimate purpose and repeatedly communicating by any means, including electronic means, with such person in a manner likely to intimidate, annoy, or alarm him or her. Such acts may be considered stalking by the college at any time but particularly where there has been clear communication that this contact is unwanted.

Affirmative Consent is defined by Hudson Valley Community College as a knowing, informed, 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.
Affirmative consent must be clear and unambiguous. 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. When consent is withdrawn or cannot be given, sexual activity must stop. Consent cannot be given when a person is incapacitated and thus cannot knowingly choose to participate in sexual activity. Incapacitation occurs when and 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 retrained, if any of the parties are under the age of 17, or if and individual otherwise cannot consent. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.

As articulated in paragraph 4.1 Hudson Valley Community College reserves the right to prosecute certain violations of the Code of Conduct even if they occur off-campus.

Victims of Sexual Violence, Domestic Violence or Dating Violence should seek immediate assistance. Counseling and support services can be accessed by contacting the appropriate Title IX Coordinator at (518) 629-7307. Assistance and counseling services may also be obtained by contacting:

Public Safety by dialing 911 from any campus phone or by calling (518) 620-7210 from any cell phone or off-campus phone.

College Health Service (518) 629-7468

The Center for Counseling and Transfer (518) 629-7320

Rensselaer County 24 hour Rape Crisis Center at Samaritan Hospital, Troy, NY (518) 271-3257 or

Sexual Assault and Crime Victim's Assistance at Samaritan Hospital, Troy, NY (518) 271-3639

By contacting any local law enforcement agency or hospital emergency room.

An order of protection may be obtained through your local criminal court if a criminal charge is pending or through family court if the incident occurred between family

members or intimate partners. On campus directives to stay away or limit contact may be obtained through the Vice President for Enrollment Management and Student Development or his designee.

5.3 OTHER PROHIBITED CONDUCT

5.3.1 The obstruction or disruption of any College function or activity, including the classroom instructional environment, administration of the parking program or service functions and activities is prohibited. This includes obstruction of the free flow of pedestrian or vehicular traffic, or the free access to, or exit from any part of the College Premises as well as the unauthorized use or occupation of College buildings or College Premises.

5.3.2 Harassment of a Student or Students, Faculty Member, College Personnel, College Official, Visitor, or the College as an institution by Student or Students, or by a non-student or non-students is prohibited. Harassment includes any threat, in any way expressed or implied, to the person or property, or any obstruction or attempted obstruction of any individual's authorized movement on the College Premises. Harassment may also include the persistent use of abusive or offensive language or any language or action that may promote physical violence or physical or psychological intimidation.

5.3.3 The display of any inflammatory or incendiary signs, posters, or banners or the distribution of literature which encourages or promotes any actions that are prohibited under these Campus Regulations.

5.3.4 No firearms of any kind (including pellet, B-B guns, handguns, and rifles), explosives (including firecrackers and fireworks), live ammunition of any kind, noxious bombs or any other devices which are illegal under city, town, county, state or federal ordinance or law may be brought, possessed, or used on the College Premises. Duly authorized peace officers or police officers are exempted.

5.3.5 No cutting instruments, knives, blades nor any other weapon is allowed on College Premises except folding pocket knives two inches or under or those instruments needed for legitimate school purposes.

5.3.6 Possession, transportation, and/or the use of any illegal drug on the College Premises is prohibited.

(a) No alcoholic beverage may be brought, possessed, or consumed on College Premises. The President of the College is the only person who can approve events at which alcoholic beverages can be consumed on campus. Information regarding alcohol or drug abuse or addiction

treatment can be obtained through the Center for Counseling and Transfer.

(b) No person who may appear to be intoxicated or affected by an illegal drug is allowed on the College Premises.

5.3.7 Gambling of any kind is prohibited.

5.3.8 Unauthorized use of the College's duplicating or reproduction equipment, public address systems, email or radio station is prohibited. Authorization for such use may be granted only by the College President or his designee.

5.3.9 Any and all official information related to the College and its operation shall be transmitted to news media only through the College's Public Information Office. Arrangements for reporters and/or radio or television station representatives to report or televise events on the College Premises shall be made only by the Public Information Office. Any other arrangements are unauthorized and the College reserves the right to bar (or remove) from the College Premises unauthorized news media representatives.

5.3.10 Defacing, damaging, or maliciously destroying any College, Faculty, or Student property is prohibited.

5.3.11 Student Identification: All Students and College Personnel are required to obtain and carry College identification cards at all times and to present them upon request to any College Official, or Faculty Member. Other identification must be shown if such a request is made and the person questioned does not have an ID card in his/her possession. Loss of an ID card must be reported to the Public Safety immediately.

5.3.12 Disorderly or unlawful behavior is prohibited and may be prosecuted by the College under this procedure whether or not such behavior is the subject of prosecution in any civil or criminal court.

5.3.13 Reckless or intentional actions which endanger mental or physical health are prohibited. The forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization is prohibited.

5.3.14 Hudson Valley Community College is a Tobacco Free campus. Chewing tobacco or using any product or similar product or device such as pipes, cigars or cigarettes or personal vaporizers is prohibited on the College Premises and in vehicles on campus and in buildings, grounds or vehicles owned, leased, operated, controlled or supervised by the College including any buildings or grounds located off campus.

5.3.15 False alarms, bomb scares or any form of false reporting submitted to any law enforcement or College agency involving alleged incidents

or occurrences on College Premises is prohibited.

5.3.16 Unlawful behavior that is motivated in the selection of the victim or commission of an offense by a perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability, gender identity, or sexual orientation is prohibited and may result in the imposition of more severe penalties.

5.3.17 Certain violations of the Academic Code of Ethics at the discretion of the Vice President for Enrollment Management and Student Development can be pursued as violations of Campus Regulations.

5.3.18 Willfully failing to comply with the directives of College Personnel is prohibited.

5.3.19 Intentionally furnishing the College with false information is prohibited.

5.3.20 Any activity that would be a violation of any federal, state or local statute is prohibited on College Premises.

5.3.21 Self-propelled vehicles on Campus- Skateboarding, roller skating, rollerblading the use of foot-operated recreational scooters is prohibited on the campus grounds. Bicycles are permitted on campus on college roadways and parking areas but must be walked on college walkways and sidewalks. The college reserves the right to determine the use of other devices or self-propelled vehicles on campus grounds.

5.3.22 Students are prohibited from operating or using unmanned aerial devices (including, but not limited to drones) or hover boards on campus. Instructors who make use of unmanned aerial devices on campus shall register the information with public safety. Students seeking exceptions for the use of such devices for curricular purposes, other than when the use is required by the course or instructor, must apply to the Vice President for Academic Affairs. Students seeking exceptions for co-curricular use must apply to the Vice President for Enrollment Management and Student Development. Visitors must seek approval from the Director of Public Safety.

5.3.23 Violation of published College policies or regulations, including, without limitation the following:
(a) Parking and traffic regulations
(b) Tobacco-free policy
(c) Alcohol and drug policy
(d) Any other published College policies, rules and regulations including those related to the entry into and/or use of College rooms, buildings, grounds, and facilities

Any retaliatory action of any kind taken against a person seeking redress under these procedures is prohibited and shall be regarded as a separate and distinct cause for complaint under these procedures.

GOOD SAMARITAN POLICY: The health and safety of every student at Hudson Valley Community College is of utmost importance. Hudson Valley Community College recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. HVCC strongly encourages students to report domestic violence, dating violence stalking, or sexual assault to institutional officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking or sexual assault to HVCC officials or law enforcement will not be subject to HVCC code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence stalking or sexual assault.

Hudson Valley Community College supports students who reach out for assistance in the case of a medical emergency, as well as supports the student whom is helped. Therefore, a student or student organization seeking medical treatment for him/herself, or for any other student who is in immediate medical need, or any student who is the recipient of the emergency medical help particularly if the student is seeking medical help for any student who is the victim of a crime or may need immediate medical attention due to the use of alcohol or other drugs, will not be subject to disciplinary sanctions related to their own violation of using or possessing alcohol or other drugs on or off campus. The college strongly encourages bystanders to respond to potentially dangerous situations by reporting the incident promptly without fear of reprisal. However, if the circumstances dictate, the school reserves the right to notify parents of students under the age of 21 or to encourage counseling for students at any time if the well-being of the student is at risk.

5.4 **COMPUTER ETHICS POLICY**

Hudson Valley Community College seeks to provide computer users with state of the art computing facilities and to keep the number of restrictions on individuals to a minimum, while maintaining excellent service for all users, Students in pursuit of their academic goals and College Personnel to conduct assigned work activity. To assist the College in achieving these objectives, users themselves must observe reasonable standards of behavior in the use of these facilities and maintain an atmosphere of civility, mutual respect and high ethical standards.

PROHIBITED CONDUCT

5.4.1 No attempt will be made to modify or destroy system software components such as operating systems, compilers, utilities, applications or other software residing on any College computer, except the user's own files.

5.4.2 No attempt will be made to electronically transmit or post any material which is sexually explicit, hateful, or deemed prohibited.

5.4.3 No attempt will be made to access, read, modify or destroy files belonging to another user without complete authorization from that user to do so.

5.4.4 No attempt will be made to connect to or use College computers with a user ID which was not assigned to you by the College. Use of another person's user ID or password is prohibited. Allowing another individual to use your user ID or password is prohibited.

5.4.5 No attempt will be made to gain access to a password belonging to another person or place a password other than your own in a file on a College computer. In addition, no attempt will be made to install, run or place software designed for this purpose on any College computer.

5.4.6 No attempt will be made to bypass or otherwise defeat system security to gain access to programs, files or other computer data or to install, run or place software designed for this purpose on any College computer.

5.4.7 No attempt will be made to copy, store, post or distribute computer software, files or any other material in violation of trademark, copyright or confidentiality laws or when you do not have a legal right to do so.

5.4.8 No attempt will be made to interfere with proper operation of a computer or interfere with another person's use of a computer, including for example, the electronic transmission or posting of files or programs containing viruses or any other content intended to interfere with proper operation of a computer.

5.4.9 No attempt will be made to impersonate any person, including other Students and College Personnel. No attempt will be made to disguise the origin of any electronically transmitted or posted material. No attempt will be made to make unauthorized use of someone else’s electronic signature.

5.4.10 No unauthorized attempt will be made to use, modify, connect or disconnect computer equipment, peripherals, communication equipment and cables.

5.4.11 No unauthorized attempt will be made to use any college computer to electronically transmit chain letters, junk mail, pyramid schemes or any other unsolicited mass mailings to multiple recipients with the exception of employees conducting College business and Students completing required College course assignments.

5.4.12 No unauthorized attempt will be made to connect to and/or gain access to information being transported by computer networks, or to install, run or place software designed for this purpose on any College computer. Installation or use of any network communication software not approved by the College is prohibited.

5.4.13 No user will make their password known to anyone other than an employee of the College authorized to assist College Personnel or Students with computer related problems.

5.4.14 No food or drink is permitted in any computer classroom or computer learning center with the exception of the Computer Cafe.

5.4.15 Users of College computers will comply with all local, state, federal and international laws relating to the use of computers and any other electronic communication services provided by the College.

5.4.16 Use of College computers for commercial, business purposes or personal profit is prohibited without specific authorization from the College for such use. Commercial or business purposes includes advertising the sale of goods and services not directly related to Hudson Valley Community College or campus based Organizations.

5.4.17 Use of College computers to falsify or modify documents in a manner which is unauthorized, is a violation of the rights of owners, is a violation of copyright laws or is not properly attributed is prohibited.

5.4.18 Use of College computers and network services for local or remote game playing is prohibited unless specifically required as part of a course in which a Student is currently registered or a Faculty Member is currently teaching. In addition, the installation, uploading, downloading or storage of any game software on College computers is prohibited.

5.4.19 Use of College computers and network services for IRC (Internet Relay Chat) or any other form of interactive chat communication is prohibited except for use by College Personnel in counseling, scheduling or admissions or where specifically required for communication as part of a course in which a Student is currently registered or a Faculty Member is currently teaching.

5.4.20 Web site services for the entire College community are provided on a centralized server by the Office of Computer Services. Use of any other College computer for the purpose of serving a web site is prohibited.

ARTICLE VI.
PROCEDURE FOR PROCESSING COMPLAINTS INVOLVING ALLEGED VIOLATIONS OF CAMPUS REGULATIONS AND COMPUTER ETHICS.

6.1 If a student is disruptive in class or on the HVCC Campus or in believed to be in violation of any Campus Regulation, a faculty member or staff member may remove the student from class or from the location of the disruption. The HVCC faculty or staff member may either direct the student to see the department chair or another appropriate member of the college community, meet with the faculty member or staff member or, if an incident report has been filed with public safety, direct the student to see the Vice President for Enrollment Management and Student Development before returning to class or the location or allow the student to return the following day, at the discretion of the faculty or staff member who witnessed the incident or oversees the Department.

6.2 Campus Regulations for Students, Visitors, College Personnel and Organizations - In cases of alleged violations of Computer Ethics and/or Campus Regulations, any College Personnel or Student shall notify the College's Office of Public Safety or the Vice President and the complaint shall be processed consistent with the procedures set forth in Article VIII or Article IX. However, although College Personnel, visitors and outside organizations are subject to and must abide by Campus Regulations, they shall have no right to a hearing or appeal under this Code of Conduct and they shall utilize other applicable mechanisms to contest adverse actions.

6.3 All charges must be submitted in writing and signed by the accusing party.

6.4 It is strongly recommended that any party exercising his/her rights under this system or any party accused of violating any of the Codes of Conduct consult with the Campus Coordinator as soon as possible so rights, remedies and procedures can be explained.

6.5 The accused student or student organization shall meet with the Vice President within five (5) days of receiving notice of charges.

6.6 The Vice President for Enrollment Management and Student Development may also meet with the complainant, security officers and/or any witnesses at the Vice President's discretion.

6.7 In any case where there has been an allegation of domestic violence, dating violence, stalking or sexual assault the case will be responded to promptly and it will be investigated and adjudicated in an impartial and thorough manner by individuals who receive annual training in sexual assault, domestic violence, dating violence and stalking. Both the accusing and accused students are entitled to be accompanied by advisors in keeping with the parameters of Section9.2 and 3.16 at every stage of the proceeding.

6.8 If, at the conclusion of the Vice President's investigation, s/he finds the accused individual did violate one or more provisions of the Campus Regulations and/or Computer Ethics, the Vice President may impose one of the following sanctions:

6.8.1 Letter of Warning.

6.8.2 Letter of Warning to be placed in an individual's permanent record file for a stated period of time.

6.8.3 Restitution.

6.8.4 Community Service

6.8.5 Counseling Services provided by the College.

6.8.6 Mandatory Course requirements (in civility, human relations, anger management, race or gender relations or a similar course designed to raise consciousness or awareness).

6.8.7 Disciplinary Removal from a Curriculum.

6.8.8 Disciplinary Probation.

6.8.9 Disciplinary Suspension (Current or deferred, subject to conditions)

6.8.10 Disciplinary Dismissal.

6.8.11 Disciplinary Expulsion – Termination of Student status without the possibility of readmission

6.8.12 Restricted Access to classrooms or buildings

6.8.13 Restricted Access to or loss of Computer Accounts

6.8.14 Transcript Notation. Pursuant to statute, HVCC must note the transcript of any individual found to have committed any act of murder, manslaughter, rape, fondling, incest and statutory rape, Robbery, Aggravated Assault, Burglary, Motor Vehicle Thefts, and Arson as well as any acts of larceny, simple assault, intimidation, destruction or vandalism of property that is designated at as Hate Crime. Definitions used for these acts can be found in the FBI Uniform Crime Reporting Handbook. If a student is suspended for any of the aforementioned acts, the transcript will be noted, "Suspended after a finding of responsibility for a code of conduct violation" and shall remain noted for a minimum of 1 year after the conclusion of the suspension. If a student is expelled for any of the aforementioned acts, the transcript will be noted, "Expelled after a finding of responsibility for a code of conduct violation" and that notation cannot be removed. If a student withdraws from classes during the disciplinary process, the transcript will be noted, "Withdrew with conduct charges pending." HVCC reserves the right to note transcripts for other offenses when warranted.

6.8.15 Any other sanction uniquely designed for the particular infraction.

6.9 Disciplinary suspension, dismissal, or expulsion from the College will most likely

be imposed for, among others, the following: (1) Bias or Hate related incidents (2) Sexual Assault (3) permitting or engaging in hazing (4) setting fires or intentionally causing a false fire alarm (5) possession of or threats involving weapons or explosives (including knives and firearms) (6) possession or sale of illegal drugs (7) physical abuse, violence, or threats directed toward anyone on the College Premises or any member of the College community off College Premises (8) serious forms of computer misconduct (9) repeated violations of the College Code of Conduct.

6.10 During the pendency of any proceeding under the Code of Conduct, the Vice President may, in his or her sole discretion, have the accused individual removed from the College Premises and enforce the restraint of the accused's access to the College Premises in whole or in part, until his/her presence is required for the adjudication of the case if the Vice President views the violation as jeopardizing property of the College or another person or the individual's safety or welfare or the physical or emotional safety or welfare of others, or the orderly operation of the College. The Vice President also may issue a no contact directive between any students either for their own safety or the safety of others that may subsequently be reviewed by the Vice President.

6.11 The sanction imposed by the Vice President shall constitute a final resolution of the matter unless the accused individual submits a request for a Hearing through the office of the Campus Coordinator as set forth in Article IX within five (5) days from the date the sanction was imposed.

ARTICLE VII.
CODE OF CONDUCT FOR ACADEMIC ETHICS

ACADEMIC ETHICS

Hudson Valley Community College expects all members of the College community to conduct themselves in a manner befitting the tradition of scholarship, honor and integrity. They are expected to assist the College by reporting suspected violations of academic integrity to appropriate faculty and/or other College Personnel. These guidelines define a context of values for individual and institutional decisions concerning academic integrity. It is every Student's responsibility to become familiar with the standards of academic ethics at the College. Claims of ignorance, unintentional error, or academic or personal pressures do not excuse violations.

PROHIBITED CONDUCT

The following is a list of the types of behavior that breach the College Academic Ethics guidelines and are therefore unacceptable. Commission of such acts, or attempts to commit them, fall under the term academic dishonesty and each is considered a serious offense, which carries severe penalties ranging from a warning to expulsion from the College. No set of guidelines can, of course, define all possible types or degrees of academic dishonesty; thus, the following descriptions should be understood as

examples of infractions rather than an exhaustive list. Individual Faculty Members and the College Committee on Ethics and Conduct will continue to judge each case according to its particular circumstance. While Faculty Members are encouraged to distinguish between a Student's unintentional failure to follow the Academic Ethics Code and an intentional violation of that Code, particularly in cases of suspected plagiarism, the responsibility for the integrity of work ultimately lies with the Student.

7.1 **PLAGIARISM.**

A Student is guilty of plagiarism any time s/he attempts to obtain academic credit by presenting someone else's ideas as her/his own without appropriately documenting the original source. Appropriate documentation requires credit to the original source in a current manuscript style (e.g., MLA or APA) that is appropriate to the assignment and the discipline. While Faculty Members are encouraged to distinguish between a Student's unintentional failure to follow the current conventions of the appropriate manuscript style and a blatant act of plagiarism, the responsibility for the integrity of work ultimately lies with the Student. Examples of someone else's ideas may include the following:

Language, words, phrases, symbols

Style (written, oral or graphic presentation)

Data, statistics, including laboratory assignments

Evidence, research

Computer programs, creative projects, artwork

Intellectual ideas such as theories and lectures

Web sites, digital forms of communication such as e-mail, chat room, and instant messaging

Photographs, video, audio

7.2 **CHEATING ON EXAMINATIONS.**

A Student is guilty of cheating any time s/he attempts to give or receive unauthorized help before, during, or after any type of examination. Examples of unauthorized help include the following:

Collaboration of any sort during an examination (unless specifically approved by the instructor)

Collaboration before an examination (when such collaboration is specifically forbidden by the instructor)

The use of notes, books, or other aids (e.g., cell phones, computers or other electronic devices) during an examination (unless permitted by the instructor)

Arranging for another person to take an examination in one's place

Looking on someone else's examination during the examination period

The unauthorized discussion of test items during the examination period

The passing of any examination information to Students who have not yet taken the examination

There should be no conversation while any type of examination is in progress unless specifically authorized by the instructor.

7.3 **MULTIPLE SUBMISSION.**
Submitting all or some portion of the same work for credit more than once, without the prior explicit consent of the instructor to whom the material is being (or has in the past been) submitted.

7.4 **FORGERY.**
Imitating another person's signature or mark on academic or other official documents (e.g., the signing of a Faculty Member's name to a College document).

7.5 **IMPERSONATION.**
Assuming someone else's identity and/or pretending to be someone else for the purpose of gaining academic credit.

7.6 **SABOTAGE.**
Destroying, damaging, or stealing of another's work or working materials (e.g., lab experiments, computer programs, term papers, or projects). Also includes logging into another's computer account to revise or delete any file or folder.

7.7 **UNAUTHORIZED COLLABORATION.**
Collaborating on projects, papers, or other academic exercises deemed inappropriate by the instructor(s). Although the usual Faculty assumption is that work submitted for credit is entirely one's own, standards on appropriate and inappropriate collaboration vary widely among individual Faculty. Faculty Members are expected, therefore, to establish explicit expectations and standards. Students who want to confer or collaborate with one another on work receiving academic credit should make certain of the instructor's expectations and

standards.

7.8 **FALSIFICATION.**
Misrepresenting materials or fabricating information in an academic exercise or assignment, including laboratory assignments (e.g., the false or misleading citation of sources, the falsification of experiments or computer data, etc.). Falsification also includes falsely claiming to have completed work during an internship or apprenticeship.

7.9 **MISUSE OF LIBRARY OR COMPUTER RESOURCES.**
Removing uncharged materials from the Library Building, defacing or damaging materials, intentionally displacing or hoarding materials within the Library Building for one's unauthorized private use, or other abuse of reserve-book privileges. Or, without authorization, using the College's or another person's computer accounts, codes, passwords, or facilities; damaging computer equipment; or interfering with the operation of the computer system of the College. The College and Information Technology Services have established specific rules governing the use of computing facilities which appear under Article 5.4, Computer Ethics.

ARTICLE VIII.
INFORMAL PROCEDURES FOR PROCESSING VIOLATIONS OF THE CODE OF ACADEMIC ETHICS

8.1 **Academic Ethics**
A Student shall inform the Faculty Member responsible for the course or program when he/she acquires knowledge of violations of the Academic Ethics Code. Any College Official or a Faculty Member of a course or program for which he/she is responsible who has information that a Student may have violated the Academic Ethics Code may follow the procedures established in this Article VIII. The Chair of the Department responsible for the course may act on behalf of a Faculty Member.

8.2 **Single Violation**
When a Faculty Member suspects that a violation of the Academic Ethics Code has occurred, the Faculty Member shall take appropriate action. If the Faculty Member is not the instructor for the course involved, the appropriate Faculty Member should be notified immediately. Prior to imposing a sanction, the appropriate Faculty Member shall notify the Student as soon as possible regarding the alleged violation and proposed sanction. If the Student wishes to dispute either the allegation or the sanction, he or she shall immediately contact the Faculty Member to discuss the matter. If the Faculty Member finds the Student did violate one or more of the provisions of the Academic Ethics Code, the Faculty Member

may impose one (1) or a combination of the following sanctions:

8.2.1 Warning without further penalty

8.2.2 Retaking a test/examination; redoing a written assignment or laboratory assignment

8.2.3 Lowering a grade on a project, written assignment, laboratory assignment, or test/examination

8.2.4 Issuing a failing grade on a project, written assignment, laboratory assignment, or test/examination

8.2.5 Lowering a final course grade

8.2.6 Issuing a failing grade for the course (may not be used in cases of unintentional plagiarism)

8.2.7 Removal from a course (Academic Withdrawal), course of study, major or program, with the approval of the Department Chair

8.2.8 Imposing a penalty uniquely designed for the particular infraction. If, after meeting with the Faculty Member, the Student wishes to further dispute either the violation or the sanction, the Student may submit a request for a Hearing through the office of the Campus Coordinator as set forth in Article VIII within ten (10) days from the date the Faculty Member informs the Student of the violation and sanction. The Faculty Member is expected to inform the Student of the right to appeal through the Office of the Campus Judicial Coordinator if the sanction is unacceptable.

8.3 **Reporting**

Whenever a Faculty Member sanctions a Student for a violation of the Academic Ethics Code, the Faculty Member is expected to submit a "Violation of Academic Ethics Code Report" to the Campus Coordinator, advising that office of the Student's name, violation, and the sanction imposed. If a Faculty Member submits a "Violation of Academic Ethics Code Report," the student shall be notified of this report.

8.4 **Multiple Violations**

In the event a Student violates the Academic Ethics Code more than once, either within a single course or across multiple courses, the Vice President of Enrollment Management and Student Development may initiate proceedings under Article V to impose additional disciplinary sanctions, including removal from Degree or Certificate Program, suspension or expulsion from the College or any other sanction available to the Vice President under Article VI. The Article VI proceeding shall constitute a final resolution of the matter unless the Student submits a request for a Hearing through the office of the Campus Coordinator as set forth in Article VI within five (5) days from the date the sanction is imposed. The provisions of this article do not preclude a Faculty Member from pursuing

additional sanctions under Article VII against students who have committed multiple violations, including removal from a course (Academic Withdrawal), course of study, major or program, with the approval of the Department Chair.

ARTICLE IX.
HEARING PROCEDURES UNDER THE CODE OF CONDUCT

9.1 In the event the accused timely files a written request for a Review Board hearing ("Hearing"), the procedure set forth in this Article IX shall apply to any alleged violation of the Code of Conduct.

9.2 Use of and Responsibility for Obtaining and Compensating an Advisor: During the Hearing an advisor may be allowed but such advisor must be individually obtained and compensated by the person(s) involved. Victims of Sexual Assault, Domestic Violence, Stalking or Dating Violence are also entitled to an advisor. In these situations advisors may participate in the process on behalf of both the alleged offender and the accuser at every stage of the proceeding including initial meetings with Public Safety or with the Vice President for Enrollment Management and Student Development. Advisors and individuals entitled to advisors may remain during the entire hearing.

9.3 The Campus Coordinator, once advised by an accused student that a Hearing has been requested, shall immediately notify the Committee on Ethics and Conduct and an impartial Review Board will be convened.

9.4 Within ten (10) days of the notification, a Hearing shall be held. Reasonable requests for adjournment by the campus coordinator, the accusing college official, the accused student or an individual accusing a student of Dating Violence, Domestic Violence, Stalking or Sexual Assault will be entertained and schedules will be accommodated to the extent possible.

9.5 The Review Board will be comprised of three members of the Ethics and Conduct Committee. It shall not contain more than one (1) administrator, one (1) faculty member, one (1) non-teaching professional or one (1) union member and shall always contain one (1) student. If the dispute arose from a particular department, no individual from that department is permitted to sit on the Review Board.

9.6 One of the members of the Review Board shall be designated as Chairperson and shall have the responsibility of reporting the decision of the Review Board to the appropriate College Official in writing.

9.7 The accused student and any student accusing another student of dating violence, domestic violence or sexual assault and the accusing college official shall be notified of the time, date and location of the hearing and shall have access to the case file for review. If the accused student does not appear for the Review Board Hearing and was properly notified of its date, time and place, the accused

individual shall be deemed to have forfeited his/her right to a Hearing and the sanction imposed by the Vice President or Faculty Member shall be automatically upheld.

9.8 The Review Board shall not be bound by the technical rules of evidence but may hear and receive any reports, documents, testimony, evidence or other information which is relevant and material to the issues, however, an individual's prior sexual conduct with the accused or other persons or their prior mental health history is always irrelevant in the case of an allegation of sexual assault. Other disciplinary records or criminal records of the accused may be admitted as to the sanction, if they are relevant to the facts at hand. The weight to be given to any evidence shall be determined solely by the Review Board.

9.9 The Review Board adjudication shall be transcribed or taped and those witnesses appearing before the Review Board shall be sworn.

9.10 Only the primary parties in interest, alleged victims of dating violence, domestic violence, stalking or sexual assault (and their advisors, if any), the transcriber, the members of the Review Board and the Coordinator of the Judicial System shall be present throughout the Hearing. The Hearing shall be conducted in private. The advisors may not speak for or take the place of a primary party in interest or a victim. HVCC reserves the right to ask any participant in the Review Board Process to be removed from a hearing if they cannot maintain order and respect for the proceedings and procedures herein.

9.11 Conduct of the Hearing

9.11.1 The coordinator of the Judicial System may provide to the Review Board and to the accused copies of documents to be considered by the Review Board in advance of the Hearing to the extent possible, but no party shall be limited to such documents. The accuser in any case of dating violence, domestic violence, stalking or sexual assault shall also be entitled to those documents if they are introduced into evidence.

9.11.2 The Chairperson will read the charges.

9.11.3 Each party may make an opening statement, beginning with the individual bringing the charge.

9.11.4 The person bringing the charge, whether by a Faculty Member or College Official accusing a Student of violating the Code of Academic Ethics or the Vice President accusing any Student, or Organization of violating the Campus Regulations will read, summarize, or identify all of the material information which has been submitted by witnesses, the Public Safety Office, or others. Materials will usually consist of, but are not restricted to, a summary case written by the Public Safety Office plus statements from witnesses or other persons involved in the situation. Documents shall also be submitted at this time if they

have not been previously provided. The Vice President or other accusing party in the case of an allegation of the Academic Ethics code may also give testimony, submit evidence or call witnesses to give testimony or submit evidence or other information. If requested any student who may be the victim of dating violence, domestic violence or sexual assault may testify by alternative means which could include telephonic testimony or any other reasonable means available to insure their safety and confidentiality.

9.11.5 The accused party, any student who may be the victim of dating violence, domestic violence, stalking or sexual assault and the members of the Review Board may ask questions of any witness. An individual making an allegation of dating violence, domestic violence or stalking may ask questions of the accused via the Review Board members or directly to the accused. After the submitted materials and evidence have been read, the accused will have the opportunity to refute or explain the materials or evidence or add information. The accused may choose to remain silent and not make any statements or participate in the discussion. The accused may call witnesses.

9.11.6 Each party will be provided an opportunity to give a summation of their respective positions. Any student who may be the victim of domestic violence, dating violence or sexual assault will have the opportunity to make or read a victim impact statement.

9.11.7 The Chairperson will conclude the Hearing when he or she is satisfied that all information has been submitted.

9.11.8 The Review Board will then convene in closed session and consider only information presented at the Hearing. If necessary, the Review Board may adjourn and reconvene, ask for further documentation, or call or recall witnesses with the assistance of the Campus Coordinator, if required.

9.11.9 If the Review Board feels the infraction did not occur, they shall state so in their written opinion.

9.11.10 If the Review Board finds, by a preponderance of the evidence, the infraction did occur, they must first consider the recommended sanction.

9.11.11 If the Review Board rejects in whole or in part the imposed and/or recommended sanction(s), the new findings must be based on substantial evidence in the record and the rationale shall be included in their opinion.

9.11.12 The decision of the Review Board as to whether the alleged infraction occurred and whether the sanction imposed is

appropriate shall be made based on the information presented at the Hearing. The decision shall be in writing and delivered to the parties and to any individual accusing a student of dating violence, domestic violence, stalking or sexual assault and/or to any advisor.

ARTICLE X.
APPEALS

10.1 Within seven (7) days of the delivery of the decision of the Review Board, either party or an individual who made an allegation of dating violence, domestic violence, stalking or sexual assault may appeal the decision, in writing, and submit the appeal to the Campus Judicial Coordinator. An appeal may be taken from either the finding or from the sanction imposed.

Grounds for Appeal are limited to:

- An allegation that a procedural error occurred,
- An allegation that newly discovered evidence has materialized that would have affected the outcome of the hearing, or
- An allegation that the finding of the Review Board was arbitrary or capricious.

10.2 The Campus Judicial Coordinator will forward the appeal to the other party or parties and any alleged victim of domestic violence, dating violence, stalking or sexual assault who may submit a written response which must be received within three (3) days of the receipt of the appeal. The opposing party is under no obligation to respond to an appeal.

10.3 Within ten (10) days of receiving the appeal the Campus Coordinator will present it to an Appeals Board which will be made up of 3 members of the Ethics and Conduct Committee. No member of the Appeals Board may have any conflict of interest in hearing the Appeal, no member of the original Review Board may also sit on the Appeals Board, and it is not required that a student be a member of an Appeals Board..

10.4 The Appeals Board, after receipt of such appeal, shall make a final adjudication and determination in the matter based solely on the record and the written appeal and responses. The Appeals Board may either amend the decision of the Review Board if they find their decision to have been arbitrary or capricious or they may return the matter to the Review Board if they have found that newly discovered evidence or correcting a procedural error might have affected the original decision.

10.5 The accused individual, the accusing faculty member or college official as well as any alleged victim in the case of an allegation of dating violence, domestic violence, stalking or sexual assault shall be notified of the final decision of the Appeals Board by the Campus Coordinator. There shall be no further appeals.

[1] **Applicable Laws and Criminal Penalties for Bias and Hate related Crimes. The federal government and more than 40 states, including New York, have hate crime statutes.**

1) Federal Laws

a) 10 USC 245 Hate Crimes Prevention Act of 1999-This act prohibits persons from interfering with and individual's federal right (e.g. voting or employment) by violence or threat of violence due to his or her race, color, religion, or national origin. This act allows for more authority for the federal government to investigate and prosecute hate crime offenders who committed their crime because of perceived sexual orientation, gender identity, gender or disability of the victim. It also permits the federal government to prosecute without having to prove that the victim was attacked because he or she was performing a federally protected activity.

b) Violent Crime Control and Law Enforcement Act of 1994-A part of the 1994 Crime Act, the Hate Crime Sentencing Enhancement Act provides for longer sentences where the offense is determined to be a hate crime. A longer sentence may be imposed if it is proven that a crime against a person or property was motivated by "race, color, religion, national origin, ethnicity, gender, disability, or sexual orientation."

c) 28 USC 534 Crime Statistics Act of 1990-this act requires the Department of Justice to collect data on hate crimes. Hate crimes are defined as "manifest prejudice based on race, religion, sexual orientation or ethnicity." These statistics are compiled by the FBI using the Uniform Crime Reporting system. The Crime Act of 1994 also requires the FBI to collect data on hate crimes based on disability.

2) New York State Law

a) Hate Crimes act of 2000, Penal Law Article 485-This law enhances criminal penalties for a long list of enumerated crimes when perpetrators intentionally select a target based on the victim's actual or perceived race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation. The law also requires the state to collect, analyze and annually report on data regarding hate crime throughout the state.

b) NY Civil Rights Law § 40-c-Prohibits discrimination or harassment based on race, creed, color, national origin, sex, or disability. Violation of this provision shall constitute a class A misdemeanor and subjects the perpetrator to a civil action brought by the victim for damages.

c) New York Penal Law § 240.30- Covers aggravated harassment against a person "because of a belief or perception regarding a person's race, color, national origin, ancestry, gender, religion, religious practice, age sexual orientation, regardless of whether the perception is correct."

NYS Penal Law § 240.31- Enhances penalty for aggravated harassment.

POLICIES AND PROCEDURES PURSUANT TO THE CAMPUS SaVE PROVISIONS OF VAWA

Upon a motion by Ms. Conroy, seconded by Mr. Lang, the following resolution was adopted unanimously.

Resolved, that the request for approval of the following policies and procedures pursuant to the campus SaVE provisions of the Violence Against Women Act (VAWA), be, and hereby are, approved, as follows:

Policies and Programming Pursuant to the Campus SaVE Provisions of the Violence Against Women Act
Administered by The Office of the Vice President for Enrollment Management and Student Development, Title IX Coordinator.

I. Introduction
II. Where to Go For Help
III. Sexual Violence Victim/Survivor's Bill of Rights

IV. Sexual Violence Response Policy
V. The Prevention of Sexual Offenses
VI. Student Conduct Process Rights

I. Introduction

Hudson Valley Community College respects the freedom of all students to learn in an environment free of harassment, intimidation or violence in any form. The College Community supports victims of sexual assault, stalking, dating violence and domestic violence by strictly enforcing its code of conduct against offenders and by providing support services to victims. These incidents will not be tolerated on the College Campus.

Domestic Violence is defined by Hudson Valley Community College as any act which would constitute a violation of the penal law, including, but not limited to loud disruptive arguing, threats of violence, assaults, harassment including through social media or electronic communication, any non-consensual sexual activity, damaging property, theft, unwanted physical activity of any kind, stalking or any other unwanted or unwelcomed activity if the incident occurs between spouses, intimate partners, former spouses or intimate partners.

Dating Violence is defined by Hudson Valley Community College as any act as articulated above that occurs between individuals who are or were engaged in a social relationship of a romantic or intimate nature.

Sexual Assault: A physical sexual act or acts committed against another person without consent. Sexual assault is an extreme form of sexual harassment. Sexual assault includes what is commonly known as “rape” (including what is commonly called “date rape” and “acquaintance rape”), fondling, statutory rape and incest. For statutory rape, the age of consent in New York State is 17 years old.[ii]

Stalking is defined by Hudson Valley Community College as intentionally engaging in a course of conduct, directed at a specific person that is likely to cause a reasonable person to fear for his or her safety or the safety of others. Examples include, but are not limited to, repeatedly following such person(s), repeatedly committing acts that alarm, cause fear, or seriously annoy such other person(s) and that serve no legitimate purpose and repeatedly communicating by any means, including electronic means, with such person in a manner likely to intimidate, annoy, or alarm him or her. Such acts may be considered stalking by the college at any time but particularly where there has been clear communication that this contact is unwanted.

Affirmative Consent is defined by Hudson Valley Community College as a knowing, informed, voluntary and mutual decision between 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. Affirmative consent must be clear and unambiguous. 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. When consent is withdrawn or cannot be given, sexual activity must stop. Consent cannot be given when a person is incapacitated. Incapacitation occurs when and 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 retrained, if any of the parties are under the age of 17, or if and individual otherwise cannot consent. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.

As articulated in paragraph 4.1 Hudson Valley Community College reserves the right to prosecute certain violations of the Code of Conduct even if they occur off-campus.

II. Where to Go for Help

Victims of Sexual Violence, Domestic Violence or Dating Violence should seek immediate assistance. Counseling and support services can be accessed by contacting the appropriate Title IX Coordinator as articulated in the College's Anti-Discrimination and Harassment Policy. Assistance and counseling services may also be obtained by contacting:

Public Safety by dialing 911 from any campus phone or by calling (518) 629-7210 from any cell phone or off-campus phone.

College Health Service (518) 629-7468

The Center for Counseling and Transfer (518) 629-7320

Rensselaer County 24 hour Rape Crisis Center at Samaritan Hospital, Troy, NY (518) 271-3257 or

Sexual Assault and Crime Victim's Assistance at Samaritan Hospital, Troy, NY (518) 271-3639

By contacting any local law enforcement agency or hospital emergency room.

CONFIDENTIALITY:

Options for Confidentially Disclosing Sexual Violence

The State University of New York and HVCC want you to get the information and support you need regardless of whether you would like to move forward with a report of sexual violence to campus officials or to police. You may want to talk with someone about something you observed or experienced, even if you are not sure that the behavior constitutes sexual violence. A conversation where questions can be answered is far superior to keeping something to yourself. Confidentiality varies, and this document is aimed at helping you understand how confidentiality applies to different resources that may be available to you.

Privileged and Confidential Resources
Individuals who are *confidential* resources will not report crimes to law enforcement or college officials without your permission, except for extreme circumstances, such as a health and/or safety emergency. At HVCC this includes:

- Counseling Services (518) 629-7320
- College Ministry (518) 629-7168
- Health Office (518) 629-7468

Off-Campus options to disclose sexual violence, dating violence and domestic violence *confidentially* include (note that these outside options do not provide any information to the campus):

- Unity House (518) 272-5917
- Rensselaer County 24 hour Rape Crisis Center at Samaritan Hospital, Troy, NY (518) 271-3257 or
- Sexual Assault and Crime Victim's Assistance at Samaritan Hospital, Troy, NY (518) 271-3639

Note that even individuals who can typically maintain confidentiality are subject to exceptions under the law, including when an individual is a threat to him or herself or others and the mandatory reporting of child abuse.

Privacy versus Confidentiality:
Even Hudson Valley Community College offices and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information you provide to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution. The Title IX Coordinator or designee, who is responsible

under the law for tracking patterns and spotting systemic issues. Hudson Valley Community College will limit the disclosure as much as possible, even if the Title IX Coordinator determines that the request for confidentiality cannot be honored.

Reports of certain crimes occurring in certain geographic locations will be included in the Hudson Valley Community College's Clery Act Annual Security Report in an anonymized manner that neither identifies the specifics of the crime or the identity of the victim.

Requesting Confidentiality: How Hudson Valley Community College Will Weigh the Request and Respond:
If you disclose an incident to a Hudson Valley Community College employee who is responsible for responding to or reporting sexual violence or sexual harassment, but wish to maintain confidentiality or do not consent to the institution's request to initiate an investigation, the Title IX Coordinator must weigh your request against our obligation to provide a safe, non-discriminatory environment for all members of our community, including you.

We may seek consent from you prior to conducting an investigation. You may decline to consent to an investigation, and that determination will be honored unless the Hudson Valley Community College's failure to act may result in harm to you or other members of the Hudson Valley Community College community. Honoring your request may limit our ability to meaningfully investigate and pursue conduct action against an accused individual. If we determine that an investigation is required, we will notify you and take immediate action as necessary to protect and assist you.

We will assist you with accommodations regardless of your reporting choices. The Title IX Coordinator can assist any victim/survivor with services available on Campus. We also may take proactive steps, such as training or awareness efforts, to combat sexual violence in a general way that does not identify you or the situation you disclosed.

Factors Considered in Weighing a Request for Confidentiality:
In determining whether Hudson Valley Community College must proceed with a report of sexual violence, domestic violence or dating violence despite a request for confidentiality, the College will consider many factors, including but not limited to:

- The increased risk that the accused will commit additional acts of violence
- Whether the accused has a history of violent behavior or is a repeat offender
- Whether the accused used a weapon
- Whether the victim is a minor

- Whether the incident represents escalation, such as a situation that previously involved sustained stalking
- Whether we possess other means to obtain evidence such as security footage, and whether the report reveals a pattern of perpetration at a given location or by a particular group.
- An official who can offer privacy may still be required by law and college policy to inform one or more college officials about the incident, including but not limited to, the Title IX Coordinator.

GOOD SAMARITAN POLICY: The health and safety of every student at Hudson Valley Community College is of utmost importance. Hudson Valley Community College recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. HVCC strongly encourages students to report domestic violence, dating violence stalking, or sexual assault to institutional officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking or sexual assault to HVCC officials or law enforcement will not be subject to HVCC code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence stalking or sexual assault.

Hudson Valley Community College supports students who reach out for assistance in the case of a medical emergency, as well as supports the student whom is helped. Therefore, a student or student organization seeking medical treatment for him/herself, or for any other student who is in immediate medical need, or any student who is the recipient of the emergency medical help particularly if the student is seeking medical help for any student who is the victim of a crime or may need immediate medical attention due to the use of alcohol or other drugs, will not be subject to disciplinary sanctions related to their own violation of using or possessing alcohol or other drugs on or off campus. The college strongly encourages bystanders to respond to potentially dangerous situations by reporting the incident promptly without fear of reprisal. However, if the circumstances dictate, the school reserves the right to notify parents of students under the age of 21 or to encourage counseling for students at any time if the well-being of the student is at risk.

<u>ORDERS OF PROTECTION</u>: An order of protection may be obtained through your local criminal court if a criminal charge is pending or through family court if the incident occurred between family members or intimate partners. On campus directives to stay away or limit contact may be obtained through the Vice President for Enrollment Management and Student Development or his designee. Any student may contact Public Safety or the Title IX Coordinator for advice regarding the violation and enforcement of an order of protection issued by a court or an on campus directive.

III. SEXUAL VIOLENCE VICTIM/SURVIVOR'S BILL OF RIGHTS

The State University of New York and Hudson Valley Community College are committed to providing options, support and assistance to victims and survivors of sexual assault, domestic violence, dating violence and stalking to ensure that they can continue to participate in college-wide and campus employment, programs and activities. All victims and survivors of these crimes and violations regardless of race, color, national origin, religion, creed, age, disability, sex, gender identity, or expression sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction, have the following rights regardless of whether the crime or violation occurs on campus or off campus.

All Students have a right to:

- Make a report to local law enforcement and/or state police;
- Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
- Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by the institution;
- Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
- Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available;
- Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
- Describe the incident to as few institutional representatives as practicable and not be required to unnecessarily repeat a description of the incident;
- Be protected from retaliation by the institution, any student, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution;
- Access to at least one level of appeal of a determination;

- Be accompanied by and advisor of choice who may assist and advise a reporting individual, accused or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process; and
- Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution.

Options in Brief

Victims/survivors should be aware that you have the right to make a report to Campus Security, local law enforcement, and/or State Police or choose not to report; to report the incident to your institution; to be protected by the institution from retaliation for reporting an incident; and to receive assistance and resources from your institution. You have many options that can be pursued simultaneously, including one or more of the following:

- Receive resources, such as counseling and medical attention;
- Confidentially or anonymously disclose a crime or violation (for detailed information on confidentiality and privacy please refer to the Confidentiality Policy-above);
- Make a report to:
    - An employee with the authority to address complaints, including the Title IX Coordinator, a Student Conduct employee, or Human Resources employee;
    - A Public Safety Officer;
    - Local law enforcement; and/or
    - Family Court or Civil Court.

IV. SEXUAL VIOLENCE RESPONSE POLICY

In accordance with the Victim/Survivor Bill of Rights, victims/survivors shall have the right to pursue more than one of the options below at the same time, or to choose not to participate in any of the options below:

A. Reporting

- To report ***confidentially*** the incident to one of the following college officials, who by law may maintain confidentiality, and can assist in obtaining services (more information on confidential reporting is available in the section on Confidentiality-above):
    - Anonymously via an internet or telephone anonymous reporting;
    - Through the Counseling Office (518) 629-7320
    - Through Campus Ministry

- Through the Health Office

- To disclose *confidentially* the incident and obtain services from the New York State, New York City or county hotlines: http:/www.opsv.ny.gov/help/dvhotlines.html. Additional disclosure and assistance are catalogued by the Office for the Prevention of Domestic Violence and presented in several languages: http:/www.opdv.ny.gov/help/index.html (or by calling 1-800-942-6906), and assistance can also be obtained through:
  - Sexual Assault and Crime Victim's Assistance at Samaritan Hospital, Troy, NY (518) 271-3639
  - Rensselaer County 24 hour Rape Crisis Center at Samaritan Hospital, Troy, NY (518) 271-3257
  - SurvJustice: http:/www.survjustice.org/our-services/civil-rights-complaints;
  - Legal Momentum: https:/www.legalmomentum.org;
  - NYSCASA: http:/nycasa.org/responding;
  - NYSCADV: http:/www.nycadv.org/;
  - Pandora's Project: http:/www.pandys.org/lgbtsurvivors.html;
  - GLBTQ Domestic Violence Project: http:/www.glbtqdvp.org; and
  - RAINN: https:/www.rainn.org/get-help;
  - Safe Horizons: http:/www.safehorizon.org/

(note that these hotlines are for crisis intervention, resources, and referrals, and are not reporting mechanisms, meaning that disclosure on a call to a hotline does not provide any information to the campus. Victims/Survivors are encouraged to additionally contact a campus confidential or private resource so that the campus can take appropriate action in these cases).

- To report the incident to one of the following college officials who can offer ***privacy*** *though not, necessarily confidentiality,* and can assist in obtaining resources (note that an official who can offer privacy may still be required by law and college policy to inform one or more college officials about the incident, including but not limited to the Title IX Coordinator):
  - Title IX Coordinator;
  - Public Safety

  - HVCC Faculty and Staff

- To file a criminal compliant with Public Safety and/or with local law enforcement:
    - Public Safety;
    - Local Law Enforcement through 911

- To file a report of sexual assault, domestic violence, dating violence, and/or stalking talk to Public Safety or the Title IX Coordinator for information and assistance. Reports will be investigated in accordance with HVCC policy. If a victim/survivor wishes to keep his/her identity private, he or she may call the Title IX Coordinator at (518)629-7307 anonymously to discuss the situation and available options.
- When the accused is an employee, a victim/survivor may also report the incident to Human Resources or may request that one of the above referenced confidential or private employees assist in reporting to Human Resources. Disciplinary proceedings will be conducted in accordance with applicable collective bargaining agreements. When the accused is an employee of an affiliated entity or vendor of the college, college officials will, at the request of the victim/survivor, assist in reporting to the appropriate office of the vendor or affiliated entity and, if the response of the vendor or affiliated entity is not sufficient, assist in obtaining a persona non grata letter, subject to legal requirements and college policy.
- You may withdraw your complaint or involvement from the HVCC process at any time

B. Resources

- To obtain effective intervention services.
    - Center for Counseling (518) 629-7320 – no fee
    - College Health Services (518) 629-7468 – no fee
    - Sexual Assault and Crime Victim's Assistance at Samaritan Hospital, Troy, NY (518) 271-3639
    - Rensselaer County 24 hour Rape Crisis Center at Samaritan Hospital, Troy, NY (518) 271-3257
    - Samaritan Hospital: 2215 Burdette Avenue, Troy, NY
    - Albany Medical Center: 43 New Scotland Avenue, Albany, NY
        - Within 96 hours of an assault, you can get a Sexual Assault Forensic

Examination (commonly referred to as a rape kit) at a hospital. While there should be no charge for a rape kit, there may be a charge for medical or counseling services off campus and, in some cases, insurance may be billed for services. You are encouraged to let hospital personnel know if you do not want your insurance policyholder to be notified about your access to these services. The New York State Office of Victim Services may be able to assist in compensating victims/survivors for health care and counseling services, including emergency funds. More information can be found at http:/www.ovs.ny.gov/files/ovs_rights_of_cv_booklet.pdf or by calling 1-800-247-8035. Options are explained at http:/www.ovs.ny.gov/helpforcrimevictims.html.

C. Protection and Accommodations:

- When the accused is a student, to have the college issue a "No Contact Order", issued by the school, meaning that continuing to contact the protected individual is a violation of college policy subject to additional conduct charges; if the accused and a protected person observe each other in a public place, it is the responsibility of the accused to leave the area immediately and without directly contacting the protected person.
- To have assistance from Public Safety or other college officials in obtaining an Order of Protection or, if outside of New York State, an equivalent protective or restraining order.
- To receive instructions on how to obtain a copy of the Order of Protection issued by a court and have an opportunity to meet or speak with college officials who can explain the order and answer questions about it, including information from the Order about the accused's responsibility to stay away from the protected person(s); that burden does not rest on the protected person(s).
- To an explanation of the consequences for violating

these orders, including but not limited to arrest, additional conduct charge, and interim suspension.

- To have assistance from Public Safety in effected an arrest when an individual violates an Order of Protection or, if outside of New York State, an equivalent protective or restraining order within the jurisdiction of Public Safety or, if outside of the jurisdiction or local law enforcement in effecting an arrest for violating such an order.
- When the accused is a student and presents a continuing threat to the health and safety of the community, to have the accused subject to interim suspension pending the outcome of a conduct process.
- When the accused is not a member of the college community, to have assistance from Public Safety or other college officials in obtaining a persona non grata letter, subject to legal requirements and college policy.
- To obtain reasonable and available interim measures and accommodations that effect a change in academic, housing, employment, transportation, or other applicable arrangement in order ensure safety, prevent retaliation, and avoid an ongoing hostile environment. While victims/survivors may request accommodation through any of the offices referenced in this policy, the following offices can serve as a point to assist with these measure:
    - Vice President for Enrollment Management and Student Development.
    - Public Safety

V. The Prevention of Sexual Offenses

Hudson Valley Community College Policy:
Sexual misconduct is not tolerated at Hudson Valley Community College. Any form of sexual misconduct listed in this catalog is a violation of the New York State Penal Law.

A conviction of any of the sexual crimes listed may result in incarceration and/or monetary fine to the perpetrator. Persons who have a complaint filed against them for an incident involving sexual misconduct occurring on campus will be processed in accordance with the adjudication procedures contained in the college's regulations. Copies of these regulations are available in the Public Safety Department.

Procedures to Prevent Sex Offenses

Education Programs
The College is continually updating its education programs to promote the

awareness of rape, acquaintance rape, and other sex offenses. This is done through orientation, media presentations, lectures by county rape crisis personnel, posters, counseling services provided on campus, and distribution of educational material.

HVCC requires that each student leader and officer of student organizations recognized by or registered with the institution, as well as those seeking recognition by the institution, complete training on domestic violence, dating violence, stalking or sexual assault prevention prior to receiving recognition or registration, and HVCC does require that each student athlete complete training on domestic violence, dating violence, stalking. Or sexual assault prevention prior to participating in intercollegiate athletic competitions.

For information about Hudson Valley's Sexual Harassment Policy, see the Anti-Discrimination Policy above.

Access to the New York State Sex Offender Registry

The Sexual Offender Registration Act (SORA) of New York State established a Sex Offender Registry within the New York State Division of Criminal Justice Services. As part of the Registry, the SORA requires the Division of Criminal Justice Services to maintain a Subdirectory of High-Risk (Level 3) Sex Offenders. The Registry also contains information on low-risk (Level 1) and moderate-risk (Level 2) sex offenders.

The referenced site provides free public access to the database of Level 3 sexual offenders only. You may however, access information on Level 1 and Level 2 offenders for a fee. To access the New York State Sexual Offender registry, visit: http://criminaljustice.state.ny.us/nsor/index.htm.

Prevention

Most sexual assaults are not committed by strangers. College students are in greater danger of being sexually assaulted by a friend or a fellow student than by a stranger.

With its high number of dating and social activities, the campus setting can offer opportunities for date rape to occur. When the relationship with the offender or when the circumstances that are involved make a victim hesitant to report a sexual crime, the term “date rape” or “acquaintance rape” is frequently used.

In date rape, the offender may be a friend or an acquaintance. Also, the victim may have consumed drugs or alcohol. Regardless of the circumstances, when sexual activity beyond a mutually agreed upon point is forced on a partner, date rape occurs.

What to do if you are attacked:

1. After an attack, it is extremely important that the victim take

appropriate action promptly.

2. Try to be as calm as possible.
3. Get to a safe place.
4. Call for help. Call the police, a friend, or a rape crisis service. If the attack occurs on campus, immediately contact the Public Safety Office or the College Health Office, where there is a nurse on duty.
5. Remain in the same condition as when the attacker left. Do not change, wash, or destroy any clothing. Do not wash yourself, douche, or comb your hair.
6. Seek medical aid promptly. Not only can internal and external injuries be treated, but measures can be taken to combat the possibilities of disease. It is also an opportunity to collect evidence.
7. Leave the crime scene exactly as it is. Do not touch anything. Do not clean up or throw anything away.

As soon as possible, write down every detail about the incident; who, what, when, where, how.

- What the offender looked like.
- Where the assault occurred.
- What kind of force or coercion was used.
- Make and model of vehicle used.
- Any objects touched or taken by the assailant.
- Any noticeable speech patterns used by the assailant - particular words, grammar, accents, or speech defects.
- Any possible witnesses - who or where they might be.

Counseling and Support Services

At Hudson Valley Community College, we are concerned for every student's safety and security. If you have been the victim of a sexual crime, please contact one or more of the following on-campus and off-campus agencies:

Public Safety: 911 from any campus phone or (518) 629-7210 from any cell or non-campus telephone
College Health Services: (518) 629-7468
Counseling and Wellness Center : (518) 629-7320
Rensselaer County Rape Crisis Center, Samaritan Hospital, Troy, 24-

hour hotline: (518) 271-3257

Any Local Law Enforcement Agency or Hospital Emergency Room

***Please refer to the Judicial System for Procedures for On-Campus Discipline**

VI. Student Conduct Process Rights

- Conduct proceedings are governed by the procedures set forth in the Hudson Valley Community College catalog in the Judicial System and as well as federal and New York State law, including the due process provisions of the United States and New York State Constitutions.
- Throughout conduct proceedings, the accused and the victim/survivor will have:
    - The same opportunity to have access to an advisor of their choice. Participation of the advisor in any proceeding is governed by federal law and the HVCC Judicial System.
    - The right to a prompt response to any complaint and to have their complaint investigated and adjudicated in an impartial and thorough manner by individuals who receive annual training in conducting investigations of sexual violence, the effects of trauma and other issues related to sexual assault, domestic violence, dating violence and stalking.
    - The right to an investigation and process conducted in a manner that recognized the legal and policy requirements of due process.
    - The right to receive written or electronic notice of any meeting or hearing they are required to or are eligible to attend.
    - The right to have a conduct process run concurrently with a criminal justice investigation and proceeding, except for temporary delays as requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more than 10 days except when law enforcement specifically requests and justifies a longer delay.
    - The right to review available evidence in the case file.
    - The right to a range of options for providing testimony via alternative arrangements, including telephonic testimony or testifying with a room partition.

- The right to exclude prior sexual history or past mental health history from admittance in college disciplinary stage that determines responsibility. Past sexual violence findings may be admissible in the disciplinary stage that determines sanction.
- The right to ask questions of the decision maker and via the decision maker indirectly request responses from other parties and any other witnesses present.
- The right to make an impact statement during the point of the proceeding where the decision maker is deliberating on appropriate sanction.
- The right to simultaneous (among parties) written or electronic notification of the outcome of a conduct proceeding, including the sanction(s).
- The right to know the sanction(s) that may be imposed on the accused based upon the outcome of the conduct proceeding and the reason for the actual sanction imposed. For students found responsible for sexual assault, the available sanctions are suspension with additional requirements and expulsion/dismissal.
- The right to choose whether to disclose or discuss the outcome of the hearing.
- The Coordinator for Judicial Services can be reached at (518) 629-8173. The Vice President for Enrollment Management and Student Development can be reached at (518) 629-7307 and Public Safety can be reached at (518) 629-7210.

What is a Sexual Crime?
Article 130 of the New York State Law contains the following legal provisions defining crimes related to sexual assault. A copy of Article 130 is available in the Public Safety Department, located on the first floor of the Siek Campus Center.

Section 130.20 - Sexual Misconduct. **This offense includes sexual intercourse without consent and deviate sexual intercourse without consent. The penalty for violation of this section includes imprisonment for a definite period to be fixed by the court up to one year.**

Section 130.25/.30/.35 - Rape. **This series of offenses includes sexual intercourse with a person incapable of consent because of the use of forcible compulsion or because the person is incapable of consent due to a mental defect, mental incapacity or physical helplessness. This series of offenses further includes sexual intercourse with a person under the age of consent. The penalties for violation of these sections range from imprisonment for a period not to exceed four years up to imprisonment for a period not to exceed 25 years.**

Section 130.40/.45/.50 - Criminal Sexual Act. **This series of offenses includes oral or anal sexual conduct with a person incapable of consent because of the use of forcible compulsion or because the person is incapable of consent due to a mental defect, mental incapacity or physical helplessness. This series of offenses further includes oral or anal conduct with a person under the age of consent. The penalties for violation of these sections range from imprisonment for a period not to exceed four years up to imprisonment for a period not to exceed 25 years.**

Section 130.52 - Forcible Touching. **This offense involves the forcible touching of the sexual or other intimate parts of another person for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor's sexual desires. Forcible touching includes the squeezing, grabbing, or pinching of another person's sexual or other intimate parts. The penalty for violation of this section includes imprisonment for a period of up to one year in jail.**

Section 130.55/.60/.65 - Sexual Abuse. **This series of offenses includes sexual contact with a person by forcible compulsion, or with a person who is incapable of consent due to physical helplessness, or due to a person being under the age of consent. The penalties for violation of these sections range from imprisonment for a period not to exceed three months up to imprisonment for a period not to exceed seven years.**

Section 130.65-a/.66/.67/.70 - Aggravated Sexual Abuse. **This series of offenses occurs when a person inserts a finger or foreign object in the vagina, urethra, penis or rectum of another person by forcible compulsion, when the other person is incapable of consent by reason of being physically helpless, or when the other person is under the age of consent. The level of this offense is enhanced if the insertion of a finger or foreign object causes injury to the other person. The penalties for violation of these sections range from imprisonment for a period not to exceed seven years up to imprisonment for a period not to exceed 25 years.**

Sexual Harassment
Sexual harassment is a form of sex discrimination and as such is specifically prohibited by Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments Act of 1972. Sexual harassment is defined as unwelcome verbal or physical conduct of a sexual nature which has the purpose of effect of interfering with an individual's performance or which creates a hostile or intimidating environment. Examples of sexual harassment range from remarks and joking to actual sexual relations.

COLLEGE'S ANTI-DISCRIMINATION &-HARASSMENT & POLICIES AND COMPLAINT PROCEDURE

Upon a motion by Mr. Fagan, seconded by Ms. Conroy, the following resolution was adopted unanimously.

Resolved, that the request for approval of the college's Anti-Discrimination and Harassment Policies and Complaint Procedure, be, and hereby is, approved. It shall read as follows:

Anti-Discrimination and Harassment Policies and Complaint Procedure

Administered by: The Office of Affirmative Action & Human Resources Development

Equal Employment Opportunity and Non-Discrimination Policy Complianc Statement from the President

It is the policy of Hudson Valley Community College not to discriminate against any employee or applicant for employment *or admission to the college as a student* on the basis of their race, color, religion, age, sex, national origin, marital status, disability, protected Veteran Status, sexual orientation and gender identity genetic information, if they are victims of domestic violence *or* stalking, familial status, and all other categories covered by law. This policy shall apply to all employment actions, including but not limited to recruitment, hiring, upgrading, promotion, transfer, demotion, layoff, recall, termination, rates of pay or other forms of compensation and selection for training at all levels of employment. Hudson Valley Community College will not discharge or discriminate against employees or applicants who inquire about, discuss, or disclose their own compensation or the compensation of another employee or applicant.

The College is very committed to EEO and Affirmative Action in all aspects of its business and will utilize affirmative action to make employment decisions so as to further the principle of equal employment opportunity. Personnel decisions are based only on valid job requirements, and we will make all reasonable accommodations necessary to employ and advance in employment qualified persons with disabilities, newly separated veterans, covered veterans, and disabled veterans.

Employees of and applicants to Hudson Valley Community College and the Educational Opportunity Center will not be subject to harassment, intimidation, threats, coercion, or discrimination because they have engaged or may engage in filing a complaint, assisting in a review, investigation or hearing or have otherwise sought to obtain their legal rights related to any Federal, State, or local law regarding EEO for qualified individuals with disabilities or qualified protected veterans.

As the President of Hudson Valley Community College, I wish to add my personal note of commitment to assuring that our College carries out our Equal Employment Opportunity policy and fulfills the obligations of our Affirmative Action Plan. I expect the commitment of all employees in attaining and maintaining our goals for a workplace free of discrimination. Equal employment and educational opportunities are not accomplished at the expense of any group or individual, but rather is good business practice and it contributes or an organization enriched by diversity and excellence.

If you would like to review the Affirmative Action Plan for Individuals with Disabilities or covered Veterans, or feel you have been harassed or discriminated against, please contact the Affirmative Action Officer during normal business hours in the Administration Building, room 130 or by telephone, 518-629-8110.

Hudson Valley Community College is determined to be in full compliance with

the provisions of the Law and of the Affirmative Action Program.

Dr. Andrew J. Matonak
President, Hudson Valley Community College

Introduction
Hudson Valley Community College has established an Equal Employment Opportunity Policy and a Sexual Discrimination/ Harassment Policy that is consistent with Federal and State anti-discrimination legislation. The policies which are set forth below represent the College's ongoing commitment to providing an environment in both education and employment that is free from such unlawful discrimination and harassment on the basis of race, color, national origin, religion, age, sex, sexual orientation, gender identity, disability, veteran status or marital status or any other protected class. In order to equitably and uniformly enforce these policies, the College must seek to balance the interests of those individuals or groups of individuals allegedly victimized by unlawful discrimination or harassment with the due process rights of the accused. To this end, the College has established a complaint procedure for the review of allegations of unlawful discrimination and harassment. It is the goal of the College that these procedures serve as a mechanism through which the College may fairly and equitably identify, respond to and/or prevent incidents of unlawful discrimination and harassment on its campus and permit, if possible, the resolution of alleged acts of unlawful discrimination or harassment without resorting to the often expensive and time-consuming procedures of State and Federal enforcement agencies or courts.

The procedures set forth below are applicable to employees of the College whom are accused of harassment, discrimination or other illegal activity motivated by the race, color, religion, age, sex, national origin, marital status, veteran status, sexual orientation, gender identity or any other protected class of individuals whom are members of our college community. The procedures set forth in the Campus Judicial System are applicable to students whom are accused of any bias related activities or harassment or violence against women or any other protected class. Policies, rights and services for student victims of sexual harassment or other forms of violence can also be found in the SaVE Provision section of the catalog. Employee grievance procedures established through negotiated contracts, academic grievance review committees, and any other procedures defined by contract shall continue to operate as before. It is important that neither the student nor the employee complainant is required to pursue resolution of their complaints through the College's internal procedure. Rather a Complainant may, at his or her discretion, file a complaint with a court of competent jurisdiction or with an outside enforcement agency, such as the New York State Division of Human Rights, the Equal Employment Opportunity Commission, the Office for Civil Rights of the United States Department of Education or the Office of Federal Contract Compliance of the United States

Department of Labor.

The Affirmative Action Officer (hereinafter referred to as "AAO") shall investigate all complaints of discrimination and/or harassment when the allegation includes an employee of the college.. The Vice President for Enrollment Management and Student Development (hereafter VP for EM&SD) shall investigate all complaints or discrimination and/or harassment when the alleged offender is a student in keeping with the Judicial System and Campus Regulations portions of the HVCC Catalog.

In cases where the accused offender is employed by the College and is not a student, the AAO shall assist the Complainant in the use of the complaint form defining the charge(s) and AAO shall provide the Complainant with information about the various options the Complainant has in terms of where a complaint may be filed. While the AAO will provide, to the best of his/ her knowledge, information concerning the processes relevant to outside agencies or courts, AAO is not an attorney at law and can provide no advice as to a Complainant's procedural or substantive rights with regards to agencies or courts, including deadlines for filing.

The Affirmative Action Officer is responsible for monitoring the affirmative action plan and reporting periodically to the President. The Officer should be contacted in the event a Hudson Valley employee, prospective applicant or student perceives that he or she has not been treated in accord with the Equal Employment Opportunity Policy of the College by an employee of the College.

Sexual Harassment Policy
Sexual harassment is a violation of Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972. Hudson Valley Community College is committed to providing an environment that is non-discriminatory, humane and respectful- one that supports and rewards employees and students on the basis of relevant considerations like merit, effort, competence, qualifications and business/academic necessity, and deters inappropriate conduct that occurs in the College's activities or operations.

Sexual harassment is unacceptable and in conflict with the mission and interests of the College. Sexually harassing conduct between supervisors and staff members or between faculty and students unfairly exploits the power inherent in the supervisor or faculty's role. Through salary increases, performances appraisals, academic advisement and academic evaluation, a supervisor or faculty member can have a decisive influence on a staff member's career or a student's academic development. Sexual harassment in this context exhibits a lack of decency and integrity, and is considered an abuse of power.

While sexual harassment typically occurs in situations where positions of power differentials exist between individuals, this policy also recognizes that sexual

harassment can occur between individuals where no such power differential exists, such as in faculty-faculty interactions.

Either men or women can be sexual harassers and either men or women can be the victims of sexual harassment. Sexual harassment can also occur between members of the same sex. Employees and students of either gender may make a claim of sexual harassment under this policy.

The College will not tolerate sexual harassment. The College will act promptly and equitably, within the framework of due process, to investigate alleged sexual harassment and to affect a remedy when such allegations are determined valid. Further, this Sexual Harassment Policy and the complaint procedures provided herein, shall be distributed campus-wide and internal training sessions may be made available to employees and students pertaining to sexual harassment.

Recognizing Sexual Harassment
Sexual harassment takes many forms, ranging from sexual innuendoes made in the context of humor to physical assault. The key to determining whether conduct constitutes sexual harassment is determining whether the behavior is unwelcomed and/or unreasonably interferes with an employee or student's performance or creates a hostile, intimidating or offensive environment. Examples may include:

- Verbal: Sexual innuendo, suggestive comments, sexual propositions, etc.
- Non-Verbal: obscene gestures, suggestive or degrading sounds, etc.
- Physical: Unwanted contact, such as groping, pinching, grabbing, etc.
- Visual: Pin-up calendars, sexually suggestive or explicit cartoons, pictures, objects, etc.
- Threatening: Demands for sexual favors, stalking, rape, etc.

Who You Can Go To For Help
To file a complaint of discrimination or harassment against an employee of HVCC, please contact:

Affirmative Action Officer
Room 140
Administration Building
(518) 629-8110
j.ogden@hvcc.edu

If you wish to file a complaint of discrimination or harassment against a student

at HVCC, please refer to the Judicial System section of the Catalog and contact either:

Public Safety

Room 100

Campus Center

(518) 629-7210

Or:

Vice President for Enrollment Management and Student Development

Room 159

Guenther Enrollment Services Center

(518) 629-7307

For a list of further resources for student victims of sexual assault, domestic violence, dating violence or stalking please refer to the SaVE and VAWA Provisions of this Catalog.

Title IX Compliance Statement
Title IX (Department of Education Amendment 1972) prohibits sex discrimination in any education program or activity receiving Federal financial assistance, such as a Federal grant or loan. It encourages recipients to take affirmative action to overcome effects of conditions, which may have resulted in exclusion of women from participation in specific education programs or activities. Title IX applies to student admissions and student affairs policy and the employment of staff in connection with the recipient's education programs/activities. It mandates the designation of a responsible employee to coordinate compliance with its provision, as well as the establishment of a complaint procedure to resolve student and employee complaints alleging unlawful discrimination.

It is the policy of the Board of Trustees of Hudson Valley Community College to ensure that persons associated with the College receives the fair and equal treatment prescribed within the tenets of equal opportunity. All decisions are made and will continue to be made on the job-related, objective bases of merit, competence, qualifications and business or academic necessity. Hudson Valley Community College does not discriminate with regard to race, color, national origin, religion, age, sex, sexual orientation, gender identity, disability, veteran status, or marital status or any other category protected by statute or regulation.

The College prohibits discrimination in all programs, policies, standards and activities, maintains an established complaint procedure and assigns compliance responsibility to the AAO

EQUAL EMPLOYMENT/SEXUAL HARASSMENT COMPLAINT PROCEDURES

COVERAGE: Employees, students, and prospective applicants of the College may use these procedures if they believe that they have been the victims of any unlawful discrimination or harassment at the College by an employee of the College.

PURPOSE: The complaint procedure is provided for the review of complaints alleging unlawful discrimination or harassment in any Hudson Valley Community College policy or program when the alleged unlawful discrimination or Harassment is perceived to be based on the complainant's race, color, national origin, religion, age, sex, sexual orientation, gender identity, disability, veteran status, or marital status or any category protected by civil statute or regulation.

DEFINITIONS:

Affirmative Action/Sexual Harassment Advisory Council – Representatives of all levels of the College who advise the President and the Affirmative Action Officer on matters relating to Equal Employment Opportunity, Affirmative Action, and Diversity. They are appointed by the President.

Complainant - An employee, applicant for employment, or student of the College or student applicant who believes that he or she has been the victim of unlawful discrimination or harassment by a faculty member, staff member or employee of the College and submits a complaint.

Discriminatory Harassment - Discriminatory harassment is based on race, color, national origin, religion, age, sex, sexual orientation, gender identity, disability, veteran status, or marital status or other protected characteristics, which is oral, written, graphic or physical conduct. The actions must be sufficiently severe, pervasive, or persistent so as to interfere with or limit the ability of an individual to participate in or benefit from the College's programs or activities. Such activities include actions that derogate or humiliate a person or group because of actual or supposed traits. Examples include, but are not limited to, ethnic or racial slurs or jokes, which have the purpose or effect of creating an offensive environment.

Sexual Harassment - Under Title VII of the Civil Rights Act (1964), sexual harassment is cited as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when (1) Submission to

such conduct is made explicitly an employment term or condition [or a condition on which one's academic standing is predicated]; or (2) Submission to or rejection of such conduct is used as a basis for employment [or academic] decisions; or (3) Such conduct has the purpose or the effect of unreasonably interfering with one's [academic or] work performance, or creating an offensive, intimidating or hostile [academic or] work environment.

Respondent - An employee of the school or an entity that answers a complaint alleging unlawful discrimination or harassment or the person(s) accused of alleged unlawful discrimination or harassment.

Unlawful Discrimination - consists of:

- harassment on the basis of race, color, national origin, religion, age, sex, sexual orientation, gender identity, disability, veteran or marital status or any other protected class under State or Federal Law;

- employment decisions based on stereotypes or assumptions about the abilities, traits, or performance of individuals of a certain race, color, national origin, religion, age, sex, sexual orientation, gender identity, disability, veteran or marital status or any other protected class under the State or Federal Law; or

- retaliation against an individual for filing a charge of discrimination, participating in an investigation, or opposing discriminatory practices.

APPLICABILITY

This complaint procedure does not supplant nor duplicate any existing complaint procedure. It does not deprive the complainant the right to file with outside government agencies, such as the New York State Division of Human Rights (DHR); U.S. Equal Employment Opportunity Commission (EEOC); U.S. Office of Civil Rights of the Department of Health, Education and Welfare (OCR); the Office of Federal Contract Compliance (OFCCP) of the United States Department of Labor (DOL); or with a court of competent jurisdiction.

The procedure may be used even if a complaint based on the same facts and circumstances is filed with a State or Federal agency or with a court of competent jurisdiction, or if a complaint has been filed under any collective bargaining agreement. Any investigation underway will continue regardless of whether a complaint is filed with a state or federal agency or a collective bargaining representative, or a court action is initiated on the same complaint. It is the responsibility of the complainant to be aware of any filing deadlines for any outside agency or court even in the event he/she initially chooses to attempt to resolve the complaint through the College's internal procedures.

RIGHT TO COUNSEL

Both the complainant and the respondent shall have the right to be assisted by an attorney at all stages of both the informal and formal stages of the College's internal complaint process.

CONFIDENTIALITY
Unlawful discrimination or harassment complaints will be handled as confidentially as possible while enabling the College to fully investigate the complaint. Information about the complaint will only be divulged to individuals who have a legitimate need to know. All records pertaining to complaints shall be kept and maintained by the AAO.

SANCTIONS
Persons who are found to have engaged in unlawful discrimination and/or harassment may be subject to sanctions that are reasonably calculated to end the unlawful discrimination and prevent its reoccurrence. Sanctions that may be imposed include, but are not limited to: written warnings, letter of reprimands, suspensions, change of job or class assignments, or termination..

RETALIATION
Reprisal actions and encouraging others to retaliate against anyone involved in the investigation of an unlawful discrimination or harassment complaint is prohibited. This includes anyone who reports, is thought to have reported or cooperates in the investigation process. The College considers retaliation to be a violation of College policy and may be subject to sanctions as provided herein.

FALSE CHARGES OF DISCRIMINATION
Filing a false charge of unlawful discrimination or harassment is a serious offense. If an investigation reveals that a complainant knowingly filed false charges, appropriate actions and sanctions as provided herein may be taken.

WHERE TO FILE A COMPLAINT OF DISCRIMINATION
To file a complaint of discrimination or harassment against an employee of HVCC, please contact:

Affirmative Action Officer
Room 140
Administration Building
(518) 629-8110
j.ogden@hvcc.edu

ADDITIONAL RESOURCES

For personal counseling:
Wellness Center
Campus Center, Room 260
(518) 629-7320

For medical services:
College Health Services
Siek Campus Center, Suite 270
(518) 629-7468

For escort service:
Public Safety/Security
Campus Center, Room 170
(518) 629-7210

PROCEDURE FOR FILING A COMPLAINT OF DISCRIMINATION

PART A: Investigation

1. The AAO shall receive initial inquiries, reports and requests for consultation and counseling. Assistance will be available whether or not a written complaint is contemplated. It is the responsibility of the AAO to respond to all such inquiries, reports and requests as promptly as possible and consider all such facts in an objective manner and in a manner appropriate to the particular circumstances.

   Note: It is the responsibility of the complainant to be certain that any complaint filed is filed within the 120 calendar days that is applicable under this paragraph.

2. Complaints or concerns that are reported to an administrator, manager or supervisor concerning an act of discrimination or harassment shall be immediately referred to the AAO for investigation and resolution by that administrator, manager, or supervisor.

A written complaint must be filed with the AAO within 120 calendar days following the last act or occurrence of an alleged unlawful discriminatory act or act of harassment. All such complaints must be submitted on the forms provided by the AAO. If the AAO is the respondent in a complaint of discrimination, the President of the College shall designate a person to investigate and attempt to resolve the complaint. That person shall carry out the duties and responsibilities of the AAO in that specific complaint.

3. The complaint shall contain:

   a. The name, local and permanent address(es), and telephone number(s) of the Complainant (In appropriate cases, this information may be redacted from Complaints before they are forwarded to the Respondent).

b. A statement of facts explaining what happened and what the complainant believes constituted the unlawful discriminatory act(s) in sufficient detail to give each respondent reasonable notice of what is claimed against him/her. The statement should include the date(s), approximate time(s) and place(s) where the alleged act(s) of unlawful discrimination or harassment occurred. If the act(s) occurred on more than one date, the statement should also include the last date on which the acts occurred as well as detailed information about any prior acts. The names of any potential witnesses should be provided, if appropriate.

c. The name(s), address(es) and telephone number(s) of the respondent(s), i.e., the person(s) claimed to have committed the act(s) of unlawful discrimination if known to the complainant.

d. Identification of the status of the person(s) charged, whether faculty, staff, or employee.

e. A statement indicating whether or not the complainant has filed or reported information concerning the incidents referred to in the complaint with a non-college official, court, or agency, under any other complaint or complaint procedure. If an external complaint has been filed, the statement should indicate the name of the court, person, department, or agency with which the information was filed and its address or to which it was reported.

f. Such other or supplemental information as may be requested.

If the complainant brings a complaint beyond the period in which the complaint may be addressed under these procedures, the AAO may terminate any further processing of the complaint or extend the deadline for filing if good cause can be shown for the delay. The AAO shall investigate the complaint and shall review all relevant information, interview pertinent witnesses, and bring together the complainant and the respondent, if desirable.

PART B: The Determination.

1. Upon conclusion of the investigation, the AAO makes a determination as to whether any state, federal or local laws, rules or regulations or any collective bargaining agreement or any other contract or policy or procedure of HVCC was violated. If AAO determines such a violation occurred, (s)he will recommend an appropriate sanction to the Director

of Human Resources.

2. If the Director of Human Resources is in agreement the employee will be disciplined accordingly.

3. Both the complainant and the respondent will receive written notification of the findings of AAO.

4. This procedure does not supplant any procedures available to any employee under their collective bargaining agreement or contract or any other right or remedy any student or employee may have available to them under the law.

INFORMATION ITEMS

The following information items were noted:

INFORMATION ITEMS

A. DEPARTMENT NAME CHANGE

1. School of Liberal Arts & Sciences
   Fine Arts, Theatre Arts and Broadcast Communications (FTB) becomes Fine Arts, Theatre Arts and Digital Media (FTD)

B. FULL-TIME FACULTY

1. Schools of Business and Engineering & Industrial Technologies
   Robert Ekblaw, Instructor,
   Computing & Information Sciences,
   f/t appt., eff. 8/29/16 $48,981/yr

   Cynthia Harms, Instructor,
   Computing & Information Sciences,
   f/t temp. appt. (grant-funded), eff. 8/29/16 $48,981/yr

2. School of Liberal Arts & Sciences
   Jennifer Austin, Instructor,
   English, Foreign Languages and English as a Second Language,
   f/t appt., eff.8/29/16 $48,981/yr

   Scott Bianco, Instructor,
   Mathematics and Engineering Science,
   f/t appt., eff. 8/29/16 $48,981/yr

   Heather Chase, Department Chair,
   Liberal Arts, Advisement Tracks, Lar Honors and LAR Advisement Center,
   f/t appt., eff. 8/29/16 $55,000/yr
   +8750 stipend

Julie Demers, Instructor,
English, Foreign Languages and English as a Second Language,
f/t appt., eff.8/29/16 $48,981/yr

Scott Hathaway, Department Chair,
Fine Arts, Theatre Arts and Broadcast Communications,
f/t appt., eff. 8/29/15 $67,588/yr
+$8750 stipend

Casey Ryan, Instructor,
Criminal Justice,
f/t temp. appt., eff. 8/29/16 $48,981/yr

C. FULL-TIME NON-TEACHING PROFESSIONALS

1. Academic Affairs

Dylan Larkin, Assistant Coach,
Community and Professional Education (Kids on Campus Programs),
f/t temp. appt., eff. 6/10/16 or thereafter $350/wk

William LaHera, Assistant Coach,
Community and Professional Education (Kids on Campus Programs),
f/t temp. appt., eff. 6/10/16 or thereafter $175/wk

Erick Roadcap, Assistant Coach,
Community and Professional Education (Kids on Campus Programs),
f/t temp. appt., eff. 6/10/16 or thereafter $350/wk

2. E.O.C.

Carol Meyer, Coordinator for Instructional Services,
E.O,C.,
f/t appt., eff. 6/2/16 or thereafter $76,500/yr

3. Finance

Tunde Balogun, Associate Bursar,
Finance,
f/t appt., eff. 6/17/16 or thereafter $51,000/yr

Cynthia Decker, Assistant Director of Financial Aid,
Finance,
f/t appt., eff. 6/17/16 or thereafter $39,000/yr

Patricia Gaston, Director of Business Services and Procurement,
Finance,
f/t appt., eff. 5/23/16 or thereafter $65,000/yr

4. School of Health Sciences

David Robles, Healthcare Simulation Lab Coordinator,
Nursing Department,
f/t appt. (grant-funded), eff. 6/1/16 or thereafter $37,000/yr

5. Technology, Institutional Assessment and Planning
   Stephen Kevlin, Web Developer,
   Information Technology Services,
   f/t appt., eff. 5/26/16 or thereafter $46,000/yr

D. PART-TIME FACULTY

1. Schools of Business and Engineering & Industrial Technologies
   Christopher Tripi, Instructor,
   Computing & Information Sciences,
   p/t appt., eff. 5/19/16 or thereafter $1113/sch

   Brian White, Instructor,
   Business Administration,
   p/t appt., eff. 6/7/16 or thereafter $1113/sch

2. School of Health Sciences
   Michelle Issah Suyu-Danao, Instructor,
   Nursing,
   p/t appt., eff. 8/291/16 $1113/sch

3. School of Liberal Arts & Sciences
   Ingrid Alt, Instructor,
   Mathematics and Engineering Science,
   p/t appt., eff. 8/29/16 $1113/sch

   Elizabeth Kuzmich, Instructor,
   English, Foreign Languages, and English as a Second Language (HS Model),
   p/t appt., eff. 6/1/16 or thereafter $0
   Leslie Muggelberg, Instructor,
   Biology, Chemistry and Physics,
   p/t appt., eff. 5/19/16 or thereafter $1113/sch

   Carlo Savoia, Instructor,
   Biology, Chemistry and Physics,
   p/t appt., eff. 5/20/16 or thereafter $1113/sch

   Ann Singleman, Instructor,
   English, Foreign Languages, and English as a Second Language,
   p/t appt., eff. 6/1/16 or thereafter $1113/sch

   Christine Zhao, Instructor,
   Biology, Chemistry and Physics,
   p/t appt., eff. 5/20/16 or thereafter $1113/sch

E. PART-TIME NON-TEACHING PROFESSIONALS

1. Academic Affairs

Christina Bucci, Counselor,
Community and Professional Education (Kids on Campus Programs),
p/t appt., eff. 6/1/16 or thereafter $9.00/hr

Anthony Carroll, Counselor,
Community and Professional Education (Kids on Campus Programs),
p/t appt., eff. 6/1/16 or thereafter $9.00/hr

Nolan Jones, Counselor,
Community and Professional Education (Kids on Campus Programs),
p/t appt., eff. 6/1/16 or thereafter $9.00/hr

Emma Limoges, Counselor,
Community and Professional Education (Kids on Campus Programs),
p/t appt., eff. 6/1/16 or thereafter $9.00/hr

Morgan Minkler, Counselor,
Community and Professional Education (Kids on Campus Programs),
p/t appt., eff. 6/1/16 or thereafter $9.00/hr

F. CLASSIFIED STAFF

1. Administration

James Carras, Motor Equipment Operator Light,
Physical Plant,
f/t appt., eff. 6/20/16 or thereafter $13.5299/hr

Christopher Page, Electrician,
Physical Plant,
f/t appt., eff. 6/2/16 or thereafter $18.4886/hr

Frank Pusatere, Electrician,
Physical Plant,
f/t appt., eff. 6/2/16 or thereafter $18.4886/hr

John Ramsey, Building Maintenance Worker,
Physical Plant,
f/t appt., eff.6/14/16 or thereafter $16.2979/hr

2. Schools of Business and Engineering & Industrial Technologies

Tina Hudson, Program Assistant Academics II,
School of Business,
prob. appt., eff. 6/9/15 or thereafter $15.1556/hr

G. ADVISORY COMMITTEE APPOINTMENTS

1. Civil, Construction, Industrial and Mechanical Technologies
   R. J. Multari

2. Mathematics and Engineering Science
   Michael I. Stessin, Ph.D.

H. RESIGNATIONS

1. Chris Mazzeo, Head Softball Coach, Intercollegiate Athletics, eff. 6/1/16
2. Deborah Renfrew, Communications and Marketing Specialist, Communications and Marketing, eff. 6/24/16
3. Gregory Ryan, Technical Assistant, Financial Aid, eff. 6/24/16

I. RETIREMENTS

1. Kathleen Campbell, Assistant Professor, Nursing, eff. 8/19/16
2. Donna Champion, Assistant Professor, Nursing, eff. 8/28/16
3. Elaine Davi, Professor, Nursing, eff. 8/19/16

J. HVCC MONTHLY FINANCIAL REPORTS

1. Current Unrestricted Fund Revenues & Expenditures, period ending 5/31/16
2. Operating Expenditures by Object, period ending 5/31/16
3. Grant Expenditures by Object, period ending 5/31/16

AUGUST MEETING

The next regular meeting of the Board of Trustees will be held on Tuesday, August 23, 2016.

Secretary Raneri informed the Board that Hank Dullea has left the SUNY Board of Trustees. The Board and the President concurred that Mr. Dullea had been a great champion of New York's community colleges, and that he would be missed.

EXECUTIVE SESSION

Upon a motion by Mr. Lang, seconded by Dr. Jennings, an executive session was called at 5:28 p.m. for the purpose of discussing a personal issue.

Upon a motion by Mr. Fagan, seconded by Mr. Lang, the executive session was ended at 6:35 p.m. and Chairman Kelleher opened the meeting.

ADJOURNMENT IN MEMORY OF JAMES A. WALSH

Upon a motion by Mr. Zweig, seconded by Mr. O'Connor, the meeting was adjourned at 6:36 p.m. in memory of James A. Walsh.

Suzanne Kalkbrenner
Assistant Secretary to the Board