

Hudson Valley Community College

80 Vandenburg Avenue, Troy, New York 12180

MINUTES

The monthly meeting of the Board of Trustees of Hudson Valley Community College was held on Tuesday, September 28, 2021, on the college campus, 80 Vandenburg Avenue, Troy, New York; via remote meeting and live streamed for the public on the college's website at www.hvcc.edu.

PRESENT

Neil J. Kelleher, Chairman
 Judith Breselor
 Philip J. Danaher
 Talia Edwards
 William Fagan
 Flora Fasoldt
 Thomas P. Grant
 William C. Jennings
 Wayne Pratt
 Brian Zweig

EXCUSED

None

ALSO PRESENT

Dr. Roger A. Ramsammy, President
 George J. Raneri, Secretary to the Board
 Suzanne Kalkbrenner, Assistant Secretary to the Board

J. Ashdown	E. Hatter	R. LaGatta
D. Christian	G. Healy	L. Marion
A. Collins-Schroeder	P. Hill	K. Paquette
L. Coplin	C. Jenkins	K. Petley
A. Courter	D. Kennedy	M. Reynolds
J. DiLorenzo	E. Kiel	D. Shoemaker
S. Ely	P. Klimkewicz	A. Thomas
	I. LaChance	R. Wilson

Chairman Kelleher called the meeting to order at 5:24 p.m.

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

MINUTES

Resolved, that the minutes of the regular meeting of the Board of Trustees, held on August 24, 2021, be and hereby are, approved.

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

HVCC
 FOUNDATION, INC—
 DIRECTOR
 APPOINTMENTS

Resolved, that the request to approval of director appointments to the Hudson Valley Community College Foundation's Board of Directors to three-year terms, from October 1, 2021 to September 30, 2024, as recommended by the Foundation's Board of Directors on September 21, 2021, be and hereby are, approved, as follows:

- Leslie King (director reappointment)
- Anthony Podlaski, Assistant Professor, English, Foreign Languages and English as a Second Language (HVCC Faculty Representative)
- Brian Sandvide, Principal, Anchin Accountants and Advisor

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

**FRAUD AND
WHISTLEBLOWER
POLICY**

Resolved, that the request for approval of the HVCC Fraud and Whistleblower Policy, as recommended by the President and college counsel, be and hereby is, approved, subject to any future edits that may be deemed necessary by counsel. The policy, effective immediately, shall read as follows:

FRAUD AND WHISTLEBLOWER POLICY

Purpose:

Hudson Valley Community College (HVCC) is committed to lawful and ethical behavior and expects members of the College community (which includes, but is not limited to students, faculty, staff, Trustees, etc.) to act in accordance with all College policies as well as all applicable laws, rules and regulations. The purpose of this policy is to deter and detect fraud or other irregular activity by encouraging all individuals to report good faith concerns regarding such activities at the College. The policy establishes a confidential channel of communication by which individuals may report activity that they reasonably believe to be fraudulent or otherwise irregular.

Definitions:

Good Faith Disclosure – Disclosure of fraudulent or dishonest conduct to an immediate supervisor, the Vice President for Administration and Chief Financial Officer or via the Fraud Hotline email, (FraudHotline@hvcc.edu), made with an honest belief in the truth of the allegations contained in the disclosure. The allegations contained in the disclosure do not have to ultimately be proven to be true to demonstrate good faith.

Fraudulent or Irregular Activity – Activities that (1) involve a misappropriation of assets (i.e. theft) or obtaining an unauthorized benefit; (2) are in violation of or non-compliant with any HVCC policy, or New York State or federal laws or regulations; or (3) are financially wasteful; (4) are an indication of gross misconduct or incompetency; or (5) are an unethical, improper, or dishonest act.

Examples include, but are not limited to, the following:

- Theft of any HVCC property, resources or assets, including, but not limited to, money, tangible property, trade secrets or intellectual property;
- Misappropriation, misapplication, destruction, removal, or concealment of HVCC property;
- Unlawful use of computer systems, including hacking and software piracy;
- Unauthorized disclosure of confidential or proprietary information;
- Unauthorized disclosure of student educational records, personal information, or medical information;
- Authorizing or receiving compensation for hours not worked or covered by appropriate and available leave;
- Fraudulent or otherwise deceptive financial reporting;
- Violation of any law, regulation, rule, policy, etc.
- Credit card and travel expense fraud;
- Use of staff to perform personal errands, services or tasks;
- Forgery or unauthorized alteration or falsification of documents;
- False claims by students, employees, vendors, or others associated with HVCC;

- Bribery, kickbacks, bid rigging, and conflicts of interest;
- A substantial and specific danger to public health or safety;
- Improper records destruction;
- Concealment of any of the above.

Retaliation – Any adverse action taken by HVCC or any individual doing work for or on behalf of HVCC, in response to a Whistleblower’s good faith disclosure of fraudulent or dishonest conduct or in response to any employee’s good faith participation in an investigation under this policy.

Whistleblower – A whistleblower is an individual who reports an activity that they reasonably believe to be fraudulent or irregular, as defined herein, by the means specified in this policy. The whistleblower is not responsible for investigating the reported activity or for determining fault or corrective measures; appropriate management officials are charged with these responsibilities.

Policy Implementation and Oversight:

The College President has designated the Vice President of Administration and Chief Financial Officer (VPA & CFO), or person acting in that capacity, as the individual to whom suspected or detected fraud and irregularities must be reported, and who is responsible for the implementation of this policy and administration of the procedures herein.

Process for Reporting Fraud and Irregularities:

Individuals with knowledge of fraudulent or irregular activity by an HVCC employee or member or officer of the Board of Trustees **must** report as set forth below. Individuals who know or reasonably should know that fraudulent or irregular activity has occurred or is occurring but who fail to report may be considered an accessory to the fraud or irregular activity. Note that an HVCC student or employee who knowingly files a false report, or who reasonably should know that the report is false, may be subject to discipline, including termination or expulsion. Every effort will be made to maintain confidentiality of the reporter throughout the investigation to the extent permitted by law; however, it cannot be guaranteed.

Individuals wishing to report fraudulent or dishonest activity may pursue any or all of the following options:

- (1) email FraudHotline@hvcc.edu; or
- (2) report to the VPA & CFO; or
- (3) employees may report suspected illegal or dishonest activity to their supervisor and their supervisor will report it to the VPA & CFO.

Individuals have the option of either providing contact information or reporting the information anonymously. Providing contact information will enable the reviewer to contact the individual to clarify the information being provided. In some instances, anonymity may limit the amount of investigation the College can conduct. At a minimum, reports should include key information such as a description of the incident; individual(s) involved; and financial loss, if any.

When requested, HVCC will make every effort to handle all information received confidentially, to the extent permitted by law. However, a whistleblower’s identity may have to be disclosed to conduct a thorough investigation, to comply with the law or to provide accused individuals their legal rights of defense.

Process for Reviewing Detected or Suspected Improprieties:

- A. Initial Intake: Each Fraud Incident Report (FIR), as well as any relevant communication received through email (or other method), will be reviewed by the HVCC Fraud Committee (Committee). The Committee is coordinated by the VPA & CFO, and includes representation from several departments within HVCC.
- B. The specific role of each office represented on the Committee is as follows:
1. **Vice President of Administration and Chief Financial Officer:** The College's Vice President of Administration and Chief Financial Officer (VPA & CFO), chairs the Committee; coordinates overall case screening and management; provides reports to the President concerning the status of the committee's work; and consults with the College Attorney as needed.
 2. **Comptroller:** The Comptroller will also provide expertise on financial matters, including accounting and administrative controls, and will coordinate any audit work in consultation with the College's audit firm.
 3. **Executive Director of Human Resources:** The Executive Director of Human Resources provides technical expertise regarding the various responsibilities and obligations that may be applicable in each case under the pertinent collective bargaining agreements. This position will provide information regarding interactions with bargaining unit employees and their representatives on matters such as disciplinary actions, interrogations, and notices of discipline.
 4. **Director of Public Safety:** The Director of Public Safety assists in the fraud investigation by utilizing their oversight of the security staff and relationships with local police, other law enforcement agencies, and merchants to gather pertinent information. The Director of Public Safety will also provide suggested criminal investigation procedures and, when necessary, obtain assistance from external law enforcement agencies.
- C. The Committee will review each FIR to determine what action, if any, should be taken. These actions may include: (1) review of the report to determine if the allegations are sufficient to merit further investigation; (2) conduct an investigation and refer the matter to law enforcement, if appropriate; (3) dismiss the matter for lack of merit; (4) refer the matter to the President with a recommendation for disciplinary and/or remedial action.
- D. **Review Process:** The objectives of the review are to verify the information provided in the report, determine responsibility, identify improvement opportunities, and determine if the matter warrants reporting to the appropriate law enforcement agency. The review process may include interviewing the individual filing the complaint (unless the individual chooses to remain anonymous), college officials and staff, and others, as appropriate; reviewing documentation submitted with the complaint; obtaining and reviewing other relevant documentation; and reviewing applicable laws, rules, regulations, and policies.
- E. **Resolution:** Upon completion of the review, a determination will be made as to whether the review has produced sufficient evidence to show that fraud or irregularities have occurred. If sufficient evidence supports a determination that fraud or irregularities have occurred, the results will be reported to the Office of the University Auditor at the State University of New York (SUNY) System Administration and may be forwarded to law enforcement, as appropriate, as well as any appropriate oversight agency. Disciplinary procedures, if any, are initiated by the

President, in consultation with the Office of Human Resources. In addition, any improvement opportunities related to policies, procedures, or control activities that were identified during the review will be shared with appropriate campus officials. The Committee will resolve the matter within ninety days of receipt and, if unable to do so, shall report to the President the reason(s) why they are unable to resolve the matter within that time frame.

The VPA & CFO will periodically report to the College's President regarding the number and type of reports received, results of any investigations, and a description of those matters that resulted in findings of fraud or irregularities, as well as recommendations and a plan for practice improvements.

Prohibition on Retaliation:

Employees or other persons who lawfully report suspected fraud or irregular activity (i.e. whistleblowers) or who participate in any investigation will not be discharged, demoted, suspended, threatened, harassed, discriminated against, or endure other retaliation, as a result of making a good faith report or for participating in any investigation.

Any whistleblower who believe they are being subjected to retaliation should contact the Vice President of Administration and Chief Financial Officer. Note that the right of a whistleblower for protection against retaliation does not include immunity for any personal involvement the whistleblower may have had in the fraud or irregular activity.

Activities Covered Under Other Policies and Protocols:

Individual employee grievances and complaints concerning terms and conditions of employment will continue to be reviewed in accordance with applicable academic and human resources policies and collective bargaining agreements.

Complaints regarding unlawful harassment and discrimination on the basis of race, color, national origin, religion, age, sex, sexual orientation, gender identity or expression, disability, veteran or marital status or other protected characteristic should be reported to the designated compliance officer and handled in accordance with the applicable complaint procedures.

INFORMATION ITEMS

The following information items were noted:

INFORMATION ITEMS

A. TENURE AND PROMOTION BY TENURE

In accord with the Faculty Association Agreement, a College faculty member at the rank of Instructor who is awarded tenure is automatically promoted to the rank of Assistant Professor and granted a \$1,000 increase in annual salary.

Effective: September 1, 2022

Lamyaa Hassib	Biology, Chemistry and Physics
Elizabeth McLean	Biology, Chemistry and Physics

B. FULL-TIME FACULTY

1. School of Health Sciences

Emily Murphy, Instructor,
Dental Hygiene,
f/t temp. appt., eff. 8/30/21

\$48,981/yr

2. School of STEM
Travis Relyea, Instructor,
Applied Technologies, Electrical Construction and Maintenance,
f/t prob. appt., eff. 9/1/21 \$48,981/yr

Jeffery Richards, Instructor,
Applied Technologies, Electrical Construction and Maintenance,
f/t temp. appt., eff. 9/1/21 \$48,981/yr

C. FULL-TIME NON-TEACHING PROFESSIONALS

1. Academic Affairs

Denise Russo, Coordinator of Workforce Programs
Economic Development and Workforce Initiatives
f/t prob. appt., eff. 9/1/21 \$50,000/yr

Kimberly Williams, Coordinator,
Community and Professional Education
f/t appt., eff. 9/20/21 \$45,000/yr

2. Administration and Finance

Scott Hurteau, Assistant for Financial Analysis,
Purchasing Office,
f/t prob. appt., eff. 10/18/21 \$39,000/yr

3. Institutional Effectiveness

Lori Leicht, Senior Computer Programmer Analyst,
Enterprise Operations,
f/t appt., eff. 9/20/21 \$74,000/yr

Michael Schiller, Senior Computer Programmer Analyst,
Enterprise Operations,
f/t prob. appt., eff. 9/20/21 or thereafter \$72,000/yr

D. CLASSIFIED/NON-INSTRUCTIONAL STAFF

1. Academic Affairs

Hailie Luft, Program Assistant Academics III,
Community and Educational Programs and Economic Development and
Workforce Initiatives
f/t prov. appt., eff. 9/17/21 or thereafter \$18.4857/yr

2. Administration and Finance

Kevin Keefer, Custodial Worker,
Facilities/Physical Plant
f/t appt., eff. 9/23/21 or thereafter \$14.5995/hr

3. Educational Opportunity Center

Chasity Mansourian, Principal Account Clerk
EOC Office Operations,
f/t prov. appt., eff. 9/10/21 or thereafter \$20.461/hr

E. PART-TIME FACULTY1. School of Business and Liberal Arts

Jacquelyn Orchard, Instructor,
English, Foreign Languages and English as a Second Language,
p/t appt., eff. 8/30/21 \$1,136/sch

Michael Washco, Instructor,
Education and Social Sciences,
p/t appt., eff. 9/7/21 \$1,136/sch

2. School of Health Sciences

Monica Howe, Instructor
Medical Imaging,
p/t appt., eff. 8/30/21 \$75.74/hr

Joseph Pezzolla, Instructor
Medical Imaging,
p/t appt., eff. 8/30/21 \$75.74/hr

F. PART-TIME NON-TEACHING PROFESSIONALS1. Student Affairs

David Byrd, Assistant Track and Field Coach,
Intercollegiate Athletics,
f/t temp. appt., eff. 9/22/21 or thereafter \$2,500/yr

Marcus Patterson, Assistant Esports Coach,
Intercollegiate Athletics,
f/t temp. appt., eff. 9/22/21 or thereafter \$1,500/yr

Liam Walsh, Assistant Esports Coach,
Intercollegiate Athletics,
f/t temp. appt., eff. 9/22/21 or thereafter \$1,500/yr

Tara Zimmerman, Coordinator of Job Location and Development
Center for Careers and Transfer,
p/t appt. (grant funded), eff. 9/1/21 \$20.00/hr

G. RESIGNATIONS

1. Monica Hughes, Advising Specialist, eff. 9/3/21
2. Michael Radzynski, Bursar, eff. 10/20/21

H. HVCC MONTHLY FINANCIAL REPORTS

1. 2020-2021 Fiscal Year Operating Budget Summary as of 8/31/2021
2. Capital Expenditures, August 2021 and cumulative

I. FACULTY STUDENT ASSOCIATION FINANCIAL REPORTS

1. Audited Financial Statements, Fiscal Year 2020-2021, year ended 5/31/21
2. FSA Financial Reports, period ending 8/31/2021

J. ADVISORY BOARD APPOINTMENTS**1. School of Health Sciences**Dental Hygiene

Kendra J. Zappia, DDS


Health, Physical Education and Exercise Science

Tara Anthony, MS. Physical Education Teacher, Troy City School District

OCTOBER MEETING

The next monthly meeting of the Board of Trustees will be held on Tuesday, October 19, 2021.

Upon a motion by Mr. Grant, seconded by Dr. Jennings, the meeting was adjourned at 5:28 p.m.

ADJOURNMENT

Suzanne Kalkbrenner
Assistant Secretary to the Board