

# SUNY Ulster Board Policy Manual

| Policy Section |                    |
|----------------|--------------------|
| <b>4.</b>      | PERSONNEL POLICIES |

| Policy Section |   |
|----------------|---|
| <b>4.1</b>     | <b>APPOINTMENT OF TEACHING AND NON-TEACHING STAFF</b> |

|                       |                              |
|-----------------------|------------------------------|
| <b>Policy Section</b> |                              |
| <b>4.1.1.</b>         | <b>METHOD OF APPOINTMENT</b> |

Approval Date: November 15, 1994

The President shall be appointed by the Board of Trustees in accordance with the provisions of the Education Law. All other appointments shall be made by the President subject to the confirmation of the Board of Trustees.

|                       |  |
|-----------------------|--|
| <b>Policy Section</b> |  |
| <b>4.1.2.</b>         | <b>APPOINTMENT YEAR AND SALARY PERIODS</b> |

Approval Date: November 15, 1994

- A. Appointment Year Unless terms and conditions of their appointments otherwise provide, the regular appointment year for professional staff on ten-month assignments is from September 1 through June 30 and for those on twelve-month assignments from September 1 through August 31, and all such persons shall be deemed to be serving full time for the purposes of these policies.
- B. Salary Periods - Professional staff members on ten-month assignments, other than those on temporary assignments, may elect to have their salaries paid to them over twelve months.

Adopted: November 15, 1994 (94-11-164)  
 Revised March 2003 (03-3-36)

|                       |                             |
|-----------------------|-----------------------------|
| <b>Policy Section</b> |                             |
| <b>4.1.3.</b>         | <b>TYPES OF APPOINTMENT</b> |

Approval Date: February 1969

**A. Temporary Appointment**

1. Temporary appointment of management/confidential staff members and professional staff covered by the OPAP collective bargaining agreement:

Definition - A temporary appointment shall be an appointment for an unspecified period which may be terminated at any time. Temporary appointments ordinarily shall be given only when the service is to be part-time, voluntary, or to continue for less than one year.

Termination - The service of members of the professional staff having temporary appointments may be terminated at will by the Board of Trustees on recommendation of the President of the College. There shall be no right of appeal from such a termination.

2. Temporary appointment of full-time teaching faculty is outlined in the faculty association collective bargaining agreement.

**B. Term Appointment**

1. Term appointments may be granted to management/confidential staff members and professional staff covered by the OPAP collective bargaining agreement.

Definition - A term appointment shall be an appointment for a specified term of not more than five years -, which, except as otherwise provided for by these policies, shall automatically expire at the end of the prescribed period unless terminated

earlier in accordance with these policies; provided, however, that no term appointment shall be given for a period extending beyond the period of service after which, pursuant to this Article, reappointment shall be a continuing appointment.

Termination - The services of members of the professional staff having term appointments shall cease automatically at the end of their specified terms or may be terminated at the end of any year during their term and in either case there shall be no right of appeal. Such services may be terminated at any time during any year of the term for just cause, incompetence, insubordination or moral turpitude.

Adopted: February 1969 (69-2-16)  
Revised November 15, 1994 (94-11-164)  
Revised March 3, 2003  
Revised June 17, 2003

| Policy Section |   |
|----------------|---|
| <b>4.1.4.</b>  | <b>SPECIAL REQUIREMENTS FOR NURSING FACULTY</b> |

Approval Date: June 27, 1978

WHEREAS in order to comply with policies established by hospitals in which nursing faculty provide instruction for our students in the nursing program, now, therefore, be it

- A. RESOLVED, that the Board of Trustees of Ulster County Community College hereby require all present nursing faculty, and all future nursing faculty prior to employment, to have an annual physical examination, prior to the beginning of each academic year which will attest to the faculty member's ability to work in any clinical site.

Adopted: June 27, 1978

Revised June 17, 2003

|                       |                                 |
|-----------------------|---------------------------------|
| <b>Policy Section</b> |                                 |
| <b>4.1.5.</b>         | <b>APPROVAL OF APPOINTMENTS</b> |

Approval Date: February 5, 1963

WHEREAS the Board's policy regarding the approval of full-time appointments has been reviewed; and

WHEREAS, it is now necessary to amend the policy adopted April 27, 1976; now, therefore, be it

RESOLVED that appointment to all full-time positions shall be approved by the Board in advance of any commitment for employment. In those cases which the President deems to be an emergency, the President and the Chair of the Personnel Committee can give interim approval until the next meeting of the Board. This policy applies to faculty and administrative positions.

Adopted: February 5, 1963

Adopted April 27, 1976

Revised December 17, 1987 (87-12-156)

Revised June 17, 2003

|                       |  |
|-----------------------|--|
| <b>Policy Section</b> |  |
| <b>4.1.6.</b>         | <b>OVERLOAD AND PART-TIME APPOINTMENTS</b> |

Approval Date: March 8, 1967

BE IT RESOLVED that the President of the College be authorized to make such overload and part-time appointments as are necessary and as are provided for within the current budget.

Adopted: March 8, 1967



|                       |   |
|-----------------------|---|
| <b>Policy Section</b> |   |
| <b>4.1.7.</b>         | <b>EMPLOYMENT OF IMMEDIATE FAMILY MEMBERS</b> |

Approval Date: October 18, 1988

WHEREAS the President feels that there is a need to implement a policy regarding the employment of immediate family members, and

WHEREAS the Personnel/Curriculum and the Finance/Facilities Committees of the Board of Trustees have met, discussed and concur with the President on this issue, now, therefore

BE IT RESOLVED that, effective October 19, 1988, no one within the immediate family of any person employed by Ulster County Community College should hold a position of full or part-time employment, in the same department, and in the direct line of supervision. The term "immediate family member" is defined to mean; husband, wife, spouse in a same-sex marriage performed in a jurisdiction that legally recognizes such union, son, daughter, brother, sister, father, mother, grandfather, grandmother, father-in-law, mother-in-law, and grandchildren, of the employee, or any other person whose legal residence is that of the household of the employee, and

BE IT FURTHER RESOLVED that this policy will not apply to those individuals employed on October 18, 1988 with respect to non-conforming employment relationships which existed on October 18, 1988.

Adopted: October 18, 1988 (88-10-128)

Revised June 17, 2003

Amended June 24, 2008 (08-6-94) Martinez v. County of Monroe

|                       |                               |
|-----------------------|-------------------------------|
| <b>Policy Section</b> |                               |
| <b>4.1.8.</b>         | <b>EXEMPT CLASS POSITIONS</b> |

Approval Date: August 23, 1988

WHEREAS there are two bargaining units in the exempt class, and

WHEREAS these bargaining units do not include all exempt class personnel, and

WHEREAS there is a need for the Board of Trustees to act on issues pertaining to all professional staff members, now, therefore, be it

RESOLVED that the Board of Trustees will act on the following exempt class positions:

| <u>Appointment</u>           | <u>Hrs/wk</u>               | <u>Benefits</u> | <u>Contract</u> |
|------------------------------|-----------------------------|-----------------|-----------------|
| Non-teaching                 |                             |                 |                 |
| Full-time                    | 35                          | Yes             | OPAP            |
| Full-time<br>Manag/Conf      | 35                          | Yes             | None            |
| Part-time                    | 20-35                       | Yes             | OPAP            |
| Temporary/<3 mos.            | 20-35                       | No              | None            |
| Teaching                     |                             |                 |                 |
| Full time/<br>Prob/cont appt | up to 15 cr hr/<br>semester | Yes             | Faculty         |
| Full time/<br>Temporary      | up to 15 cr hr/<br>semester | Yes             | Faculty         |

Adopted: August 23, 1988 (88-8-106)  
Revised June 17, 2003

|                       |   |
|-----------------------|---|
| <b>Policy Section</b> |   |
| <b>4.1.9.</b>         | <b>POLICY ON APPOINTMENT OF HOURLY PROFESSIONAL STAFF</b> |

Approval Date: June 16, 1992

WHEREAS hourly professional staff are hired on an as needed and/or seasonal basis to meet the needs of programs or activities, and

WHEREAS these positions are less than halftime with no benefits and experience a higher degree of turnover than benefited, full-time positions, and

WHEREAS the need for these people is such that normal appointment procedures may not be applicable, now, therefore, be it

RESOLVED that the President, Personnel Services and the Affirmative Action Officer shall establish procedures not requiring formal action of the Board of Trustees for the appointment of hourly, non-benefited positions in the professional service.

Adopted: June 16, 1992

| Policy Section |                    |
|----------------|--------------------|
| <b>4.2</b>     | <b>TERMINATION</b> |

Approval Date: May 5, 1965

Termination of Faculty and Professional Staff for Physical or Mental Incapacity

Members of the professional staff may be terminated and their services terminated by the Board of Trustees, after receipt of the recommendation of the President and upon medical advice, for mental or physical incapacity which prevents such persons from adequately performing their duties.

Adopted: May 5, 1965  
Revised June 22, 1976  
Revised January 13, 1989 (890115)  
Revised November 15, 1994 (94-11-164)

| Policy Section |                  |
|----------------|------------------|
| <b>4.3</b>     | <b>PROMOTION</b> |

|                       |   |
|-----------------------|---|
| <b>Policy Section</b> |   |
| <b>4.3.1.</b>         | <b>PROMOTION AND ACADEMIC RANK QUALIFICATIONS</b> |

Approval Date: May 5, 1965

**PROMOTION AND ACADEMIC RANK QUALIFICATIONS \***

The criteria to be considered in evaluating members of the full-time faculty for promotion, and their relative weights, are delineated below. A faculty member applying for promotion must satisfy all three of the following criteria.

**1. Teaching Effectiveness (40%)**

The primary responsibility of a community college faculty member is to be an effective instructor in the classroom.

Teaching effectiveness may be documented by peer evaluations; student evaluations; teaching awards or honors; changes in teaching methodology resulting from periodic course evaluations; the development or implementation of new teaching tools; a significant redesign of teaching methodology based upon best-practices; or a self-evaluation of how the faculty member’s teaching methods and effectiveness have improved over time.

**2. College Service (30%)**

Full-time faculty members are expected to contribute to their department, academic shared governance, and to the effective functioning of the institution. Service to the greater community is also encouraged.

College service may fall into three broad areas – service to the academic department, service to the college, and service to the community.

Service to the academic department may be documented by regular participation in department meetings, the timely completion of administrative departmental tasks, periodic course assessments, or participation in necessary course or program revisions.

Service to the college may be documented by participation in college-wide committees or task forces, involvement with the Academic Senate and the shared governance processes, effective and accurate student advisement, being accessible to the students, or a timely meeting of faculty administrative tasks and deadlines.

Service to the community may be documented by interactions with members of the general public as SUNY Ulster representatives; recruitment activities; giving public lectures, performances, or presentations; being interviewed by the media; or service in appropriate professional organizations as a SUNY Ulster faculty member.

### **3. Continuing Growth (30%)**

To be an effective faculty member, continuing growth in the their subject matter field and in the art and science of teaching is necessary.

Continuing growth may also fall into three broad areas – growth in faculty member’s subject matter field, growth as a teacher, or growth as an academic administrator (if appropriate).

Growth in the faculty member’s subject matter field may be documented by publications (both popular and professional); presentation of professional talks, abstracts, or poster sessions; attendance at professional conferences; participation in professional conferences; evidence of research in the their subject matter field that may or may not lead to a publication; the development of significant new teaching material in their subject area; or a self-evaluation of how the faculty member has remained current in their subject matter field.

Growth as a teacher may include such things as participation in professional development activities for teaching; the development of new courses or significant redesign of an existing course; presentation of teaching-related abstracts, talks, or poster sessions at professional conferences; attendance at teaching-related conferences; participation in teaching-related webinars; peer evaluation of other faculty; or a self-evaluation of how the faculty member has grown as a teacher.

For faculty that serve as coordinators or academic chairs, growth as an academic administrator may be documented by taking on an administrative role or increased administrative responsibilities; presentation of academic administrative-related abstracts, talks, or poster sessions at professional conferences; attendance at academic administrative-related conferences; participation in academic administrative-related webinars; or a self-evaluation outlining how the faculty member has grown as an academic administrator.

### **Qualifications for Rank Appointments**

Promotion from one rank to another is never automatic or based simply upon years of service. In addition to meeting the minimum requirements of the rank, promotion is based on merit as demonstrated by meeting or exceeding the above promotion criteria.



Merit promotion, regardless of the criteria stated above, may, in exceptional circumstances, be recommended by the President of the college to the Board of Trustees.

### **Instructor Rank Qualifications**

**A.** A Master's degree in an appropriate subject matter field.

OR

**B.** In some technical or career programs, a full-time faculty member may be appointed to the Instructor rank without a Master's degree at the discretion of the appropriate Department Chair and Vice-President of Academic Affairs (subject also to approval by the College President and the Board of Trustees). This faculty member will not be eligible for later promotion to Assistant Professor or higher rank until they earn a Master's degree in an appropriate subject matter field.

### **Assistant Professor Rank Qualifications**

**A.** A Doctorate or terminal degree in an appropriate subject matter field at time of initial appointment.

OR

**B.** A Master's degree in an appropriate subject matter field, and  
45 additional related graduate credits with 1 year experience, or  
30 additional related graduate credits with 2 years of experience, or  
15 additional related graduate credits with 3 years of experience, or  
4 years of experience.

OR

**C.** If a full-time faculty member at the Instructor rank earns a doctorate or terminal degree in an appropriate subject matter field, they shall automatically be appointed to the Assistant Professor rank the following academic year.

OR

**D.** The granting of Continuing Appointment to a faculty member with a master's degree or higher at the Instructor rank shall also automatically come with a promotion at that time to the Assistant Professor rank.

### **Associate Professor Rank Qualifications**

**A.** A Doctorate or terminal degree in an appropriate subject matter field with 4 years of experience.

OR

**B.** A Master's degree in an appropriate subject matter field, and  
45 additional related graduate credits with 6 years of experience, or  
30 additional related graduate credits with 7 years of experience, or

15 additional related graduate credits with 8 years of experience, or 9 years of experience.

**Professor Rank Qualifications**

**A.** A consistent record of teaching effectiveness, college service, and continuing growth while a full-time faculty member at SUNY Ulster.

AND

**B.** A Doctorate or terminal degree in an appropriate subject matter field with 8 years of experience.

OR

**C.** A Master's degree in an appropriate subject matter field, and  
 45 additional related graduate credits with 10 years of experience, or  
 30 additional related graduate credits with 11 years of experience, or  
 15 additional related graduate credits with 12 years of experience, or  
 13 years of experience.

**Experience Definition**

Experience as stated in the above qualifications shall mean years teaching at SUNY Ulster and:

| <u>Experience</u>                              | <u>Prior Experience</u> |     | <u>Years'</u> |
|--|-------------------------|-----|---------------|
| Teaching in a related field at another college | 30 credit hours         | for | 1             |
| High school teaching in a related field        | ½ year                  | for | 1             |
| Full-time employment in a related field        | ½ year                  | for | 1             |

In no cases may a new faculty member be accorded more than 7 years of prior experience and appointed higher than the Associate Professor rank.

It is the responsibility of any new faculty hire to document years of experience to the appropriate Department Chair and the Vice President of Academic Affairs for approval and of SUNY Ulster's Human Resources Office to maintain an accurate account of this awarded experience.

\*For staff members represented by OPAP, their collective bargaining agreement supersedes this Article.

Adopted: May 5, 1965  
 Amended June 27, 2018 (18-6-138)

| Policy Section |                                   |
|----------------|-----------------------------------|
| <b>4.4</b>     | <b>LEAVES AND TUITION WAIVERS</b> |

|                       |                                  |
|-----------------------|----------------------------------|
| <b>Policy Section</b> |                                  |
| <b>4.4.1.</b>         | <b>LEAVE FOR MEDICAL REASONS</b> |

Approval Date: October 20, 1981

WHEREAS the Personnel Committee of the Board of Trustees met to review the Board's policy as it relates to leaves of absence for medical reasons, and

WHEREAS the Personnel Committee recommends the adoption of this policy, now, therefore, be it

RESOLVED that the Board of Trustees hereby approve the adoption of the following policy:

Leaves of Absence for Medical Reasons (Physical and/or Psychological)

Those members of the teaching and non-teaching faculty, as well as the management confidential staff, who have been granted continuing appointment may be considered for a medical leave of absence. Medical leaves must be approved by the Board of Trustees and will be granted generally for one year periods, not to exceed a cumulative total of two years. To be considered for a medical leave, the individual requesting the leave must submit a statement by a physician that he or she is unable to perform their regular duties. Before the individual is allowed to return from a medical leave, a statement must be submitted that he or she is able to perform their regular duties. In either case, the Board reserves the right to have a doctor of its choice examine the individual and provide an opinion as to the person's condition. At the end of each medical leave, the Board may decide to invoke its policy of termination for physical or mental incapacity. Individuals who are granted medical leaves will have their salary adjusted upon their return to full time status in accordance with salary increases given to their members of their respective collective bargaining units. In the case of the management confidential staff, salary will be determined by the Board of Trustees.

Adopted October 20, 1981 (81-9-97)  
 [Also Note: Policy on Family and Medical Leave Act 4.4.7]

|                       |                           |
|-----------------------|---------------------------|
| <b>Policy Section</b> |                           |
| <b>4.4.2.</b>         | <b>LEAVES WITHOUT PAY</b> |

Approval Date: May 5, 1965

WHEREAS the possibility for leaves of absence is specified in various Bargaining Agreements and in Civil Service Regulations and laws, and

WHEREAS references should be made to those items for specific information concerning Sabbatical Leaves, Medical Leaves, Educational Leaves, Bereavement Leaves, and other leaves, and

WHEREAS certain of these leaves of absence are available for the management/confidential staff under the policies of the Board of Trustees, now, therefore, be it

RESOLVED that the Board of Trustees, after receiving the recommendation of the President, may grant members of the management/ confidential staff, other leaves of absence without pay, for periods of up to one year, and, be it also

RESOLVED that the following procedure will be adhered to for evaluating requests for leaves of absence without pay for all College employees:

**PROCEDURE FOR EVALUATING REQUESTS FOR LEAVE OF ABSENCE WITHOUT PAY**

Unless the Collective Bargaining Agreements, Civil Service Law, and/or Civil Service regulations supersede the procedure listed below, this procedure will be considered to remain in force:

1. Leaves of absence are not routinely granted to members of the College staff.

2. Application for leaves of absence without pay, in excess of ten (10) days, will be made to the President.
3. Each application will include a statement of the purpose for which the leave is requested, its anticipated duration, and its value to the applicant and/or College.
4. Leaves will be considered if they can be seen to benefit both the College and the individual employee.
5. The individual requesting the leave must be able to be replaced with relative ease and with no significant adverse affect on the operation of the College

Adopted May 5, 1965

Revised December 20, 1988 (88-12-153)

|                       |  |
|-----------------------|--|
| <b>Policy Section</b> |  |
| <b>4.4.3.</b>         | <b>SABBATICAL LEAVE – FULL-TIME TEACHING FACULTY</b> |

Approval Date: January 28, 1969

WHEREAS the administration sees the need for a revision in the Sabbatical Leave Policy adopted by the Board of Trustees on January 28, 1969, and

WHEREAS the administration and the Personnel Committee have reviewed these revisions and recommended their adoption, and

WHEREAS the Board of Trustees adopted a policy for Management and Confidential Staff (4.9.10) dated January 17, 1989, and

WHEREAS the collective bargaining agreement with the Organization for Professional Administrative Personnel contains a complete policy on sabbatical leave, now, therefore, be it

RESOLVED that the Board of Trustees of Ulster County Community College approve the following revised sabbatical leave policy for full-time teaching faculty, and be it further

RESOLVED that these revisions be made known to all full-time teaching faculty members of the College, and be it further

RESOLVED that these revisions become part of the policies of the Board of Trustees.

Sabbatical leaves are intended to stimulate the professional staff of the College and to increase each person's value to the College by improving and enriching its program. Such leaves are not automatic and are to be granted on the basis of their value to the individual and to the College.

**1. Eligibility**

- A. Continuous employment as a full-time member of the full-time teaching faculty for a period of six consecutive years of service. In

computing consecutive years of service, periods of sick leaves or other approved leaves with pay shall be approved.

- B. Applicant should have continuing appointment.
- C. Periods of approved leaves of absence without pay shall not be included and will not affect eligibility.
- D. The maximum number of full-time teaching faculty to be granted a sabbatical is determined by the collective bargaining agreement.

## 2. **Purposes for Granting Sabbatical Leaves**

- A. Study and research
- B. Educational travel
- C. Creative work
- D. Experience of professional value
  - 1) Refresh outlook
  - 2) Awareness
  - 3) Growth

## 3. **Payment during Sabbatical Leave**

- A. Payment during sabbatical leave is covered in the full-time faculty collective bargaining agreement.
- B. Regular increments shall accrue during leave.
- C. Continuation of payments for all normal benefits
  - 1) Retirement premiums
  - 2) Group insurance plans
  - 3) Health-hospitalization plans
- D. Members of the full-time faculty on sabbatical leave may, with the prior approval of the President, accept fellowships, grants in aid, or earned income to assist in accomplishing the purpose of their leaves. In such cases, the President may adjust the sabbatical leave salaries to reflect such income, either prior to or during the periods of such



leave, but in no case shall sabbatical leave salary be decreased if total earnings are less than full salary.

4. **Effective Date of Sabbatical Leave**

Sabbatical leaves shall normally commence at the beginning of the fall semester or the beginning of the spring semester.

5. **Eligibility for Further Sabbaticals**

Subsequent sabbatical leave requests may be granted after completion of another six continuous years of active service.

6. **Application for Sabbatical Leave**

Applications for sabbatical leaves shall be submitted to the President of the College no later than six months prior to the academic year for which the sabbatical leave is requested unless such requirement is waived. Each application shall include a statement outlining the program to be followed while on leave, stating that the applicant intends to continue as a member of the full-time faculty upon return, and stating that upon return, the applicant will submit to the president of the College a report of accomplishments while on sabbatical leave.

7. **Approval**

When approved by the President of the College, the President will submit recommendations to the Board of Trustees of the College for their approval.

Adopted January 28, 1969 (69-1-6)  
Amended June 24, 1969 (69-6-57)  
Revised November 1971 (71-11-95)  
Revised November 15, 1994 (94-11-164)

|                       |  |
|-----------------------|--|
| <b>Policy Section</b> |  |
| <b>4.4.4.</b>         | <b>TUITION WAIVERS FOR COLLEGE STAFF</b> |

Approval Date: August 22, 1967

WHEREAS the policy on Tuition Waivers has been reviewed, and

WHEREAS the President recommends that the policy adopted on August 30, 1977 be revised to include faculty and staff receiving benefits and/or for course work which is essential to job performance, and

WHEREAS the Personnel Committee has met, reviewed and agrees with this recommendation, now, therefore, be it

RESOLVED that the Board of Trustees hereby approves the following policy on Tuition Waivers, effective immediately.

**TUITION WAIVERS FOR COLLEGE STAFF**

I.

- A. Benefited College faculty and staff, those working half-time or more will be certified as eligible for tuition waivers. Spouses, registered domestic partners as defined in Section 152 of the Internal Revenue Code and dependent children (defined as biological child, adoptive child, foster-child, step-children or an individual for who such employee is acting in a In loco parentis status as defined in the Family and Medical Leave Act (FMLA), or a non-custodial biological or adoptive child up to 26 years of age. A "child" having reached the age of majority shall not act as a disqualification where the remaining requirements of an in loco parentis relationship are met of benefited college faculty and staff, those working half-time or more, will also be certified as eligible for tuition waivers.

On a space available basis, tuition for credit and credit-free courses offered by Ulster County Community College will be waived for CSEA unit members employed by the College working at least eighteen (18) hours per week on average or more and said unit members shall have tuition waived for

credit-bearing courses for their spouses and resident dependent children. Applicable course or program fees and additional fees assessed relating to external vendor or contracted costs for credit-free tuition charges are not subject to waivers and must be paid by the CSEA unit member. CSEA unit members who work at least ten (10) hours but less than eighteen (18) hours per week on average shall have tuition waived for one credit-bearing course, for the member only, during the semester. Consistent with the policies of the State University of New York, the College shall continue to cooperate in obtaining tuition assistance for College CSEA unit members who pursue studies at the State University of New York senior institutions.

Employees who are out-of-county residents must submit a Certificate of Residency. Failure to submit the certificate by the deadline will result in tuition charged to the employee at the out -of-county rate.

- B. Others may be granted tuition waivers for courses which are essential to job performance.
  - C. Part-time faculty should refer to the current collective bargaining agreement regarding tuition waivers.
  - D. Part-time cleaning staff shall be entitled to tuition waivers while employed by the College, of three credits per semester, contingent upon seat availability, and as otherwise provided in this policy Sections I, II, and V.  
(Revised 1/15/19)
- II. Higher priority of approval will be given to job-related courses. Matriculated students may receive special consideration in scheduling in order to get their course requirements. Ordinarily, avocational and recreational courses will not be approved during the workday unless part of program requirements.
- III. A maximum of nine (9) credit hours per person will be allowed during any given semester with not more than six (6) credit hours to be taken during the work day, and only one (1) course may be taken per work day; for example, one course may be taken on Monday, Wednesday and Friday and a second on Tuesday and Thursday.
- IV. Any working time used for classes must be made up. The manner of making up time is at the discretion of the supervisor. For example, the following would be appropriate.
- A. Lunch-hour time Note: The Department of Labor requires one-half hour lunch break after every five hours worked.

- B. Compensatory time, personal days or vacation time, which, if used, should be deducted from the biweekly timesheet where appropriate. Coffee breaks may not be used as makeup time.
- V. The following circumstances should be noted in regard to tuition waivers for credit-free courses:
- A. Registration of a tuition-waiver student will not exclude a tuition-paying student. Staff or faculty who wish a place in a credit-free class may submit a check with their registration form on which form they should clearly write "Tuition Waiver Requested."
- Acknowledgments and permits-to-attend credit-free courses will be issued to the applicant in the Office of Continuing Education after four o'clock on the day the course is scheduled to begin, or if the course starts on a weekend or holiday, after four o'clock on the last business day preceding the first class.
- B. A tuition-waiver applicant will be registered only after written authorization has been received from the instructor as a result of a request initiated by the employee applicant.
  - C. When a tuition fee includes the cost of equipment, supplies, or other expenses, these costs must be paid for by the student.

Adopted August 22, 1967  
Rescinded August 30, 1977  
Adopted August 30, 1977 (770889)  
Revised January 21, 1992 (9201013)  
Revised January 19, 1993 (9301006)  
Revised December 16, 1997 (97-12-163 and 97-12-164)  
Revised January 15, 2019 (19-1-34)  
Revised June 23, 2022 (22-06-93)

|                       |  |
|-----------------------|--|
| <b>Policy Section</b> |  |
| <b>4.4.5.</b>         | <b>REQUESTING AND RECORDING TIME OFF</b> |

Approval Date: February 14, 1989

WHEREAS there is a crucial need for the proper operations of the College to monitor work and leave time for all college faculty and staff, and

WHEREAS negotiated agreements and Board of Trustees policy provide for leave entitlements for full-time faculty, OPAP, and Management /Confidential staff, and/or set requirements for the maintenance of time records, and

WHEREAS there is a need to establish guidelines for the requesting and recording of work and leave time for all employees, now, therefore, be it

RESOLVED that the following guidelines, in keeping with Education, Civil Service, and General Municipal Law of the State of New York, be established for all college employees.

**GUIDELINES FOR THE REQUESTING AND RECORDING OF WORK AND LEAVE TIME**

Unless negotiated agreements and/or Board policy specifies otherwise, the following guidelines are in effect for all college employees:

**Office Hours** - Regular office hours are established by the College in conformance with the Civil Service and OPAP contracts as being from 8:30 a.m. to 7:30 p.m. with the exceptions approved by the President. If and when it is necessary for an office to open or close at an irregular time, approval must be obtained and arrangements must be made for the proper transfer of calls, messages, and other services as required by the "memo from the President" dated January 2, 1985.

**Notice of Absence** - All employees shall report any absence for illness or emergency to their supervisor as soon as possible. Absence due to illness shall be reported to the supervisor as soon as possible on the first day of illness and employees are required to keep the supervisor informed of the anticipated length of absence. Supervisors shall report absences to Personnel Services

as specified in the call in procedure. Teaching faculty shall report their absence to the Office of the Chief Academic Officer.

**Request for Time Off** - Requests for the use of leave credits shall be made by all employees to their supervisor prior to the use of such leave. Requests shall be made on forms provided by the Accounting Office.

**Personal Leave** - All supervisors shall alert their staff to the proper use of personal leave (to conduct personal business, attend to family affairs, observe religious holidays, and similar matters of a personal nature). Personal leave is not to be used as an extension of a weekend, vacation, or holiday. The employee is not required to specify the reason for use of personal leave.

**Emergencies** - Requests for leave for emergency reasons of any kind shall be made to the employee's supervisor as early as possible and must be approved by the Dean of the area or the President.

**Snow Days** - Staff members who are unable to make it to work and wish to use leave entitlements for reason of inclement weather must make their requests to their supervisor as early as possible. The following accumulated time may be used: annual leave, personal leave, floating holiday leave, or earned, available compensatory time. Sick days or sick time may not be used.

**Snow Emergencies** – The College will only close if the County Executive declares an emergency situation and closes all of the County facilities. In such an emergency, staff members are not expected to report to work or to charge accumulated leave.

**Registration, Faculty Meetings, and/or Commencement –**

- a. Registration - Teaching faculty requesting absence from the fall and/or spring semester final registration periods shall complete and submit a Leave Request Form to their respective Dean or President, as appropriate.
- b. Faculty Meetings and Commencement Teaching and non-teaching faculty requesting absence from opening fall and/or spring semester faculty meetings shall complete and submit a Leave Request Form to their respective Dean or President, as appropriate.

**Recording of Time Worked and Leave Taken**

**When to Report** - All Civil Service staff members must report time worked and approved use of leave credits on their biweekly time sheet. OPAP and Management/confidential staff must report leave credits used on their respective bi-weekly and monthly time sheets. Teaching faculty must report any absences to the Office of the Chief Academic Officer.

**What to Report** - All biweekly time sheets must reflect the actual time the employee arrives at the place of work and is ready to begin work, and the time the employee leaves at the end of the day with an explanation of any variance of 15 minutes or more in scheduled arrival or departure time indicated. At least one-half hour lunch period must be taken and shown on the time sheet in keeping with the Department of Labor rules and as per "Memo from the President to all OPAP and Civil Service Staff" dated January 2, 1985.

All supervisors shall approve overtime work of Civil Service staff before the overtime work is actually performed, except under extenuating circumstances and upon written explanation to Personnel Services. Compensatory time for OPAP staff must also be approved in advance. Forms for requesting and approving compensatory time can be obtained from the Human Resources Office.

**Reporting Leave Time** - Unless otherwise specified, "floating" holidays, sick, personal, and vacation time (where applicable) must be recorded in units of half days and full days.

- a. A person who is unable to fulfill college duties and obligations on a given day due to illness, personal business, vacation, and/or holiday observance, will be charged one full day of appropriate leave time.
- b. A person who fulfills some college duties and obligations on a given day, but fails to fulfill the whole, will be charged one-half day of appropriate leave.
- c. Vacation, sick, personal, and/or compensatory time may not be borrowed from future pay periods except that an employee who is not a member of a bargaining unit which has a "sick bank" or other similar benefit may borrow such time from future pay periods subject to approval by their area Dean or

such other person as may be designated by the President.  
Absences that cannot be covered by accrued leave credits will result in a payroll adjustment.

**Employees' and Supervisors' Responsibilities** - Employees are responsible for the accuracy of their own time sheets. Time sheets shall be signed by the employee and forwarded to the supervisor for review and signature. Supervisors are required to review carefully all time sheets for accuracy at the time of signing. Time sheets for professional staff must also be signed by the appropriate Dean or by the President. Time sheets for the Deans must be signed by the President. The President's time sheet must be signed by the Chairman of the Board of Trustees.

**Submission of Time Sheets to Payroll** - All time sheets must be submitted by the supervisors and Deans to the Payroll Office promptly. If time sheets are not received by the Payroll Office by the second Monday of the following pay period, pay checks will not be issued to those individuals whose time sheets have not been submitted.

Adopted February 14, 1989 (89234)  
Revised November 15, 1994 (94-11-164)  
Revised June 17, 2003  
Revised September 15, 2009 (09-9-140)  
Revised March 15, 2011 (11-3-46)



|                       |   |
|-----------------------|---|
| <b>Policy Section</b> |   |
| <b>4.4.6.</b>         | <b>TUITION WAIVERS FOR FIELD WORK, INTERNSHIP, OR PRECEPTORSHIP SUPERVISORS</b> |

Approval Date: February 15, 1994

WHEREAS it has been the practice of Ulster County Community College to grant a tuition waiver of up to four credits for supervisors of students participating in field work and internships; and

WHEREAS the Nursing Department will begin a "preceptorship" program that is similar for a supervised "field work" experience; and

WHEREAS the President has recommended this change and the Curriculum Committee concurs; now, therefore, be it

RESOLVED that a Supervisor of Field Work, Internship, and Preceptorship students be offered a tuition waiver for the equivalent of one course (not to exceed four credit hours); and, that it be further

RESOLVED that the President establish a procedure that monitors the offering of these tuition waivers.

Adopted February 15, 1994 (9402026)

|                       |   |
|-----------------------|---|
| <b>Policy Section</b> |   |
| <b>4.4.7.</b>         | <b>POLICY ON FAMILY AND MEDICAL LEAVE</b> |

Approval Date: August 23, 1994

WHEREAS there is a need to establish a policy relating to the Family and Medical Leave Act, and

WHEREAS the President is recommending the following policy be adopted, and

WHEREAS the President has reviewed this policy in a workshop session with the Board of Trustees, now, therefore, be it

RESOLVED that the Board of Trustees approves the following policy on Family and Medical Leave as outlined below.

**FAMILY MEDICAL LEAVE ACT POLICY**

The Family and Medical Leave Act became effective August 5, 1993. The FMLA requires employers to provide up to 12 weeks of unpaid, job-protected leave, during a 12month period, to eligible faculty and staff for certain family and medical reasons. Faculty and staff may use the FMLA in conjunction with other leave policies in effect at UCCC.

Eligibility

Faculty and staff are eligible for FMLA if:

- they have worked for at least 1250 hours over the previous 12 months and
- they have worked for the employer for at least 12 months.

Acceptable Reasons for Leaves

UCCC must grant unpaid leave to an eligible faculty or staff member for one of the following reasons:

- for the care of the faculty or staff member's child
- (birth or placement for adoption or foster care);

- for the care of the faculty or staff member's spouse, child, or parent who has a serious health condition; or
- for a serious health condition that makes the faculty or staff member unable to perform his/her job.

### Timing and Duration of Leave

Twelve weeks of FML will be granted during a 12month, 52week period under this policy.

Leave taken for the birth or placement of a child must be taken within 12 months of the birth or placement. Leave taken for a serious health condition for either a family member or the faculty or staff member may be taken on a reduced or intermittent schedule if medically necessary.

In the case of a serious health condition of a family member or of the faculty or staff member, the faculty or staff member must make reasonable effort to schedule treatment, doctor visits, etc. so as not to unduly disrupt College operations.

If spouses employed by the same employer wish to take leave to care for a newly arrived child or a sick parent, their aggregate leave is limited to 12 weeks. If the leave is requested for the illness of a child or of the other spouse, each spouse is entitled to 12 weeks of leave.

### Application

Faculty and staff members are expected to promptly notify their supervisors and Personnel Services as soon as they learn of the need for a leave. Thirty days advanced notice is required when the leave is foreseeable. They should obtain a certification form from Personnel Services and complete and return it within 15 days. If the form is not returned within 15 days, the leave may be denied until the form is returned.

### Use of Leave Credits

Family leave will generally be unpaid. The College will require the faculty or staff member to substitute any accrued personal, vacation, sick, compensatory or holiday time for any leave.

### Job Protection

Upon return from FMLA leave, faculty and staff will be returned to the same position, or to an equivalent position, unless the faculty or staff member would have been terminated in the absence of any leave (such as retrenchment, etc.).

### Return to Work

Where a faculty or staff member's own serious health condition is involved, the College will require medical certification when the employee is able to return to work.

### Health Insurance

Faculty and staff on FML will be provided with 12 weeks (3 months) of health insurance. They will be required to pay the employee's portion of the premium for these 12 weeks.

### Other Benefits

Faculty and staff members may continue health insurance beyond the 12 weeks, while out on approved leave, by paying the full share of the health insurance for the balance of the leave.

Other benefits, if any, shall be provided only as permitted by the respective benefit plan.

Adopted August 23, 1994 (9408117)

|                       |   |
|-----------------------|---|
| <b>Policy Section</b> |   |
| <b>4.4.8.</b>         | <b>VOLUNTARY LEAVE OF ABSENCE PROGRAM</b> |

Approval Date: April 16, 1991

WHEREAS the Ulster County Legislature is instituting a Voluntary Leave of Absence Program, and

WHEREAS Ulster County Community College wishes to show support for County policies, and

WHEREAS the College's adoption of this program would provide a cost containment measure for the College, and

WHEREAS the President is recommending that the Voluntary Leave of Absence Program be adopted at the College for full-time Civil Service, OPAP, Faculty, and Management-Confidential staffs, and

WHEREAS the Board of Trustees, as a committee of the whole in executive session, met, reviewed, and agrees with this recommendation, now, therefore, be it

RESOLVED that the Board of Trustees hereby adopts the Voluntary Leave of Absence Program for Ulster County Employees as an ongoing policy for Ulster County Community College employees, effective January 1, 1994.

**VOLUNTARY LEAVE OF ABSENCE**  
 (also known as the Furlough Plan)

Employees participating in the Voluntary Leave of Absence Program will continue to receive their normal accruals, i.e., vacation, sick leave, personal leave, holidays; and will continue to be eligible for medical and other benefits. Only the actual time that employees work will be counted towards

their retirement service pursuant to New York State Retirement System regulations. Time charged to a voluntary leave of absence does not count as time worked for purposes of entitlement to overtime.

Employees have two options in choosing a method of salary reduction.

- \* The first option allows employees to prorate their reduced time over the balance of the pay periods in the year. For example, if an employee earns \$500 a week and takes four weeks voluntary leave of absence, the \$2,000 (four x \$500) would be prorated over the number of pay periods remaining in the year as of the date of the implementation of the plan. Employees utilizing this option will be allowed to take voluntary leave of absence for a minimum of ten workdays and an annual maximum of 70 workdays. Employees can take the total number of days selected in a set pattern, e.g., every Friday, specific blocks of time such as four weeks straight, or on an intermittent basis as departmental work schedules will allow.
- \* The second option allows for employees to have their salaries deducted from the pay period(s) in which the leave days are actually taken. Employees using this option will be allowed to take voluntary leave of absence in one workday increments up to an annual maximum of 70 workdays.

Under either option, each participating employee must complete an application for Voluntary Furlough which is available in the Personnel Services Office. The agreement must specify the number of leave of absence days requested and the exact date, as well as the method in which the corresponding reduction in work schedule will occur. (i.e., option one or option two) Should an employee wish to amend or withdraw a previously approved leave of absence plan, a mutually co-signed agreement between the employee and respective department head will be required. While the operating needs of each department must be considered in granting Voluntary Leaves, administrators are strongly encouraged to arrive at some mutually agreeable leave for every applicant.

Adopted April 16, 1991 (91-04-042)  
Revised October 19, 1993 (93-10-042)

|                       |                                     |
|-----------------------|-------------------------------------|
| <b>Policy Section</b> |                                     |
| <b>4.4.9.</b>         | <b>TUITION FOR COUNTY EMPLOYEES</b> |

Approval Date: October, 1998

WHEREAS the Board of Trustees has adopted a policy on tuition for College Staff, and

WHEREAS the College staff are covered under collective bargaining agreements with the County of Ulster as county employees, and

WHEREAS the College desires to offer educational opportunities to all County employees at a reduced tuition cost, given the County support of the College budget, now, therefore, be it

RESOLVED that the Board of Trustees does hereby authorize a reduced tuition for Ulster County employees per the College's Tuition and Fee Schedule (credit courses only), including all mandatory student fees, and be it further

RESOLVED that registration/payment for said academic credit courses only shall be on a space available basis as determined by the College Registrar, and be it further

RESOLVED that any ancillary costs associated with any credit course as noted in the college catalog shall be at the County employee's cost.

Adopted October, 1998

Amended September 20, 2011 (11-9-144)

|                       |                            |
|-----------------------|----------------------------|
| <b>Policy Section</b> |                            |
| <b>4.5</b>            | <b>COMPLAINT PROCEDURE</b> |

Approval Date: May 5, 1965

WHEREAS it is necessary to adopt a complaint procedure as it relates to the general welfare of the students and employees of the College, and in particular as it relates to Affirmative Action, and

WHEREAS the President recommends the attached complaint procedure, now, therefore be it

RESOLVED that the attached Complaint Procedure supersedes the previous Board Policy on Complaint Procedure last amended July 24, 1973, and supersedes the previous Board Policy #7805049 on Grievance Procedure as confirmed May 23, 1978, and be it further

RESOLVED that the Board of Trustees of Ulster County Community College hereby adopt the attached complaint procedure, effective January 1, 1992.

1. Purpose and Definition This complaint procedure is provided for the prompt and equitable resolution of student and employee complaints based on any event or condition affecting their welfare. These complaints may include, but are not limited to, those alleging unlawful sexual offenses; those alleging unlawful discrimination on the basis of race, color, sex, sexual preference, national origin, religion, age, physical challenge, emotional challenge or marital status; and those claiming violation, misinterpretation, misapplication, or inequitable application of the law, rules, or regulations having the force of orders, student conduct rules, work rules, procedures, practices or customs of the Board of Trustees, the administration of the College, or members of the College's faculty or staff. These complaints shall not include matters covered by a negotiated agreement between the College and any of its bargaining units.
2. Coverage



- A. All students and employees of Ulster County Community College may use this procedure.
- B. This procedure may not be used if a formal complaint with a state or federal agency or any other forum, or a court action has already been commenced by the complainant on the same complaint. Any investigation or review underway will terminate without conclusion at any time a formal complaint is filed with a state or federal agency or in any other forum, or a court action is initiated on the same grievance.
- C. The complainant must elect a single oncampus procedure in an attempt to resolve the complaint. This complaint procedure may not be used if other oncampus procedures such as an Affirmative Action complaint procedure or contractual grievance procedures are being pursued.

3. Submission of Complaints

- A. Before submission of any written complaint, an attempt to resolve it informally should be made by the involved parties or the appropriate administrator, or in the case of matters related to Affirmative Action, with the College's Affirmative Action Officer. Any attempt to resolve the complaint informally shall not extend the time to file a complaint as set out in subdivision C. below.
- B. If the complaint is not resolved informally the student or employee may submit it in writing to the appropriate immediate supervisor or administrator. In the case of complaints dealing with Affirmative Action, the written complaint must be submitted to the College's Affirmative Action Officer.
- C. A complaint must be filed by the student or employee within fifteen (15) working days following the date on which the complainant first knew or reasonably should have known of such action or such condition.
- D. Written complaints must be filed on forms provided by the College. Forms are available at the Affirmative Action Office and at the Office of the President.

- E. After receipt of the written complaint, the appropriate administrator, or Affirmative Action Officer shall make every attempt at resolution among the parties within five (5) working days. The receiver of the complaint shall notify the complainant in writing within five (5) working days after receipt of the complaint of any action taken.
- F. The complainant may then file a written appeal with the appropriate Dean of the College or with the President of the College within five (5) working days of receipt of notification that the complaint was not satisfactorily resolved.
- G. Within five (5) working days of receiving the written appeal, the Dean or the President will meet with appropriate students or College personnel to determine all the facts concerning the complaint.
- H. Within ten (10) working days of receipt of the appeal, the Dean or the President will either indicate a decision to dismiss the complaint for lack of evidence or a decision that the complaint is valid. If the complaint is considered to be valid, the Dean or President will indicate appropriate action to be taken to reach a final resolution.
- I. If the complainant is still not satisfied with the decision of the Dean or the President, two other steps may be taken to resolve the complaint.
- An appeal may be made to a committee of the College's Board of Trustees.
  - A formal complaint may be filed with the appropriate state or federal agency. The College Affirmative Action Officer will provide information on state and federal guidelines and laws, and names and addresses of enforcement agencies.

4. Further Provisions

- A. If the complainant is unable to determine the "appropriate administrator" to contact with a complaint

assistance may be obtained from the College's Affirmative Action Officer or from the Affirmative Action Officer's designee.

B. All of the time limits outlined in the Submission of Complaints, with the exception of the fifteen (15) working day limit on the initial filing of grievances, may be extended by mutual agreement of the complainant and the President of the College or the President's designee.

C. If, at any time, the College's representative fails to review or respond within the time limits provided, the claimant may move to the next step.

D. If the complainant fails to respond with the time limits provided, the complaint shall be considered withdrawn, unless a written request has been made to the President to extend the allotted time because of extenuating circumstances.

E. All written correspondence shall be forwarded personally or by U.S. Postal Service Certified Mail.

F. In the event of a question of the timeliness of any complaint, complaint appeal, or response, postmarks shall be determinative.

Formally part of Article III  
Adopted May 5, 1965  
Revised September 28, 1971  
Revised October 26, 1971  
Revised May 8, 1973  
Amended July 24, 1973  
Amended December 17, 1991 (9112178)

| Policy Section |                   |
|----------------|-------------------|
| <b>4.6</b>     | <b>RETIREMENT</b> |

|                       |  |
|-----------------------|--|
| <b>Policy Section</b> |  |
| <b>4.6.1.</b>         | <b>PARTICIPATION IN SUNY OPTIONAL RETIREMENT PROGRAM</b> |

Approval Date: October 25, 1965

WHEREAS sections 390 through 397 of the Education Law have established an Optional Retirement Program for the State University and

WHEREAS section 391 of the Education Law indicates that the Board of Trustees of a community college may elect to offer the Optional Retirement Program to eligible employees of such college by resolution, which shall become effective upon approval of the local sponsor acting through its local legislative body or board or other appropriate governing agency and

WHEREAS professional members of Ulster County Community College faculty and administration are eligible for this Optional Retirement Program and certain members of that faculty and administration do desire to elect the Optional Retirement Program now, therefore, be it

RESOLVED that the Board of Trustees of Ulster County Community College elects to offer the Optional Retirement Program to eligible employees of Ulster County Community College, and, be it further

RESOLVED that this election shall become effective upon approval by the Board of Supervisors of the County of Ulster.

Approved October 25, 1965

| Policy Section |   |
|----------------|---|
| <b>4.6.2.</b>  | <b>AUTHORIZATION FOR TIAA/CREF ELECTION OPTIONS</b> |

Approval Date: February 22, 1972

WHEREAS TIAA-CREF have made the following plans available to participating institutions, and

WHEREAS the College administration has reviewed these options and recommend their implementation, and

WHEREAS by adopting these options there will be no additional costs incurred, now, therefore, be it

RESOLVED that the Board of Trustees hereby approve that those who participate in the TIAA-CREF retirement program be allowed to elect to put 100% of their contributions into the CREF program to be effective immediately, and be it further

RESOLVED that the Board of Trustees adopt the 10% retirement transition benefit option of TIAA-CREF.

Adopted February 22, 1972

| Policy Section |  |
|----------------|--|
| <b>4.6.3.</b>  | <b>APPROVAL OF TIAA/CREF RETIREMENT TRANSITION BENEFIT</b> |

Approval Date: June 19, 1984

WHEREAS the President recommends the approval of the Retirement Transition Benefit option for those College employees who are participants in the TIAA/CREF Optional Retirement Program, and

WHEREAS the purpose of the Retirement Transition Benefit is to allow an eligible individual to receive a one lump sum payment of up to 10% of the individual's TIAA/CREF accumulations at the time his/her retirement annuity would begin, provided that the individual is at least 55 years of age and the payment does not exceed 10% of the contract's accumulation, and

WHEREAS the Retirement Transition Benefit would permit our retirees to invest part of their retirement monies at their own discretion, have control over some of their monies, and have access to additional cash to adjust to retirement, and

WHEREAS the Personnel Committee has met, reviewed, and concurred with this recommendation, now, therefore, be it

RESOLVED that the Board of Trustees hereby approves the Retirement Transition Benefit for College employees who are members of TIAA/CREF.

Adopted June 19, 1984 (84-6-59)

|                       |  |
|-----------------------|--|
| <b>Policy Section</b> |  |
| <b>4.6.4.</b>         | <b>ACCUMULATION AND COMPENSATION UPON TERMINATION AND/OR RETIREMENT FOR ACCRUED ANNUAL LEAVE</b> |

Approval Date: December 20, 1988

WHEREAS annual leave (vacation) exists as a negotiated benefit for certain professional staff and Civil Service employees, and

WHEREAS there are certain restrictions negotiated regarding accrual of and compensation for these accrued annual leave days, upon termination of employment and/or retirement, and

WHEREAS the Board of Trustees wishes to adopt a policy for all employees, except the management/confidential staff, regarding payment for accrued annual leave days upon termination and/or retirement, now, therefore, be it

RESOLVED that, effective January 5, 1990, payment for accrued annual leave, upon termination of employment and/or retirement, will not exceed 40 days, and annual leave taken leading up to termination of employment and/or retirement cannot exceed ten (10) days. This policy will apply to all employees of the College unless the Collective Bargaining Agreements, Civil Service Law and/or Civil Service regulations supersede this policy.

Adopt December 20, 1988 (88-12-152)

Resolution 89-4-68 excludes OPAP

Resolution 99-1-14 (Section 4.8.4) addresses Management Confidential Staff

Updated August 19, 2003 (03-8-78)



|                       |                                   |
|-----------------------|-----------------------------------|
| <b>Policy Section</b> |                                   |
| <b>4.6.5.</b>         | <b>POST-RETIREMENT EMPLOYMENT</b> |

Approval Date: February 14, 1989

WHEREAS the policy on PostRetirement Employment has been reviewed,  
and

WHEREAS the President is recommending that the policy adopted on  
February 14, 1989, be revised to increase the monetary limit, and

WHEREAS the President reviewed this change with the joint committees of  
the Board of Trustees, now, therefore, be it

RESOLVED that any person who retires from the College may be re-employed  
by the College no less than one month after retirement and at an annual  
salary not to exceed the limit established in Section 212 of the laws covering  
the New York State Teachers' Retirement System.

Adopted February 14, 1989 (8902036)  
Revised February 23, 1993 (9302019)  
Revised March 15, 1994 (94-03-044)  
Revised November 21, 1995 (95-11-139)

|                       |  |
|-----------------------|--|
| <b>Policy Section</b> |  |
| <b>4.6.6.</b>         | <b>RETIREMENT COMPENSATION NON-CLASSIFIED EMPLOYEES POLICY</b> |

Approval Date: August 19, 2008

WHEREAS, the Dean of Administration recommends and the President concurs, and

WHEREAS, the Personnel, Educational Programs and Services Committees have met and concur, now, therefore, be it

RESOLVED, that the Board of Trustees hereby approves a one-time 13.5% addition to the annual base salary, beginning September 1, 2008, for non-classified employees who are retired public employees and receive no employer retirement contributions, and, be it further

RESOLVED, that at the end of ten years of continuous service that the employee receive and additional one-time 4% addition to base, and, be it further

**RESOLVED, that the additions to annual base salary provided for in Board Policy 4.6.6. are hereby eliminated prospectively, and be it further**

**RESOLVED, that notwithstanding the foregoing, any employee who has received the benefit of the prior implementation of Board Policy 4.6.6. shall remain entitled thereto.**

Adopted August 19, 2008 (08-8-115)  
**Amended June 21, 2016 (16-5-63)**

|                       |  |
|-----------------------|--|
| <b>Policy Section</b> |  |
| <b>4.6.7.</b>         | <b>RETIREE HEALTH INSURANCE POLICY</b> |

Approval Date: May 15, 2018

WHEREAS, New York State Education Regulations §602.14 state that, subject to appropriate Federal, State and local laws and regulations, policies and practices relating to internal business and financial policies and practices are matters of local College Trustees' determination, and

WHEREAS, each union agreement (CSEA, Faculty Association and OPAP) and by board policy (Management Confidential) provide for health insurance coverage for certain retirees at various retiree premium contributions, and

WHEREAS, a procedure has been developed to record and bill the retiree for their respective share of retiree health insurance premiums (may include medical, dental, vision) , and

WHEREAS, proper enforcement of delinquent retiree health insurance accounts includes policies and procedures that establish collection methods and timeframes to be followed, and

WHEREAS, all retiree health insurance accounts will be reviewed and reconciled no later than the 15<sup>th</sup> of the following month, and

WHEREAS, any SUNY Ulster retiree with a past due balance will be contacted and an effort made to rectify the past due situation, and

WHEREAS, if the monthly contribution is not made for two monthly cycles, the retiree will receive a certified letter requiring full payment within 2 weeks and notification that the coverage will cease if the balance is not paid, and

WHEREAS, if the account is not brought current at this point, the coverage will be terminated, the past due balance may be referred to a collection agency, and the retiree will not be permitted to participate in the retiree health program, therefore, be it hereby

RESOLVED that any retiree health insurance account with a balance that is ninety days past due may be turned over to an independent, outside collection agency, and be it finally

RESOLVED that any retiree health insurance account with a balance that is ninety days past due will have his/her coverage terminated and will be prohibited from retiree health insurance participation in the future.

Adopted May 15, 2018

|                       |                        |
|-----------------------|------------------------|
| <b>Policy Section</b> |                        |
| <b>4.7</b>            | <b>EMERITUS STATUS</b> |

Approval Date: May 7, 1974

WHEREAS the Board's policy regarding emeritus status for members of the faculty has been reviewed, and

WHEREAS the President recommends that the policy adopted May 1974 and revised November 1989 be amended to provide tuition waiver privileges for emeritus faculty, now, therefore, be it

RESOLVED that faculty who retire because of age or incapacity are eligible, under the following conditions, to be considered for emeritus status: the faculty member must have

- retired from Ulster County Community College
- served at least twelve years fulltime, and
- held the rank of full professor.

Academic rank emeritus status shall carry with it the following privileges as are relevant and possible:

- use of library services,
- invitation to participate in commencement and other academic programs
- invitation to represent the College in professional groups,
- use of tuition waivers for Ulster County Community College courses (Additional fees assessed relating to external vendor or contracted costs for credit free courses are not subject to waivers and must be paid by the Emeritus faculty member.),
- inclusion of name in the official College catalog.
- access to the College's computer services , including access to the internet and library/information packages available to all College faculty and staff at no additional expense to the College, and
- faculty/staff parking permit.

Adopted May 7, 1974  
 Revised November 21, 1989  
 Revised January 22, 1992 (9201014)  
 Revised August 19, 2003 (03-8-78)

Revised March 15, 2011 (11-3-47)  
June 22, 2021 (#21-06-66)

|                       |   |
|-----------------------|---|
| <b>Policy Section</b> |   |
| <b>4.8</b>            | <b>DISTINGUISHED STAFF MEMBER DESIGNATION</b> |

Approval Date: March 1996

Beginning in March 1996, the Board of Trustees began recognizing long-serving retiring staff members who did not earn the rank of Professor, with the designation of “Distinguished Staff Member”.

The staff member who retires because of age or incapacity are eligible, under the following conditions, to be considered for distinguished staff member designation, the staff member must have:

- retired from Ulster County Community College, and
- served at least twelve years full-time.

Distinguished Staff status shall carry with it the following privileges as are relevant and possible:

- use of library services,
- invitation to participate in commencement and other academic programs
- invitation to represent the College in professional groups,
- use of tuition waivers for Ulster County Community College courses (Additional fees assessed relating to external vendor or contracted costs for credit free tuition charges are not subject to waivers and must be paid by the Distinguished Staff member.),
- inclusion of name in the official College catalog,
- access to the College’s computer services , including access to the internet and library/information packages available to all College faculty and staff at no additional expense to the College, and
- faculty/staff parking permit.

March 1996 (96-03-024)  
 March 15, 2011 (11-3-48)  
 June 22, 2021 (#21-06-66)

| Policy Section |  |
|----------------|--|
| <b>4.9</b>     | <b>PERSONNEL POLICIES FOR MANAGEMENT AND/OR CONFIDENTIAL EMPLOYEES</b> |

WHEREAS the Administration recommends that fringe benefits and travel policies for management/confidential employees be updated for the sake of clarity, now, therefore, be it

RESOLVED that the Board of Trustees hereby approve that the section on fringe benefits and travel of the OPAP contract apply to the management confidential staff, which include:

- 4.9.1 Staff & Retiree Health Insurance
- 4.9.2 Term Life Insurance & Long Term Disability
- 4.9.3 Retirement
- 4.9.4 Annual Leave
- 4.9.5 Personal Leave
- 4.9.6 Long-term Disability (see section 4.9.2)
- 4.9.7 Travel Policies
- 4.9.8 Sick Leave
- 4.9.9 Sick Leave Upon Retirement (see section 4.9.8)
- 4.9.10 Professional Development Leave
- 4.9.11 Parental Leave
- 4.9.12 Continuation of Appointment
- 4.9.13 Accumulation and Compensation Upon Termination (see section 4.9.4)
- 4.9.14 Sick Leave Conversion to Annuity
- 4.9.15 Maternity Leave
- 4.9.16 Holidays



|                       |   |
|-----------------------|---|
| <b>Policy Section</b> |   |
| <b>4.9.1.</b>         | <b>STAFF &amp; RETIREE HEALTH INSURANCE - MANAGEMENT CONFIDENTIAL</b> |

Approval Date: January 19, 1999

WHEREAS, there is a need to review and update Board Policy 4.9.1 Staff Health Insurance – Management Confidential [see attached] to reflect past practice of the provision of health insurance for management confidential staff and retirees, and

WHEREAS, the President recommends the following policy to the Board of Trustees, and

WHEREAS, the Personnel, and Educational Programs and Services Committee of the Board of Trustees concurs with the President's recommendation, now, therefore, be it

RESOLVED, that the Board of Trustees does hereby approve the following health insurance policy and amend Board Policy 4.9.1. (resolution #99-1-120) for management/confidential staff and retirees:

Health Insurance Plans and Premium Contributions – The College will provide a health, dental, and vision care plan providing benefits in accordance with the carrier contracts and the applicable payment schedule. The annual plans and requisite premium contribution costs to employees and retirees will mirror those as set forth in the College’s, then in effect, collective bargaining agreement with the Organization of Professional Administrative Personnel (OPAP).

Declining Coverage - Management/Confidential employees who have other health coverage may elect to not be covered by the college health plan and the College will pay an annual amount, as determined by the then in effect OPAP collective bargaining agreement, to such management/confidential employee.

and be it further

RESOLVED, that the foregoing shall supersede all existing Board policy to the extent inconsistent with the Board policy approved by this resolution.

Superseded January 19, 1999 (99-1-20)  
Amended May 15, 2018 (18-5-89)

|                       |   |
|-----------------------|---|
| <b>Policy Section</b> |   |
| <b>4.9.2.</b>         | <b>TERM LIFE INSURANCE &amp; LONG TERM DISABILITY FOR MANAGEMENT CONFIDENTIAL STAFF</b> |

Approval Date: January 19, 1999

WHEREAS, there is a need to review and update all personnel policies (Board Policy 4.9.2) [see attached] applicable to management/confidential staff, and

WHEREAS, the President recommends the following policy to the Board of Trustees, and

WHEREAS, the Personnel, and Educational Programs and Services Committee of the Board of Trustees concurs with the President's recommendation, now, therefore, be it

RESOLVED, that the Board of Trustees does hereby approve the following term life insurance and long term disability policy for management/confidential staff:

Term Life Insurance and Accidental death, Dismemberment and Loss of Sight - At no cost to the management/confidential employee, the College shall provide life insurance coverage which will pay to the management/confidential staff designated beneficiary an amount equal to two times the staff member's annual salary; accidental death, dismemberment and loss of sight benefits as follows: loss of life (maximum benefit - 2 times salary), loss of hand, foot or eye (one half the maximum benefit), more than one of the above (maximum benefit).

Long term Disability - The College shall provide the total premium cost of long term disability insurance equal to or exceeding the current policy coverage (see attached coverage),

and be it further

RESOLVED, that the foregoing shall supercede all existing Board policy to the extent inconsistent with the Board policy approved by this resolution.

Superseded January 19, 1999 (99-1-21)

|                       |   |
|-----------------------|---|
| <b>Policy Section</b> |   |
| <b>4.9.3.</b>         | <b>RETIREMENT - MANAGEMENT CONFIDENTIAL</b> |

Approval Date: January 19, 1999

WHEREAS, there is a need to review and update all personnel policies (Board Policy 4.9.3) [see attached] applicable to management/confidential staff, and

WHEREAS, the President recommends the following policy to the Board of Trustees, and

WHEREAS, the Personnel, and Educational Programs and Services Committee of the Board of Trustees concurs with the President's recommendation, now, therefore, be it

RESOLVED, that the Board of Trustees does hereby approve the following retirement policy for management/confidential staff:

Management/confidential staff must join one of the three retirement systems:

- New York State and Local Employees Retirement System
- New York State Teachers' Retirement System
- Teachers' Insurance Annuity Association and College Retirement Equities Fund
- SUNY approved Optional Retirement Program(s)

and be it further

RESOLVED, that the College shall contribute at the rates prescribed by law to the various plans, and be it further

RESOLVED, that the foregoing shall supercede all existing Board policy to the extent inconsistent with the Board policy approved by this resolution.

Superseded January 19, 1999 (99-1-22)

Revised August 19, 2003 (03-8-xx)

|                       |   |
|-----------------------|---|
| <b>Policy Section</b> |   |
| <b>4.9.4.</b>         | <b>ANNUAL LEAVE - MANAGEMENT CONFIDENTIAL STAFF</b> |

Approval Date: January 19, 1999

WHEREAS, there is a need to review and update all personnel policies (Board Policy 4.9.4, 4.9.13, and 4.7.4) [see attached] applicable to management/confidential staff, and

WHEREAS, the President recommends the following policy to the Board of Trustees, and

WHEREAS, the Personnel, and Educational Programs and Services Committee of the Board of Trustees concurs with the President's recommendation, now, therefore, be it

RESOLVED, that the board of Trustees does hereby approve the following annual leave policy for management/confidential staff:

Management/confidential employees shall be credited with twenty-four (24) days vacation at the beginning of each fiscal year (September 1), and be it further

RESOLVED, that said annual leave shall be scheduled and used throughout the year, as approved by the appropriate Dean and the President, and be it further

RESOLVED, that accumulated vacation up to twelve (12) days may be carried forward from one year to the next, but never to exceed an accumulation of 36 days, and be it further

RESOLVED, that upon termination, the maximum allowable paid compensation in lieu of annual leave shall be 36 days. However, work time of less than the fiscal year starting September shall result in proration of the 24 days' credit from the previous September 1, and be it further

RESOLVED, that the foregoing shall supercede all existing Board policy to the extent inconsistent with the Board policy approved by this resolution.

Superseded January 19, 1999 (99-1-14)

|                       |   |
|-----------------------|---|
| <b>Policy Section</b> |   |
| <b>4.9.5.</b>         | <b>PERSONAL LEAVE - MANAGEMENT CONFIDENTIAL STAFF</b> |

Approval Date: January 19, 1999

WHEREAS, there is a need to review and update all personnel policies (Board Policy 4.9.5) [see attached] applicable to management/confidential staff, and

WHEREAS, the President recommends the following policy to the Board of Trustees, and

WHEREAS, the Personnel, and Educational Programs and Services Committee of the Board of Trustees concurs with the President's recommendation, now, therefore, be it

RESOLVED, that the Board of Trustees does hereby approve the following personal leave policy for management/confidential staff:

Management/confidential staff shall have available six personal leave days each college fiscal year which shall accrue on September 1, and be it further

RESOLVED, that personal leave day notification shall be made in writing 48 hours in advance to the appropriate supervisor, and be it further

RESOLVED, that personal leave days may never be accumulated beyond six (6) days, any unused personal days will not be carried forward from year to year, and be it further

RESOLVED, that a pro-rated number of personal days shall accrue at the commencement of employment for management/ confidential staff who are employed only a partial year during the first year of employment, and be it further

RESOLVED, that the foregoing shall supercede all existing Board policy to the extent inconsistent with the Board policy approved by this resolution.

Superseded January 19, 1999 (99-1-16)

| Policy Section |   |
|----------------|---|
| <b>4.9.6.</b>  | <b>LONG TERM DISABILITY FOR MANAGEMENT CONFIDENTIAL STAFF</b> |

Approval Date: January 19, 1999

(see section 4.9.2)

Superseded January 19, 1999 (99-1-21)

|                       |  |
|-----------------------|--|
| <b>Policy Section</b> |  |
| <b>4.9.7.</b>         | <b>TRAVEL POLICY - MANAGEMENT CONFIDENTIAL STAFF</b> |

Approval Date: January 19, 1999

WHEREAS, there is a need to review and update all personnel policies (Board Policy 4.9.7) [see attached] applicable to management/confidential staff, and

WHEREAS, the President recommends the following policy to the Board of Trustees, and

WHEREAS, the Personnel, and Educational Programs and Services Committee of the Board of Trustees concurs with the President's recommendation, now, therefore, be it

RESOLVED, that the current travel policy applicable to staff and faculty shall also apply to management confidential employees, and be it further

RESOLVED, that the current travel policies are appended to this resolution and made a part hereof, and be it further

RESOLVED, that the foregoing shall supercede all existing Board policy to the extent inconsistent with the Board policy approved by this resolution.

Superseded January 19, 1999 (99-1-23)



|                       |   |
|-----------------------|---|
| <b>Policy Section</b> |   |
| <b>4.9.8.</b>         | <b>SICK LEAVE - MANAGEMENT CONFIDENTIAL STAFF</b> |

Approval Date: July 21, 1970

WHEREAS, there is a need to review and update all personnel policies (Board Policy 4.9.8 and 4.9.9) [see attached] applicable to management/confidential staff, and

WHEREAS, the President recommends the following policy to the Board of Trustees, and

WHEREAS, the Personnel, and Educational Programs and Services Committee of the Board of Trustees concurs with the President's recommendation, now, therefore, be it

RESOLVED, that the Board of Trustees does hereby approve the following sick leave policies for management/confidential staff:

Sick leave allowable for the management/confidential staff shall be twelve (12) days per year (available September 1 each year) with an accumulation of sick leave not to exceed 100 days.

One hundred percent (100%) of unused sick leave up to 100 days may be converted into cash payments at the time of termination of service due to death, retrenchment, or upon voluntary termination of service under any one of the following conditions:

1. Having reached the age of 55.
2. Having 20 years of full-time continuous service with the College.
3. Having an age which added to full-time years of service with the College totals 65 or more.

and be it further

RESOLVED that when a member of the management confidential staff becomes eligible to receive payment for accrued sick leave under this resolution, the declaration to cease active service is stated at least six months in advance, and be it further

RESOLVED that the College reserves the right to amend this policy at any time, including but not limited to, fixing sick leave accrual per diem values at

a date certain prior to or other than a date of termination of service, and be it further

RESOLVED, that the foregoing shall supercede all existing Board policy to the extent inconsistent with the Board policy approved by this resolution.

Adopted July 21, 1970

Superseded December 7, 1972

Superseded January 9, 1973

Superseded June 3, 1975 (75-6-48)

Rescinded July 26, 1977 (77-7-65B)

Superseded August 30, 1977 (77-8-79)

Superseded January 20, 1981 (81-1-3)

Revised January 1989

Superseded January 19, 1999

| Policy Section |                                   |
|----------------|-----------------------------------|
| <b>4.9.9.</b>  | <b>SICK LEAVE UPON RETIREMENT</b> |

Approval Date: May 18, 1982

**(SEE SECTION 4.9.8)**

Adopted May 18, 1982 (82-5-43)

Superseded January 19, 1999 (99-1-15)

|                       |   |
|-----------------------|---|
| <b>Policy Section</b> |   |
| <b>4.9.10</b>         | <b>PROFESSIONAL DEVELOPMENT LEAVE - MANAGEMENT CONFIDENTIAL STAFF</b> |

Approval Date: January 19, 1999

WHEREAS, there is a need to review and update all personnel policies (sabbatical leave Board Policy 4.9.10) [see attached] applicable to management/confidential staff, and

WHEREAS, the President recommends the following policy to the Board of Trustees, and

WHEREAS, the Personnel, and Educational Programs and Services Committee of the Board of Trustees concurs with the President's recommendation, now, therefore, be it

RESOLVED, that the Board of Trustees, at its discretion, may grant a management confidential staff member a professional development leave of three (3) months after 66 months of continuous management/ confidential service, and may, at its discretion, consider service time as a full-time faculty member and/or a full-time member of OPAP in considering time of service, and be it further

RESOLVED, that all other conditions of Board policy on sabbatical leaves apply to professional development leaves for the management confidential staff, and be it further

RESOLVED, that the foregoing shall supercede all existing Board policy to the extent inconsistent with the Board policy approved by this resolution.

Superceded January 19, 1999 (99-1-17)

|                       |   |
|-----------------------|---|
| <b>Policy Section</b> |   |
| <b>4.9.11</b>         | <b>PARENTAL LEAVE - MANAGEMENT CONFIDENTIAL STAFF</b> |

Approval Date: January 19, 1999

WHEREAS, there is a need to review and update all personnel policies (Board Policy 4.5.7 and 4.9.11) [see attached] applicable to management/confidential staff, and

WHEREAS, the President recommends the following policy to the Board of Trustees, and

WHEREAS, the Personnel, and Educational Programs and Services Committee of the Board of Trustees concurs with the President's recommendation, now, therefore, be it

RESOLVED that the policy on Parental Leave for Management Confidential staff be as follows:

Parental leave of absence, not exceeding one year in length, is available for Management/ Confidential and hourly management/confidential staff members. Upon recommendation of the President, the Board of Trustees may grant extensions of such leave. Benefited staff members shall have the right to continue health insurance at rates applicable to staff on leave and may use vacation and personal leave to reduce the amount of unpaid leave. Sick leave may be used for that portion of leave during which the staff member is physically unable to work,

and be it further

RESOLVED, that paid or unpaid leave will be considered towards satisfying the College's obligation under the Family Medical Leave Act. The College will require an employee to use paid leave towards satisfying the College's obligation under the Family Medical Leave Act.

Superceded January 19, 1999 (99-1-19)

|                       |  |
|-----------------------|--|
| <b>Policy Section</b> |  |
| <b>4.9.12</b>         | <b>CONTINUATION OF APPOINTMENT - MANAGEMENT CONFIDENTIAL</b> |

Approval Date: January 19, 1999

WHEREAS, there is a need to update personnel policies (see Board Policy 4.1.1 and 4.9.12 [attached]) applicable to Management Confidential staff, and

WHEREAS, there needs to be a positive continuity of an employment and notice process of new contracts of employment for Management Confidential staff, and

WHEREAS, the President recommends the following policy to the Board of Trustees, and

WHEREAS, the Personnel, Educational Programs and Services Committee concurs with the President's recommendation, now, therefore, be it

RESOLVED, that the Board of Trustees does hereby approve the following notification policy for Management/Confidential staff excluding any actions taken as a result of financial exigency:

The President of the College and the Board of Trustees shall notify any Management Confidential staff member of non-renewal of appointment each year by February 1 for the ensuing fiscal year (9/1-8/31). Otherwise, Management Confidential appointments shall continue from year to year without formal notification from year to year, and be it further

RESOLVED, that Management Confidential appointments may be terminated at any time for just cause, incompetence, insubordination or moral turpitude, and be it further

RESOLVED, that the foregoing shall supercede all existing Board policy to the extent inconsistent with the Board policy approved by this resolution.

Superceded January 19, 1999 (99-1-24)  
 Amended September 16, 2014 (14-9-136)

| Policy Section |  |
|----------------|--|
| <b>4.9.13</b>  | <b>ACCUMULATION AND COMPENSATION UPON TERMINATION AND/OR RETIREMENT FOR ACCRUED ANNUAL LEAVE - MANAGEMENT CONFIDENTIAL</b> |

Approval Date: January 19, 1999

(see section 4.9.4)

Superseded January 19, 1999

|                       |   |
|-----------------------|---|
| <b>Policy Section</b> |   |
| <b>4.9.14</b>         | <b>SICK LEAVE CONVERSION TO ANNUITY</b> |

Approval Date: January 19, 1999

WHEREAS there is a need to provide for a sick leave buy-out program for Management Confidential staff, and

WHEREAS, the sick leave policy for Management Confidential staff reduces the accumulated sick days to a 100 day maximum, and

WHEREAS, it will be necessary to buy-down sick leave for certain Management Confidential staff who exceed the maximum, now, therefore, be it

RESOLVED, that the Board of Trustees approves the following sick leave conversion to annuity for Management Confidential staff:

Management Confidential staff who have accumulated more than 100 sick days at August 31, 1998, will have their accumulated sick days in excess of 100 converted into a benefit account, the proceeds of which will be payable to the Management Confidential staff member or the member's estate upon their termination for any reason. The initial benefit account will be calculated by taking the current dollar value of the accumulated sick days in excess of 100, discounted to the present value of the account of the member at age 62 using a 5% discount rate. The account once created will be invested at the direction of the Management Confidential staff member or their estate will receive the entire proceeds of the account.

and be it further

RESOLVED, that the sick leave conversion to annuity shall apply only to Deans Katt and Quirk and Rosanne Yetzer; no other Management Confidential staff sick leave exceeds 100 days.

Adopted January 19, 1999 (99-1-25)



|                       |                        |
|-----------------------|------------------------|
| <b>Policy Section</b> |                        |
| <b>4.9.15</b>         | <b>MATERNITY LEAVE</b> |

Approval Date: January 19, 1999

WHEREAS, there is a need to review and update all personnel policies applicable to management/confidential staff, and

WHEREAS, maternity leave is available to the faculty, professional staff and Civil Service employees (Board Policy 4.5.7 and 4.9.11), and

WHEREAS, the President recommends the following policy to the Board of Trustees, and

WHEREAS, the Personnel, and Educational Programs and Services Committee concurs with the President's recommendation, and

WHEREAS, Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunity Act of 1972 and Executive Order 11246 prohibit discrimination in employment, now, therefore, be it

RESOLVED, that a maternity leave of absence without pay, not exceeding one year in length, is available for management/confidential employees on the same basis as provided for faculty and other professional staff, and be it further

RESOLVED, that part of pregnancy and childbirth, when the employee is physically unable to work, shall be treated like all other temporary disabilities, in terms of sick leave, health insurance and job retention. An employee may use her own sick leave credits to reduce the amount of leave without pay as permitted other professional staff members. Medical certification will be required if the staff member is unable to perform her regular duties, and be it further

RESOLVED, that vacation leave credits, as may be available, may be used to reduce the amount of a maternity leave without pay, and be it further

RESOLVED, that paid or unpaid leave will be considered towards satisfying the College's obligation under the Family Medical Leave Act. The College will require an employee to use paid leave towards satisfying the College's obligation under the Family Medical Leave Act, and be it further

RESOLVED, that the foregoing shall supercede all existing Board policy to the extent inconsistent with the Board policy approved by this resolution.

Superseded January 19, 1999 (99-1-18)

|                       |                 |
|-----------------------|-----------------|
| <b>Policy Section</b> |                 |
| <b>4.9.16</b>         | <b>HOLIDAYS</b> |

Approval Date: January 19, 1999

WHEREAS, there is a need to amend the holiday policy (Board Policy 4.98) for the management/confidential staff,

WHEREAS, the President recommends the following policy to the Board of Trustees, and

WHEREAS, the Personnel, and Educational Programs and Services Committee concurs with the President's recommendation, now, therefore, be it

RESOLVED, that the Board of Trustees does hereby approve the following holiday policy for management/confidential staff:

Where the duties of a management/confidential employee do not make it necessary or advisable to work on a holiday, management confidential staff shall be granted the College holidays as determined annually by the OPAP contract. Management confidential staff required to work on a holiday may receive time off in lieu of the holiday worked.

and be it further

RESOLVED, that the foregoing shall supersede all existing Board policy to the extent inconsistent with the Board policy approved by this resolution.

Superseded January 19, 1999 (99-1-13)

|                       |                                     |
|-----------------------|-------------------------------------|
| <b>Policy Section</b> |                                     |
| <b>4.10</b>           | <b>EQUAL EMPLOYMENT OPPORTUNITY</b> |

Approval Date: November 28, 1972

BE IT RESOLVED that the statement entitled "Equal Employment Opportunity" as revised and set forth below, be hereby adopted as the policy of Ulster County Community College on equal employment opportunity; and the President or the President's designee, be, and hereby is, authorized and directed to take all steps necessary and proper to promulgate and implement said policy.

EQUAL EMPLOYMENT OPPORTUNITY

Ulster County Community College, in recognition of its educational mission, its social concern, its responsibility for the personal development of individuals, and its concern for the rights of the individual, does hereby express and establish this College Policy of Equal Employment Opportunity.

It is the policy of Ulster County Community College to provide equal opportunity in employment for all qualified persons, to prohibit discrimination in employment; and to promote the full realization of equal employment opportunity through a positive continuing program for the College.

This policy of equal employment opportunity:

1. Applies to all persons without regard to race, creed, color, national origin, physical challenge, emotional challenge, age, marital status, sexual orientation, or sex, except where a bonafide occupational qualification exists.
2. Applies equally to all job classifications and titles and to all types of appointments under the College jurisdiction, whether full-time or part-time.
3. Governs all College employment policies, practices, and actions, including, but not necessarily limited to: recruitment, employment, rate of pay or other compensation, advancement, upgrading,

promotion, demotion, renewal, non-renewal, termination, transfer, layoff, leave, training, and employee benefits of whatever nature.

4. Expects each contractor, supplier, union, public agency, or other cooperative agent to support this policy by complying with all applicable State and Federal Equal Employment Opportunity Laws and regulations.

Full, immediate, and continuing realization of this policy is to be undertaken by:

1. Developing Affirmative Action Programs which will: detail actions designed to realize the College's commitment to equal employment, analyze any deficiencies; identify and remove impediments to equal employment opportunity; establish goals and timetables for affirmative action; provide for internal and external dissemination of college policy; pursue the commitment to equal employment assessment, evaluation, and improvement of college action in carrying out this policy and these affirmative action programs.
2. Committing staff and support necessary to implement the equal employment policies and programs of the College. Liaison and leadership shall be affected through a member of the President's staff. The liaison and leadership function will embrace such activities as: developing policy statement and Affirmative Action Programs; developing internal and external communication techniques; assisting in the identification of problem areas and in the establishment of goals and objectives; assisting campus administration; assessing internal compliance; providing liaison with enforcement agencies, minority organizations, and community action groups; designing and implementing audit and reporting systems required for effective monitoring and operation of Affirmative Action Programs.

In support of this policy, Ulster County Community College affirms its right to take appropriate action if it, or other duly constituted authority, should determine that applicable Federal and State Equal Employment Opportunity laws and regulations have been violated, or that the effect and intent of this policy have been willfully or habitually abrogated.

Adopted November 28, 1972  
Revised November 20, 1990

Revised December 17, 1991 (91-12-180)  
 Revised September 16, 2003 (03-9-89)

|                       |                            |
|-----------------------|----------------------------|
| <b>Policy Section</b> |                            |
| <b>4.11</b>           | <b>GRIEVANCE PROCEDURE</b> |

Approval Date: August 30, 1977

WHEREAS it is necessary to adopt a grievance procedure as it relates to Affirmative Action, and

WHEREAS the President recommends the attached grievance procedure, now, therefore, be it

RESOLVED that the Board of Trustees of Ulster County Community College hereby adopt the attached grievance procedure under Affirmative Action, effective September 1, 1977.

1. Purpose - This grievance procedure is provided for the prompt and equitable resolution of student and employee complaints alleging unlawful discrimination on the basis of race, color, sex, national origin, religion, age, handicap or marital status in any education or employment program, policy or practice of Ulster County Community College.
2. Coverage
  - A. All students and employees of Ulster County Community College may use this procedure.
  - B. This procedure may not be used if a formal complaint with a state or federal agency or a court action has already been filed by the grievant on the same complaint; any investigation or review underway will terminate without conclusion at any time a formal complaint is filed with a state or federal agency or a court action is initiated on the same grievance.
3. Requirement for Filing Grievances

- A. A grievance must be submitted in writing on forms provided by Ulster County Community College. Forms are available at the Affirmative Action Office.
  - B. A grievance must be filed by the student or employee within twenty-one (21) calendar days following the date on which the grievant first knew or reasonably should have known of such act, whichever is later.
  - C. Cases of alleged discrimination which have occurred prior to the promulgation of this grievance procedure and which are brought to grievance after said promulgation occurs will be judged on the basis of determination that the alleged discrimination continues to exist after said promulgation, and must be filed by June 30, 1979.
  - D. Grievances must be filed in the office of the campus Affirmative Action Officer.
4. Procedures for Processing Grievances
- A. Step one: The Affirmative Action Officer shall, within fourteen (14) calendar days after receipt of the grievance, make every attempt at informal resolution of the complaint through meetings with campus administrators, supervisors, faculty members and/or students as appropriate. If the Affirmative Action Officer is unable to resolve the grievance, the Officer shall notify the grievant in writing within twenty-one (21) days after receipt of the grievance.
  - B. Step two: If the Affirmative Action Officer is unable to resolve the grievance at Step 1, the grievant may file a written appeal with the Affirmative Action Officer within ten (10) calendar days of receipt of notification that the grievance was unresolved.
  - C. The appeal, together with a statement from the Affirmative Action Officer indicating that Step 1 resolution was not possible, shall be forwarded directly to the President of the College at his/her office.

- D. Within ten (10) calendar days after receipt of the appeal, the President shall provide for a review of the matter by an ad hoc tripartite committee to be selected as follows: One by the grievant, one by the President, each from a panel of campus administrators, faculty and employees; with the third member of the committee to be selected by the other two committee members from the same panel.
  - E. Selection of the ad hoc tripartite committee must be completed and the Affirmative Action Officer notified of the members chosen within ten (10) calendar days of the receipt of notification by the grievant and the President that a review of the matter shall take place by a tripartite committee.
  - F. The tripartite committee shall conduct a hearing. The President, or his designee, or both, may be present at the Committee hearing as an Auditor(s), but shall not be present at, or participate in, the deliberation or decisions of the Committee. At such a hearing, witnesses may be called by the College, the Committee and the aggrieved party. All testimony of such a hearing shall be under oath. A stenographic record or tape recording will be made of such hearing. The tripartite committee will submit a written statement to the campus President as to whether or not, in their opinion, discrimination has occurred, within twenty-one (21) calendar days from the time the selection of the committee is completed.
  - G. The President or his/her designee shall communicate the statement of the tripartite committee to the grievant and to the campus Affirmative Action Officer within fourteen (14) calendar days following receipt of said written statement; together with a statement indicating his/her acceptance or rejection of the committee's recommendation. The President will indicate his/her decision either to dismiss the charge for lack of evidence that unlawful discrimination has occurred or to discuss appropriate redress with the grievant if unlawful discrimination has been found.
5. Off-Campus Resolution of Grievances
- A. If the grievant is dissatisfied with the Step 2 response, either because of a negative finding or disagreement over what



constitutes appropriate redress, the grievant may file a formal complaint with the appropriate state or federal agency. The campus Affirmative Action Office will provide information on State and Federal guidelines and laws, and names and addresses of enforcement agencies.

6. Further Provisions

- A. All of the time limits contained above, with the exception of the twenty-one (21) day limit on the initial filing of grievances, may be extended by mutual agreement of the grievant and the President or his designee.
- B. If the College or a designee thereof, at any step fails to review and/or respond within the time limits provided, the grievant may appeal to the next step.
- C. If the grievant fails to respond within the time limits provided, the grievance shall be deemed to have been withdrawn, unless a written request has been made to the President to extend the allotted time because of extenuating circumstances.
- D. All written correspondence shall be forwarded personally or by U.S. Postal Service Certified Mail.
- E. In the event of a question of the timeliness of any grievance, grievance appeal or response, postmarks shall be determinative.

Adopted August 30, 1977 (77-8-88)  
Confirmed May 23, 1978 (78-5-49)

|                       |  |
|-----------------------|--|
| <b>Policy Section</b> |  |
| <b>4.12</b>           | <b>HARASSMENT AND ASSAULT POLICY (Also see 4.13 SEXUAL HARASSMENT)</b> |

Approval Date: May 18, 1982

WHEREAS it is necessary to revise Ulster County Community College's policy on harassment and assault, and

WHEREAS the President recommends these changes be approved, and

WHEREAS the Personnel Committee has met, reviewed, and concurs with this recommendation, now, therefore, be it

RESOLVED that the Board of Trustees hereby approves the revisions to the policy on harassment and assault, a copy of which is as follows:

**HARASSMENT AND ASSAULT POLICY**

An essential part of Ulster County Community College's Equal Opportunity Program is maintenance of an environment in which employees and students are able to work and learn without physical or verbal harassment of any kind because of sex\*, sexual orientation, race, color, national origin, religion, age, or physical challenge, and free from any violent assault, particularly sexual assault or biasrelated assault.

The emphasis of this policy is on prevention. The College will distribute appropriate literature and present workshops and programs to develop an awareness of this policy statement and sensitivity to these issues.

**Harassment**

Because of the sensitive nature of situations involving harassment, the College will follow a flexible system for complaints to ensure the protection of the right to privacy of the complainant. If employees or students consider themselves to be victims of harassment, a complaint can be filed with the Affirmative Action Officer or the Affirmative Action Officer's designee. All complaints will be investigated with every effort made to maintain the confidentiality of all persons involved. If a complaint is substantiated, appropriate and strong action will be taken in accordance with existing Board of Trustees policies. While the procedure does not negate the existing Complaint Procedure Policy, the Affirmative

Action complaint procedure, nor contractual grievance procedures, the complainant must elect a single oncampus procedure in an attempt to resolve the complaint.

## **Assault**

Although any act of assault constitutes a criminal act and although any act of assault is prohibited by the College's policy on Maintenance of Order, with this policy the College affirms its commitment to prevention of assault on campus, particularly sexual assault or bias-related assault, and confirms its commitment to making its students and employees aware of the legal consequences of such acts. Within this policy, sexual assault is used as a general term to encompass acts that would constitute sexual crimes, offenses, or violations under the New York State Penal Law.

This policy and other applicable college policies will be published periodically in the college newspaper together with information on counseling services, health services, and campus security procedures. As publications, such as the student handbook, are revised, these policies and procedures will be included in those publications. They will continue to be published in the College's Handbook for Professional Staff and the Board Policy Manual. The College will also continue to hold preventative workshops on assault.

New students and employees will be informed of any violent crimes or assaults occurring on the campus within a year of their admission to the College or their hiring.

Any assault or act of violence should be reported immediately to [Campus Public Safety](#). Campus Public Safety is trained and equipped to handle such situations, or may contact the appropriate law enforcement agency for assistance. They will also notify the appropriate College authorities and obtain the assistance of College Health Services and counseling services for the victim.

Assault also includes:

1. Taking any action or create or participate in the creation of any situation which recklessly or intentionally endangers mental or physical health or which involves the forced consumption of liquor or drugs for the purpose of initiation into, or affiliation with, any organization.
2. Causing physical injury to any person, or threatening to do so for the purpose of compelling or inducing such other person to refrain from any action that he or she has a lawful right to do or to do any act that he or she has a lawful act not to do.
3. Physically restraining or detaining any other person or removing such person from any place where the person is authorized to remain.

Possible disciplinary actions, excluding those penalties determined in a legally constituted court of law, are detailed in the College's Maintenance of Order Policy.

\*A separate policy on sexual harassment follows as 4.13

Adopted May 18, 1982, (825049)  
Revised February 20, 1984 (842016)  
Revised November 20, 1990 (9011156)  
Revised December 17, 1991 (9112179)  
Revised June 15, 1993 (9306074)  
Revised September 16, 2003 (03-9-89)  
Revised April 20, 2004 (04-47)  
Revised June 20, 2017 (17-6-243)

|                       |  |
|-----------------------|--|
| <b>Policy Section</b> |  |
| <b>4.13</b>           | <b>SEXUAL HARASSMENT POLICY AND PROCEDURES</b> |

Approval Date: April 20, 2004

**I. PURPOSE**

Sexual harassment is demeaning, degrading, and illegal. It affects an individual's self-esteem, and can have a negative impact on an individual's work or academic performance. This document states the policy of SUNY Ulster on sexual harassment and describes the options and resources available to all persons who participate in college programs and activities for resolution of sexual harassment problems. It includes procedures for officials to follow in receiving, reporting, and referring complaints and identifies existing policies for college discipline/corrective action that apply in matters of sexual harassment. This policy reflects SUNY Ulster's determination to deal firmly and fairly with all occurrences through the framework of local reporting procedures and the application of existing policies. Acts of Sexual Harassment which also constitute Sexual Misconduct or Sexual Violence are subject to Board Policy 4.18 – Sexual Misconduct Policy and Board Policy 4.19 – Policy on Sexual Violence Prevention and Response.

**II. DEFINITIONS**

**A. Sexual Harassment**

It is a violation of College policy for any member of the College community to engage in sexual harassment or to retaliate against any member of the College community for raising an allegation of sexual harassment, for filing a complaint alleging sexual harassment, or for participating in any proceeding to determine if sexual harassment has occurred.

Sexual harassment of employees and students, as defined below, is contrary to SUNY Ulster policy and is a violation of Federal and State laws and regulations. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

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

Sexual harassment can occur between individuals of different sexes or of the same sex. Although sexual harassment most often exploits a relationship between individuals of unequal power (such as between faculty/staff member and student, supervisor and supervisee, or tenured and untenured faculty members), it may also occur between individuals of equal power (such as between fellow students or co-workers), or in some circumstances even where it appears that the harasser has less power than the individual harassed (for example, a student sexually harassing a faculty member). It may also occur between the college's faculty, staff or students and third party vendors. A lack of intent to harass may be relevant to, but will not be determinative of, whether sexual harassment has occurred.

#### Examples of Sexual Harassment

Sexual harassment may take different forms. Using a person's response to a request for sexual favors as a basis for an academic or employment decision is one form of sexual harassment. Examples of this type of sexual harassment (known as *quid pro quo* harassment) include, but are not limited to, the following:

- Requesting or demanding sexual favors in exchange for employment or academic opportunities (such as hiring, promotions, grades, or recommendations);
- Submitting unfair or inaccurate job or academic evaluations or grades, or denying training, promotion, or access to any other employment or academic opportunity, because sexual advances have been rejected.

Other types of unwelcome conduct of a sexual nature can also constitute sexual harassment, if sufficiently severe or pervasive that the recipient does find, and a reasonable person would find, that an intimidating, hostile, or abusive work or academic environment has been created. Examples of this kind of sexual harassment (known as *hostile environment* harassment) include, but are not limited to, the following:

- Sexual comments, teasing, or jokes;
- Sexual slurs, demeaning epithets, derogatory statements, or other verbal abuse;

- Graphic or sexually suggestive comments about an individual's attire or body;
- Inquiries or discussions about sexual activities;
- Pressure to accept social invitations, to meet privately, to date, or to have sexual relations;
- Sexually suggestive letters or other written materials;
- Sexual touching, brushing up against another in a sexual manner, graphic or sexually suggestive gestures, cornering, pinching, grabbing, kissing, or fondling;
- Sexual violence, which refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's age, disability, use of drugs or alcohol. A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, and sexual coercion. While acts of sexual violence and sexual misconduct are violations of this policy such acts are subject to the procedure contained in Board Policies 4.18 and 4.19; and
- Gender-based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

Isolated instances, e.g., a sexual overture, comment, or joke, ordinarily will not constitute sexual harassment unless the circumstances are egregious, nor does such sexual behavior constitute harassment if it is welcomed (i.e., voluntary and consensual).

Speech occurring in an instructional or research context is covered by academic freedom principles. Academic freedom is protected by the Policies of the Board of Trustees. Academic freedom speaks of and protects the right of faculty to "without limitation, discuss their own subject in the classroom." However, the right is not without limitation, as speech, that has no relation to the subject being taught and does not advance any valid educational objectives would not be held to be protected by academic freedom. The question of whether particular speech meets that standard must be decided on a case by case basis.

## B. Consensual Relationships

### **SUNY Ulster Consensual Relationship Policy (3.26)**

#### **I. Policy Statement:**

SUNY Ulster is committed to ensuring that our students, faculty, and staff can learn and work in an environment that is free from nepotism, harassment, exploitation, and conflicts of interest. SUNY Ulster is also committed to promoting

fairness in grading, evaluation, and career opportunities. In order to achieve this, it is vital that all college personnel maintain professional boundaries with students, and with employees over whom there is or will be a supervisory relationship.

SUNY Ulster professional staff and other college personnel exercise power and authority over students and employees for whom they have current supervisory, instructional, or other professional responsibility, which creates a power imbalance. This makes consent within any romantic relationship between the supervisor and employee or between a professional staff member or other college personnel and a student problematic and may impede the real or perceived freedom of the student or employee to terminate or alter the relationship. Further it may cause individuals outside of that relationship to believe that they are treated in an unequal manner during such a relationship or after it terminates, or it may cause individuals to feel that entering such a relationship is necessary or assistive in attaining their academic or career goals. Such a relationship may damage the credibility or reputation of the student, employee, the department or the unit, and the College as a whole and may expose individuals or the institution to legal action and liability.

In the academic context, romantic relationships that might be appropriate in other circumstances have inherent dangers when they occur between professional staff or other college personnel and students. Implicit in the idea of professionalism is the recognition by those in positions of authority that in their relationships with students and employees there is an element of power.

Because inherent power differentials exist, professional staff or other college personnel are prohibited from entering romantic relationships with students for whom such staff or personnel have current, supervisory, instructional or other responsibility or where such responsibility is reasonably foreseeable.

Consensual romantic relationships between professional staff or other college personnel and any student for whom such staff or personnel have no current nor reasonably foreseeable supervisory, instructional or other professional responsibility are strongly discouraged. It is understood that, even where not otherwise prohibited or discouraged by this policy, any sexual or other intimate activity between SUNY Ulster professional staff/other college personnel and another employee or a student shall never take place while the SUNY Ulster professional staff/other college personnel is on duty or on campus or otherwise in the course of college related activities.

In the case of pre-existing relationships, professional staff or other college personnel shall be required to recuse themselves from any evaluation of the student and from any activity or decision which may appear to reward, penalize, or



otherwise affect the student or student employee and to otherwise take appropriate action to minimize any potential preferential or adverse consequences to the student or other members of the college community.

In the employment context, there is a prohibition against romantic relationships between employees where there is a current supervisory or authority imbalance. In cases where there is or has been a consensual romantic relationship between two individuals employed by the college, it is important that any sphere of influence or authority by one such employee over another be removed. Where one person is in the direct line of supervision over the other, the supervisor must notify college administration so that alternative arrangements for supervision can be made or where the college administration may otherwise mitigate the circumstances.

Where neither individual is in direct line of supervision over the other, but authority exists wherein one individual could impact any employment related decision regarding the other, such as participating in decisions regarding hiring, termination, appointment, reappointment, promotion, assignment of duties, evaluation or changes in compensation or benefits for the other individual, such person must either recuse themselves from the decision-making process or, in the alternative, notify college administration so that they can be removed from the decision-making process.

Non-consensual relationships are always prohibited and may implicate other policies or laws.

## **II. Definitions:**

**Department or Unit:** An academic department or unit or a professional department or unit.

**Academic Department or Unit:** Department or unit devoted to a particular academic discipline or operational area.

**Professional Department or Unit:** Department or unit devoted to providing professional services to students. This includes, but is not limited to, dining services, facilities services, student life/activities, financial aid, registrar, bursar, career services, library services, athletics, academic advisement, disability services, counseling services, health center, information and technology, security and public safety.

**Other College Personnel:** Any person with an employment relationship with the college that is not covered by the definition of professional staff. This would include all employees in the classified service pursuant to New York State Civil

Service Laws, rules and regulations as well as student employees on the college payroll.

**Professional Responsibility:** For the purposes of this policy only, professional staff and other college personnel shall be deemed to have professional responsibility to a student when that person has a job-related duty that can impact the student's educational or professional career; specifically, where they have decision-making authority that may impact student learning, student life or student welfare, they have professional responsibility.

In addition, a public safety officer shall be deemed to have a professional responsibility at any time that they are on duty, or when the member is directly involved in an ongoing investigation in which the student is a target, witness, person of interest or subject of an investigation, criminal matter, inquiry, or campus administrative action, or when the member is involved in an open case or action in which the student or other staff is either the plaintiff/complainant/defendant or potential plaintiff/complainant/defendant.

A healthcare professional working in a campus student health services/wellness center cannot commence a romantic relationship with a student for whom they are providing direct patient medical care. In addition, such healthcare provider shall not provide direct patient medical care to a student with whom they have had or are having a consensual romantic relationship (unless it is an emergency and no other healthcare provider is available on campus).

**Professional Staff:** All persons occupying positions designated as being in the unclassified service. This includes academic employees, professional employees and management/confidential employees.

**Romantic Relationship:** An intimate, sexual and/or any other type of amorous encounter or relationship, whether casual or serious, short-term or long-term. Such a relationship exists in a marriage, domestic partnership, or outside of marriage or domestic partnership between two persons who have a sexual union or who engage in a romantic partnering or courtship that may or may not have been consummated sexually.

**Student:** An individual whose primary relationship to the college is in their role as a matriculated or non-matriculated student including individuals in certificate programs and other traditional and nontraditional academic programs. This definition does not include employees who are taking a non-matriculated course that is not part of an academic program. Status begins at payment of deposit to enroll or equivalent and continues to completion of all academic requirements and graduation or conferral of the certificate. This applies regardless of the age of the

student and the age of the faculty or staff member.

**Supervisory Relationship:** A relationship in which an employee has the authority to make, recommend or impact decisions regarding hiring, termination, appointment, reappointment, promotion, assignment of duties, evaluation, or changes in compensation or benefits for another individual.

### **III. Employee Applicability:**

This policy governs professional staff or other college personnel, whether employed full-time, part-time or in volunteer status, whether or not they receive monetary compensation. This definition does not apply to student employees on the student assistant, student aid or college work-study payroll.

### **IV. Policy**

#### **A. Students:**

SUNY Ulster professional staff or other college personnel, are prohibited from entering into romantic relationships with any students for whom such staff or personnel have current or reasonably foreseeable supervisory, instructional, or other professional responsibility.

#### **B. Employees in Supervisory Role:**

SUNY Ulster professional staff or other college personnel are prohibited from supervising any employee with whom they are currently engaged or in the past have been engaged in a romantic relationship. Professional staff or other college personnel who enter a romantic relationship with an employee for whom they provide direct line supervision must notify their direct supervisor or department/unit head, and such department/unit head shall notify the Personnel Director or designee. The employee's supervisor or department/unit head, in concert with the Personnel Director or designee, shall determine whether an alternative supervisory structure is practicable and if so, shall direct the employees to the alternative supervisory structure. The conclusion of the relationship (whether amicably or not), does not change the prohibition stated herein.

There is no prohibition or reporting requirement for SUNY Ulster professional staff or other college personnel who enter, are currently engaged in, or in the past have been engaged in romantic relationships with other faculty and staff where there is no direct line advisory relationship. However where a romantic relationship exists or has existed, professional staff or other college personnel shall recuse

themselves from any personnel decisions regarding the other individual including hiring, termination, appointment, reappointment, promotion, assignment of duties, evaluation or changes in compensation or benefits for the other individual or, in the alternative, notify college administration so that they can be removed from the decision-making process.

There are no prohibitions or reporting requirements for consensual social interactions between SUNY Ulster professional staff or other college personnel, regardless of supervisory relationship, that are not romantic, intimate or sexual in nature.

**C. Pre-Existing Relationships:**

Relationships between professional staff or other college personnel and a student, or employee for whom the employee will have supervisory, instructional, or other professional responsibility that predate enrollment as a student, the existence of a supervisory, instructional or professional responsibility, or hire as staff are permissible provided that the employee notifies their direct supervisor or department/unit head and that the department/unit head shall notify the Personnel Director or designee. The supervisor or department/unit head and the Director of Personnel or designee will work with the covered individuals to ensure that they are not in a direct supervisory or instructional relationship (and, if so, will develop a management plan for the employee), but there is no prohibition on maintaining the relationship. Individuals with hiring or admission authority may not be responsible for hiring or admitting an employee or student of any level, with whom they are currently engaged or have in the past been engaged in a romantic, intimate, and/or sexual relationship.

**V. Reports and Investigation:**

While the primary reporting office for violations of this policy is the Department of Human Resources, reports of violations of this policy may be brought to the college Title IX Coordinator, Vice President for Administrative Services, Vice President for Academic Affairs, or their designee.

Monitoring the status of alternative supervision is the responsibility of the area Vice President or designee. All documentation under this policy shall be maintained in the Department of Human Resources.

Retaliation for making a report or participating in a process under this policy is prohibited. The college prohibits an individual knowingly filing a false claim or making representations of sexual misconduct. A complaint made in good faith is not considered false merely because the evidence does not ultimately support the allegation of sexual misconduct. If an investigation results in a finding that a

person who has accused another of sexual misconduct has acted maliciously or has recklessly made false accusations, the reporting party will be subject to appropriate sanctions. It is important to note that due process considerations may limit the ability to investigate or resolve anonymous complaints.

#### **VI. Discipline:**

Violations of this policy may result in disciplinary charges up to and including termination. Any disciplinary action shall be taken pursuant to the applicable collective bargaining agreement.

#### **C. Sexual Harassment Complaint**

A sexual harassment complaint shall be defined as any meeting or discussion between the complainant and a college official (see below), the purpose of which is to inform the college that sexual harassment may be occurring and to provide information sufficient to identify the accused. Once this meeting or discussion has occurred, the college is considered by law to be "on notice" and is required to investigate such a complaint.

A complaint is an allegation of a violation of college policy. Until an investigation process has been completed, no inferences can be drawn as to the truth or falsity of the allegation.

A college official is any person charged with the responsibility for preventing, investigating, resolving or reporting sexual harassment complaints (e.g., Affirmative Action Officer, Supervisor, Department Head, Dean, Vice President, or President).

Nothing in the policy should be construed as in any way limiting students' or employees' rights to file a complaint with the New York State Division of Human Rights, the U.S. Department of Education Office for Civil Rights or the U.S. Equal Employment Opportunity Commission, or to take any legal action which they may deem advisable.

#### **III. GENERAL POLICY STATEMENT**

It is the policy of SUNY Ulster to promote a cooperative work and academic environment in which there exists mutual respect for all College students, faculty, and staff. Harassment of employees or students based upon sex is inconsistent with this objective and contrary to the College policy of equal employment and

academic opportunity without regard to age, sex, sexual orientation, alienage or citizenship, religion, race, color, national or ethnic origin, handicap, and veteran or marital status. Sexual harassment is illegal under federal, state, and local laws, and will not be tolerated within the College.

SUNY Ulster will disseminate this policy and take other steps to educate the College community about sexual harassment. The College will establish procedures to ensure that investigations of allegations of sexual harassment are conducted in a manner that is prompt, fair, thorough, and as confidential as possible under the circumstances, and that appropriate corrective and/or disciplinary action is taken as warranted by the circumstances when sexual harassment is determined to have occurred.

Members of the College community who believe themselves to be aggrieved under this policy are strongly encouraged to report the allegations of sexual harassment as promptly as possible. Delay in making a complaint of sexual harassment may make it more difficult for the College to investigate the allegations. All members of the College community are required to cooperate in any investigation of a sexual harassment complaint.

**A. Assignment of Responsibility**

1. President, Vice President, Deans, Directors, Department Heads, Supervisors and Managers.
2. It is the responsibility of these officials to prevent sexual harassment if possible and correct it where it occurs. This responsibility includes taking disciplinary and/or corrective action when appropriate.
3. It is the responsibility of these officials to provide information to their employees, staff, faculty, and students regarding the procedures and resources described in this document. Because of the serious and sensitive nature of sexual harassment and the developing case law in this area, persons with inquiries or complaints should be referred to the Affirmative Action Officer. When issues relating to sexual harassment are brought to their attention, college officials should refer to this policy and call the Affirmative Action Officer for assistance.

The Affirmative Action Officer has overall responsibility for the investigation of allegations of sexual harassment, and for the conduct of sexual harassment resolution proceedings. The Affirmative Action Officer may appoint one or more qualified designees for the purposes of taking complaints, investigating complaints

and conducting the informal and formal resolution process. Employees, students and others who believe they are being sexually harassed, or retaliated against, and college officials who receive reports of sexual harassment or retaliation should contact the Affirmative Action Officer, who is the Vice President and Dean of Enrollment Management, located in Vanderlyn Hall Room 119, 845-687-5070.

**B. Education**

Promoting awareness of the definition and consequences of sexual harassment is an essential element of this policy. Programs will be developed and implemented to educate members of the SUNY Ulster community to the nature and seriousness of this offense; to promote awareness and prevention; and to identify appropriate procedural processes to address sexual harassment offenses. The intent of the policy is to inform all persons who participate in college programs and activities about their right to file a harassment complaint and the procedures for doing so if there is an infringement upon that right.

**C. Protection from Retaliation for Complaining Party and Witnesses**

Federal and State law and college policy prohibits any form of retaliation against a person who files a discrimination complaint, including a charge of sexual harassment. A faculty member, administrator, staff member, student, member of the public, or applicant for employment may not be subject to restraint, interference, coercion, intimidation or reprisal for action taken in good faith to seek advice concerning a sexual harassment matter, to file a sexual harassment complaint or to serve as a witness in the investigation of a sexual harassment complaint. Complainants or others involved in filing or investigating a complaint who believe they are a target of retaliation or intimidation should report this immediately to the Affirmative Action Officer.

**D. Charged Party: Protection from Bad Faith Complaints**

Members of the College community who make false and malicious complaints of sexual harassment, as opposed to complaints which, even if erroneous, are made in good faith, will be subject to disciplinary action.

**E. Confidentiality**

All individuals who are involved in the complaint reporting, informal resolutions and investigative process are required to maintain confidentiality of the proceedings and not reveal any information that they learn in the course of these proceedings.

Persons seeking information on a situation or behavior that may constitute sexual harassment should be aware of the following: If the person making the inquiry wishes to ensure that the discussion remains completely confidential and that no action is taken unless they wish to pursue the matter, it is essential that the inquiry or request for information remain non-specific and the person making the inquiry not disclose information sufficient to identify the accused. This is necessary because the college is legally obligated to investigate, even without the inquirer's consent, once it is informed that harassment may be occurring.

If a victim discloses an incident to a responsible employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the College must weigh that request against the College's obligation to provide a safe, non-discriminatory environment for all students, including the victim. If the College honors the request for confidentiality, a victim must understand that the College's ability to meaningfully investigate the incident and pursue disciplinary action against the accused may be limited. Although rare, there are times when the College may not be able to honor a victim's request in order to provide a safe, non-discriminatory environment for all students. The College has designated the following individual(s) to evaluate requests for confidentiality once a responsible employee is on notice of alleged sexual violence:

| Requests for Confidentiality    |
|---------------------------------|
| William Ryan - College Attorney |

When weighing a victim's request for confidentiality or that no investigation or discipline be pursued, the College Attorney will consider a range of factors, including the following:

- The increased risk that the accused will commit additional acts of sexual or other violence, such as:
  - whether there have been other sexual violence complaints about the same accused individual;
  - whether the accused has a history of arrests or records from a prior school indicating a history of violence;
  - whether the accused threatened further sexual violence or other violence against the victim or others;
  - whether the sexual violence was committed by multiple perpetrators;
  - whether the sexual violence was perpetrated with a weapon;
  - whether the victim is a minor;
  - whether the College possesses other means to obtain relevant evidence of the sexual violence (e.g., security cameras or personnel, physical evidence);



- o whether the victim's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead the College to investigate and, if appropriate, pursue disciplinary action. If none of these factors is present, the College will likely respect the victim's request for confidentiality. If the College determines that it cannot maintain a victim's confidentiality, the College will inform the victim prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the College's response. The College will remain ever mindful of the victim's well-being, and will take ongoing steps to protect the victim from retaliation or harm and work with the victim to create a safety plan. Retaliation against the victim, whether by students or College employees, will not be tolerated.

When a complainant requests an informal review, the names of the involved individuals and units must be identified to the Affirmative Action Officer or the Affirmative Action Officer's designee. If a decision is made to go forward with an informal review, the charged party has a right to the name of the complainant and the charge. Non-complaining parties, e.g., witnesses, will not be disclosed and the privacy interests of these non-complaining parties will be protected.

#### **IV. COMPLAINT PROCEDURES**

Employees and students are encouraged to seek information regarding complaint resolution from any of their Supervisors, Department Chairs, Affirmative Action Officer or other college officials. Employees and students also retain the right to seek resolution through external alternatives such as agencies of the federal or state government.

##### **A. Complaint Reporting**

Any faculty member, staff employee, or student who believes they have been victimized by sexual harassment is encouraged to promptly contact the Affirmative Action Officer, who is the Vice President and Dean for Enrollment Management, Vanderlyn 119B. In the event a situation occurs that warrants immediate action during non-business hours (weekends, evenings and at night) the complainant should contact Campus Public Safety for assistance at 845-687-5036 or 845-687-5221.

The Affirmative Action Officer reports to the President and is charged with the implementation of the college's non-discrimination obligations. The Affirmative Action Officer has the primary responsibility of accepting and processing

discrimination complaints, including complaints charging a faculty member, staff employee or student with sexual harassment. The Affirmative Action Officer may appoint one or more qualified designees for the purposes of taking complaints, investigating complaints and conducting the informal and formal resolution process. Complaints initially made to other college officers or personnel must be reported by the official or personnel to the Affirmative Action Officer. Efforts to resolve complaints through informal intervention, mediation or investigation will be undertaken impartially and in as prompt and as confidential a manner as possible.

If, in the opinion of the Affirmative Action Officer, or the designee, the assistance of an advocate for the complainant would be likely to assist in the taking of the complaint and the investigation thereof the Affirmative Action Officer, or the designee, shall so advise the complainant and the complainant, if they choose, may propose an advocate. The use of an advocate, or any particular advocate, shall be at the discretion of the Affirmative Action Officer, or the designee. The use of an advocate is intended to facilitate communication between the complainant and the Affirmative Action Officer, or the designee, but the Affirmative Action Officer, or the designee, shall always have direct access to the complainant.

In the event an informal or formal complaint is filed against the Vice President, the complainant will report the complaint to the President, who shall appoint an Executive Staff Member who will conduct an investigation in consultation with the college attorney. In the event an informal or formal complaint is filed against the President, the Affirmative Action Officer shall inform the Chair of the Board of Trustees who shall engage a qualified outside professional or professionals to investigate the charges and provide a written report with recommendations to the Board of Trustees.

If the alleged harassment is deemed to be criminal behavior, the Affirmative Action Officer will notify Public Safety of the situation and request Public Safety's assistance and involvement. The Affirmative Action Officer, or the designee, will receive access to Public Safety's investigation notes and findings as necessary for the investigation, so long as it does not compromise the criminal investigation.

#### Time Period for Filing a Complaint

Prompt reporting of a complaint, before the behavior becomes severe or pervasive, is strongly encouraged. This will allow for a rapid response to and resolution of the objectionable behavior. Ordinarily, complaints should be filed with the Affirmative Action Officer, or the designee, within ninety (90) days after the last act alleged to constitute sexual harassment has occurred, or receipt of the final grade which is alleged to be the product of sexual harassment.

Notwithstanding the foregoing the Affirmative Action Officer may waive the ninety (90) day reporting requirement due to extenuating circumstances. Examples of extenuating circumstances include, but are not limited to, evidence of a pattern of misconduct on the part of the party charged, threats of retaliation made by a party charged to a complainant or a witness or facts showing a power imbalance between the party charged and the complainant or witness which contributed to a delay in reporting.

### Election to File Internally Versus Externally

The Affirmative Action Officer is the SUNY Ulster official responsible for accepting and handling complaints of discrimination, including sexual harassment. The Affirmative Action Officer may appoint one or more qualified designees for the purposes of taking complaints, investigating complaints and conducting the informal and formal resolution process. The complaining party is encouraged to have the complaint investigated and mediated internally in accordance with these procedures. Once notified, the College will take immediate and appropriate corrective action when it determines that harassment has occurred. The complaining party is free at any time (before or after the filing of a complaint) to file a charge or institute formal proceedings before a Federal or State agency authorized by law to investigate such claims. If a formal proceeding before a Federal or State agency is instituted or a lawsuit is filed, the Affirmative Action Officer will proceed in the manner most appropriate under the circumstances, understanding that the College's role may be altered from independent investigator to a respondent or defendant.

**Note:** The complainant must elect a single on-campus procedure (informal or formal) in an attempt to resolve the complaint.

### Notice to Parties

Once a determination is made to open an investigation that may lead to disciplinary action against the responding party written notice of the allegations shall be provided to the responding party, including sufficient details and sufficient time to prepare a response before an initial interview. Each party shall receive written notice in advance of any interview or hearing with sufficient time to prepare for meaningful participation.

## **B. Informal Complaint Resolution**

Sexual harassment complainants have the option of pursuing informal complaint resolution through the Affirmative Action Officer. The College official who received the sexual harassment complaint must refer all complaints to the Affirmative Action Officer for disposition. The informal sexual harassment complaint resolution process is limited to voluntary resolution of complaints agreed to by both parties. The informal complaint resolution process will not be used to resolve sexual assault complaints.

The procedures for informal complaint resolution are as follows:

1. Ideally the informal review should be completed within 15 days. The Affirmative Action Officer, or the designee, may extend that period due to extenuating circumstances or if he/she believes that given additional time, a resolution can be achieved.
2. The Affirmative Action Officer, or the designee, will interview parties relevant to the complaint (complainant, accused, witnesses if any, other third party persons who can provide information pertinent to the complaint); collect and review information; record results of their preliminary review; offer information and advice, and attempt to achieve voluntary resolution of complaints. Voluntary resolution may include, but is not limited to:
  - a. Counseling and training of the accused and/or complainant if appropriate;
  - b. Apology by the accused, if appropriate;
  - c. Academic or non-academic reassignment to minimize contact between the parties (assignment to another section, course, academic advisor, work supervisor, work area, supervisor, etc.);
  - d. In the event that inappropriate behavior has been deemed to exist, solicitation of assurances that the inappropriate behavior will cease.
3. The review is completed when the Affirmative Action Officer, or the designee, sends written confirmation to the complainant and the accused that informal efforts to resolve the complaint have been concluded.

This will occur when:

- a. The complainant determines that the issue has been resolved satisfactorily; or

- b. Either the complainant or the Affirmative Action Officer feels that efforts to resolve the complaint by informal means are no longer desirable or productive; or
  - c. The Affirmative Action Officer determines that the complaint involves conduct that does not meet the definition of sexual harassment (e.g., involves conduct of a completely non-sexual nature) and thus is not appropriate for resolution under these procedures; or
  - d. The Affirmative Action Officer's decision results in a factual determination that sexual harassment has not occurred (a "no cause" finding). The decision will include, if appropriate, reasonable steps to restore the reputation of the accused party, such as expungement of records, and unless the charged party otherwise requests, notification to persons who participated in the investigation of the complaint.
4. If the investigation reveals that the complaint is malicious, or knowingly false, or fundamentally frivolous, the Affirmative Action Officer shall dismiss such charges and the investigation will be promptly terminated.

**C. Formal Complaint Resolution**

If either party elects the formal complaint investigation process, or if the complaint alleges sexual assault, then the Affirmative Action Officer, or the designee, initiates that process. Electing this process does not preclude resorting at this stage or later to other remedies external to this procedure.

All parties to a complaint will be assured of their right to due process.

This formal complaint process differs from the informal process in several respects: The investigation reports, documentation and written records summarizing the statements of the complaining party, charged party, and any witnesses may be used as documentation for the formal investigation and for any corrective actions recommended to the appropriate college official. Involuntary disciplinary sanctions may result.

Final adjudication for a "cause" finding in a formal complaint of sexually harassing or threatening behavior by an undergraduate student that is non-employment related will be processed in accordance with the student conduct rules and procedures. However, student complaints related to the conduct of their employment, arising in the performance of assigned job duties, will be processed in accordance with the employee procedures set forth in this document.

1. Purpose and Scope of Investigation

The formal complaint resolution process begins with an investigation into the facts. A three-person panel (co-investigators) comprised of Executive Staff reporting directly to the President will conduct the fact-finding process. This formal complaint process should be conducted and completed as expeditiously as possible, preferably within 30 calendar days from the initiation of the formal complaint. The purpose of the investigation is to make a reasonable determination as to the merits of the sexual harassment allegations. In making their determination, the co-investigators will apply the conventional "preponderance of the evidence" standard - proof which leads the finder of fact to find that the existence of the contested fact is more probable than its nonexistence.

The investigation process will not be open to the public. During the proceedings either party shall have the opportunity to cross-examine adverse witnesses. In the appropriate case, as determined by the panel, testimony and cross-examination may be conducted through electronic means. In addition, any party may request that cross-examination questions be formulated and presented to the panel which will be then addressed to the witness or party by a panel member. The complaining and charged parties are free to seek the advice of advisors (including attorneys, union representatives and/or student advocates) throughout the investigative process. Such representatives may accompany their clients or advisees during the investigation process; however, they may not address the investigation panel. If required by the relevant union contracts[s] and desired by the persons involved, the complaining and charged parties' union representatives, if any, will be notified of the initiation of proceedings under this subsection.

In addition to interviewing the parties, the co-investigators may interview witnesses and gather whatever additional information, such as records and documents, they deem necessary to present their findings and recommendations in the investigative report.

2. Consultation

Whenever an investigation is conducted, the President, Vice President, Dean of Administration and the College Attorney may be consulted, as necessary.

3. Investigation Report

At the conclusion of the investigation, the co-investigators will prepare a written report explaining the scope of the investigation and render a determination as to the merits of the sexual harassment allegations. The co-investigators' determination must be based on preponderance of the evidence – proof, which

leads the finder of fact to find that the existence of the contested fact is more probable than its nonexistence.

The Affirmative Action Officer will forward the investigation report in confidence to the President.

If the investigation results in a factual determination that the sexual harassment allegations have merit (a “cause” finding), then the report will include recommendations concerning corrective actions or disciplinary sanctions to be taken against the charged party and specific make-whole provisions for the benefit of the complaining party where appropriate.

4. Disposition of Complaint

After receiving the report of the investigation, the President may accept the findings as reported, or may request further investigation into the allegation.

Prior to making a decision with respect to findings or recommendations in the report, the President must first forward the report to the complaining party and the charged party, and provide both parties a reasonable opportunity to submit written comments (within ten calendar days). The President should complete his/her review and determination within ten (10) calendar days of receiving any such written comments.

The President may also confidentially consult with the College Attorney concerning the sufficiency of the investigation, the factual findings, and the related recommendations (if any); and with the charged party’s supervisor or department head if disciplinary actions are recommended. The final disposition will depend upon the nature of the findings in the investigation report and the employment status of the charged party, as explained below. The President’s findings shall be based on a preponderance of the evidence.

5. “No Cause” Finding

If the decision of the President affirms a factual determination that sexual harassment has not occurred, the College’s internal complaint resolution process is concluded. The charged party and the complainant will be informed of the determination. The complaining party will be informed of his or her rights with regard to other external avenues of complaint processing.

6. “Cause” Finding – Uncontested

If the charged party does not contest a “cause” finding and the recommended corrective action(s), the President may determine to accept

the report and notify the parties that the complaint resolution is concluded (subject to implementation of and compliance with the corrective actions).

The President may accept an uncontested “cause” finding, but may suggest modifications to the recommended sanction(s) to the co-investigators.

7. “Cause” Finding – Contested

A formal investigation procedure may result in disciplinary or corrective action that may entitle the accused party to invoke personnel or student grievance policies and procedures or collective bargaining agreement grievance procedures. Additional information is available from designated staff in the Human Resources office on campus.

8. Appeals

Either party (the complaining party or the charged party) may appeal the finding and decision by the President. The appeal shall be made to the Chairperson of the Board of Trustees, shall be in writing and shall be received by the Secretary to the Board of Trustees within fifteen (15) calendar days of the date of the written decision appealed from. All such appeals will receive a written response within 30 calendar days of receipt. The decision of the Chairperson of the Board of Trustees will be final. There is no provision for an in-person appeal.

**D. Disciplinary Action**

Following appropriate procedures as provided by College policies, and pursuant to the appropriate administrator’s authority for disciplinary actions, the responsible administrative authority may initiate disciplinary action against the accused.

Disciplinary and/or corrective action taken against College employees will be in accordance with the applicable personnel policies and procedures or collective bargaining agreement. If discipline/corrective action is taken, the person disciplined has the right to file a grievance under the procedure appropriate to his/her status alleging that the discipline/corrective action was unreasonable under the circumstances or that applicable policies or contractual provisions were violated.

Disciplinary and/or corrective action taken against SUNY Ulster students will be in accord with the applicable student conduct rules.

**E. Notice to Parties**



Both parties shall be notified contemporaneously in writing of the outcome of both the complaint and any appeal. Notice shall be by mail to a party's address as contained in the college records. Sanctions imposed upon a student shall be disclosed in said notice to the extent sanctions bear a relationship to the complainant.

## V. RECORDS

1. A file, containing investigative reports and other documents relevant to complaints, both informal and formal, will be maintained by the Affirmative Action Officer. These files will be maintained separately from other employee personnel files.
2. When the complainant chooses not to identify themselves or others, or not to request the assistance of the College in resolving the issue, the only document maintained will be the information/situation report, which will be retained for three years.
3. Records of investigated complaints in which sexual harassment is factually determined not to have occurred (i.e., "no cause" findings) will be confidentially maintained for a period of three years, or until the conclusion of any external agency investigation or legal action.
4. Records of complaints which, following investigation, resulted in a factual determination that sexual harassment had occurred (i.e., "cause" findings) will be maintained permanently.

Access to such records is strictly limited to College officials directly involved in the investigation, adjudication or implementation of the complaint resolution process.

## VI. RESOURCES AND REFERENCES

Education and training programs for faculty, staff, students, department heads, supervisors and managers can be arranged by contacting the Office of Human Resources. Information regarding the policy is available in departments, through the Office of Human Resources or through the Affirmative Action Officer.

### **Federal and State Regulations**

Sexual harassment is prohibited by law and by governmental agency regulations. These regulations are rigorous and subject the College to substantial liability if it fails to take positive action to prevent and resolve such behavior.

1. **EEOC Title VII** regulations state that an employer is responsible for its acts and those of its agents and supervisory employees with respect to sexual harassment regardless of whether the specific acts complained of were authorized or even forbidden by the employer, and regardless of whether the employer knew or should have known of their occurrence. They also state that "an employer is responsible for acts of sexual harassment in the workplace where the employer (or its agents or supervisory employees) knows or should have known of the conduct, unless it can show that it took immediate and appropriate administrative action." The EEOC will examine the circumstances of the particular employment relationship and the job functions performed by the individual in determining whether an individual acts in either a supervisory or agency capacity. Supervisors and other College officials are responsible for knowing these regulations and being informed of the procedures to be used when acts of sex discrimination or sexual harassment are alleged.
2. These standards are also applied as they relate to **Title IX regulations of the Education Amendment of 1972**, which prohibit discrimination in any Federally funded higher education program.
3. **The New York Human Rights Law, NY Exec. Law 290-301 (1982 & Supp. 1991)** prohibits discrimination in employment based on sex. The law also prohibits any employer, labor organization, employment agency or person from discriminating or retaliating against an individual because that individual has opposed any practice forbidden under the law or because the individual has filed a complaint, testified or assisted in any proceeding concerning an unlawful practice under the law.
4. **New York Executive Order No. 19 (May 31, 1983)** directs the heads of each department, agency, commission, board, or other state entity to take preventive affirmative action against sexual harassment, which is defined as unwelcome sexual advances, request for sexual favors, and sexually motivated physical conduct or other verbal or physical conduct of a sexual nature.
5. **New York CLS Penal Law 240.25** prohibits harassment on the basis of sex, race, national origin, color, creed, marital status or disability.
6. Inquiries may also be directed to the United States Department of Education's Office for Civil Rights, 32 Old Slip 26th Floor, New York, NY 10005-2500; Tel. (646) 428-3800; Email [OCR.NewYork@ed.gov](mailto:OCR.NewYork@ed.gov) and/or the

New York State Division for Human Rights by calling 1-888-392-3644 or at <http://www.dhr.ny.gov/how-file-complaint>.

**VII. RELATED POLICIES**

1. SUNY Grievance Procedures for Review of Allegations of Discrimination
2. SUNY Ulster Faculty/Staff Handbook
3. SUNY Ulster Student Handbook
4. EEOC Guidelines on Discrimination Because of Sex, U.S. Code of Federal Regulations 29, Part 1604.11 Sexual Harassment, 1989

Adopted April 20, 2004 (04-4-47)  
Amended March 21, 2006 (06-03-48)  
Amended December 18, 2007 (07-12-150)  
Amended January 17, 2012 (12-1-19)  
Amended March 18, 2014 (14-3-52)  
Amended February 16, 2016 (16-2-43)  
Amended May 15, 2018 (18-5-103)  
Amended March 17, 2020 (20-03-39)

|                       |                                   |
|-----------------------|-----------------------------------|
| <b>Policy Section</b> |                                   |
| <b>4.14</b>           | <b>ESSENTIAL PERSONNEL POLICY</b> |

Approval Date: January 15, 2008

WHEREAS the possibility exists that natural or man-made events could create an emergency at the College, significantly compromising campus operations and creating the need to limit access to the campus temporarily, an operational plan identifying personnel who may have access to the campus and delineating accountability, responsibility and resources and identifying the personnel needs to be developed with appropriate Board policy in place, and

WHEREAS those positions designated as Essential Personnel are responsible for preparedness, response, and recovery planning, and

WHEREAS when the need for *only* Essential Personnel to be on campus exists, this excludes all other personnel from access to campus, unless exceptions are made by the President or his or her designee, and

WHEREAS the Vice President recommends and the President concurs, and

WHEREAS the Personnel Committee has met, reviewed and agrees with this recommendation, now, therefore, be it

RESOLVED that the following essential functions are required to support the maintenance of SUNY Ulster properties and resources:

- Public Safety/Police to maintain order on all campuses and to ensure the safety of other essential personnel,
- Building/Grounds to preserve the integrity of campus buildings,
- Administrative to create a campus control center providing support and direction of personnel involved in all functions identified as essential, and be it further

RESOLVED that the following positions are designated to perform these essential functions falling within their scope when called upon to do so:

- Director of Public Safety, Public Safety Personnel and all Campus Peace Officers,
- Director of Plant Operations and all Maintenance and Plant Operations personnel,
- President, Senior Vice President of Enrollment Management and Student Services, Vice President for Academic Affairs, Vice President for Administrative Services, Associate Vice President for Workforce, Economic Development and Community Partnerships, Executive Director of External Relations and Institutional Advancement, and Executive Assistant to the President,
- Registrar,
- HR and payroll personnel,
- Assistant Dean of Student Services and Athletic Director,
- Chief Information Officer of and all Office of Information Technology personnel,
- Coordinator of Procurement & General Services and Purchasing Agent,
- Coordinator of Operations/Continuing & Professional Education,
- Health Services Coordinator and all Health Services Staff,
- Receptionist(s) at Switchboard.

RESOLVED that the declaration of an Essential Personnel Emergency shall be made by the President or the President's designee.

Adopted January 15, 2008 (08-1-13)  
Revised September 15, 2009 (09-9-138)  
Revised January 19, 2010 (10-1-06)  
Revised January 22, 2014 (14-1-29)  
Revised November 17, 2015 (15-11-144)  
Revised March 21, 2017 (17-3-203)

|                       |                                 |
|-----------------------|---------------------------------|
| <b>Policy Section</b> |                                 |
| <b>4.15</b>           | <b>STANDARD WORK DAY POLICY</b> |

Approval Date: May, 2009

WHEREAS, the New York State and Local Retirement System requires a Board Policy for reporting purposes that establishes the standard work day for all positions at Ulster County Community College, and

WHEREAS the recent State of New York Comptroller's Examination of employers in the N.Y.S. Employees Retirement System raised issues of the College's Standard Work Day, and

WHEREAS the President recommends a formal policy statement from the Board of Trustees, and

WHEREAS the Personnel and Educational Committees of the Board have met and concur, now therefore, be it

RESOLVED that the Board of Trustees hereby establishes that the standard full-time work day for Ulster County Community College is seven hours per day, 35 hours per week.

Adopted May, 2009 (09-5-72)

|                       |  |
|-----------------------|--|
| <b>Policy Section</b> |  |
| <b>4.16</b>           | <b>PANDEMIC INFLUENZA SOCIAL DISTANCING POLICY</b> |

Approval Date: September 2009

WHEREAS, the Vice President and Dean of Enrollment Management recommends, and the President concurs, and

WHEREAS, the Personnel, Educational Programs and Services Committee has met and concurs, and

WHEREAS, it is the responsibility of the Board of Trustees to ensure the safety of SUNY Ulster County Community College’s students, faculty, and staff, and

WHEREAS, social distancing is a recommendation of public health professionals in the event of a flu pandemic, and

WHEREAS, a social distancing policy suspends classes and other public gatherings and places limits on campus business to help prevent the person-to-person spread of influenza, and

WHEREAS, if a severe influenza pandemic were to occur at SUNY Ulster County Community College, it is recommended that the College’s leadership plan to implement a social distancing policy early in the period of contagion for a period of 1 to 8 weeks, and

WHEREAS, continuity of instruction and continuity of business planning templates will be developed to address critical issues surrounding academic instruction and college business in the event of a 1 to 8 week interruption of instruction and limitation on business; now, therefore, be it

RESOLVED, that the Board of Trustees adopt the Ulster County Community College Pandemic Influenza Social Distancing Policy, and be it

FURTHER RESOLVED, that the Pandemic Influenza Social Distancing Policy be periodically reviewed and updated by SUNY Ulster County Community College’s leadership.

**ULSTER COUNTY COMMUNITY COLLEGE**  
**Stone Ridge, NY 12484**  
**September 1, 2009**

**Pandemic Influenza Social Distancing Policy**

*(Adapted from the University of California Irvine Pandemic Influenza Social Distancing Policy)*

**I. A. Best Practice: Social Distancing**

Social distancing is a recommendation of public health professionals. A social distancing policy suspends classes and other public gatherings and places limits on campus business to help prevent the person-to-person spread of influenza. If a severe influenza pandemic were to occur at Ulster County Community College, we should expect to institute social distancing measures for a period of 1 to 8 weeks.<sup>1</sup>

To better prepare for the possibility of flu pandemic, it is recommended that the College's leadership plan to implement a social distancing policy **early** in the period of contagion. Section III, Guidelines for Implementation of Social Distancing, provides detail on this.

**B. Risks to the Campus**

The **biggest risk** is an easily transmissible deadly virus spreading to thousands of credit and non credit students and community residents who use the campus for business, recreational, and cultural events. Other risks are:

- Loss of academic progress for substantial number of students
- Loss of revenue
- Loss of income to Ulster County Community College employees

**II. A. Suspension of classes and other public gatherings**

Criteria for the decision to suspend classes includes one or more of the following:

- Confirmation of a high rate of infectivity, morbidity and/or mortality (World Health Organization (WHO) Phase 6)
- New York State, or Ulster County Department of Health recommendation to curtail/cancel public activities

---

<sup>1</sup> This is an estimate. The first pandemic influenza wave (mortality) in 1918 lasted four weeks. The second wave lasted eight weeks.



- New York State, or Ulster County Department of Health requirement to curtail/cancel public activities
- Falling class attendance
- Rising employee absenteeism

### **B. Continuity of instruction**

The Dean of Academic Affairs will provide leadership to academic departments with developing academic continuity planning templates to address the following issues in the event of a 1 to 8 week class interruption of instruction:

- Identify essential instructional functions that must continue
- Identify essential personnel to maintain these essential functions
- Arrange for alternative plans, such as independent study projects and/or distance learning, for instruction to continue where possible

In addition, the Dean of Academic Affairs will coordinate a college-wide rescheduled instructional calendar after the period of contagion has passed. Planning to address class interruptions is underway.

### **C. Continuity of business**

The President's Executive Staff comprised of the Vice President and Dean for Enrollment Management, Dean of Academic Affairs, Dean of Administration, Dean of Continuing and Professional Education and Executive Assistant to the President will further develop business continuity planning templates to address the following issues in the event of a 1 to 8 week limitation on business:

- Identify essential functions that must continue (Public Safety, Plant Operations)
- Identify essential personnel to maintain these essential functions
- Develop alternative work plans, i.e., telecommuting
- Recovery of full business operations

## **III. Guidelines on Trigger Points for Implementation of Social Distancing Policy**

Trigger Points A – F have been developed in conjunction with the WHO's heightened Phases of Alert to help guide the initiation of actions required to implement the campus

Social Distancing Policy. These trigger points, along with recommendations of the Centers for Disease Control, New York State Department of Health and the Ulster County Health Department, will help the President of Ulster County Community College time implementation of needed actions in the event of an influenza pandemic.

Trigger Points A - F:

- A. CDC recommends social distancing measures
- B. NYS Department of health recommends social distancing measures
- C. UC Health Department recommends social distancing measures
  
- D. CDC requires social distancing measures
- E. NYS Department of health requires social distancing measures
- F. UC Health Department requires social distancing measures

W.H.O. Phases of Alert

- W.H.O. Phase 4 Evidence of increased human-to-human transmission
- W.H.O. Phase 5 Evidence of significant human-to-human transmission
- W.H.O. Phase 6 Efficient and sustained human-to-human transmission

| Actions Needed  | Trigger Points |
|---|----------------|
| 1. Reduce face-to-face exposure by using conference calls and video conferencing where possible; avoid unnecessary travel; avoid shaking hands with others  | A, WHO 4       |
| 2. Stand-by mode for public gatherings on campus: <ul style="list-style-type: none"> <li>● Sick students, faculty, staff not allowed on campus (sent home if arrive to campus ill)</li> <li>● Notice to renters that non-instructional activities may be curtailed or cancelled;</li> <li>● Notice to prospective renters that non-instructional activities, including non-credit classes may be curtailed or cancelled;</li> </ul> | B, WHO 4       |
| 3. Curtail or suspend all non-instructional activities, such as limitation of performances, athletic events, recreational and cultural use of campus, and non-credit classes<br><small>*Limitations are set in consideration of staff, faculty &amp; student safety, e.g., proximity of human contact, per activity.</small>  | C, WHO 5       |
| 4. Cancel all non-instructional activities  | D, WHO 5       |

|  |                                       |
|--|---------------------------------------|
| 5. Suspend all in-person classes meeting in groups; well faculty and staff allowed on campus to continue instruction as described in instruction continuity plan | E, WHO 6                              |
| 6. Reduce campus staffing to essential personnel levels; instruction continuity plan in place  | F. WHO 6                              |
| 7. Campus closed to all but Security and Plant Operations. Instruction, Business and Student Support Continuity Plans in place.                                  | State of Emergency declared in County |

Adopted September 2009 (#09-9-139)

|                       |  |
|-----------------------|--|
| <b>Policy Section</b> |  |
| <b>4.17</b>           | <b>EVALUATION OF PROSPECTIVE EMPLOYEES WITH CRIMINAL HISTORY BACKGROUNDS</b> |

Approval Date: March 13, 2012

WHEREAS, currently the materials that prospective employees receive state clearly that the offer of employment is conditional based upon a successful completion of the finger printing procedure, and

WHEREAS, prospective College employees may self-report a criminal background history as part of the application process, and

WHEREAS, the College is desirous of creating a policy and procedure for the evaluation of prospective employees with a criminal history background, now therefore be it

RESOLVED that the Board of Trustees authorizes the establishment of an administrative committee comprised of the Director of Security, the Dean of Administration, the Associate Dean of Students, and the Dean of Advancement and Continuing Education to meet to review the facts contained in any criminal background report and to make a determination as to whether hiring the applicant would involve an unreasonable risk to property or the safety or welfare of specific individuals or the general public, and be it further

RESOLVED that the committee shall evaluate prospective employees with a criminal history background in a manner consistent with Article 23-A of the New York State Corrections Law.

Adopted March 13, 2012 (12-3-45)

|                       |                          |
|-----------------------|--------------------------|
| <b>Policy Section</b> |                          |
| <b>4.18.</b>          | <b>SEXUAL MISCONDUCT</b> |

Approval Date: August 19, 2014

WHEREAS, SUNY Ulster is committed to Board Policy 4.13 Sexual Harassment Policy and Procedures and to creating and maintaining an educational environment free from all forms of sex discrimination, and

WHEREAS, the Violence Against Women Act (“VAWA”) requires colleges and universities to adopt certain institutional policies to address and prevent campus sexual misconduct, and

WHEREAS, SUNY requires all institutions to be in compliance with the Clery Act, Title IX and the Violence Against Women Act (“VAWA”), and

WHEREAS, the “VAWA” Policy will be implemented in 2015 and the attached Sexual Misconduct Policy is an effort by SUNY Ulster to be in compliance with the forthcoming “VAWA” Policy, and

WHEREAS, the Vice President and Dean of Enrollment Management recommends, and the President concurs, and

WHEREAS, the Personnel, Educational Programs and Services Committee has met and concurs,  
 now, therefore be it

RESOLVED that the Board of Trustees approves the Sexual Misconduct Policy, a copy of which Policy is attached hereto.

## **Sexual Misconduct Policy**

### **Introduction**

#### **Policy Statement on Sexual Misconduct:**

SUNY Ulster is committed to creating and maintaining an educational environment free from all forms of sex discrimination, including sexual misconduct. Any act involving sexual harassment, violence, coercion, and intimidation will not be tolerated. Specifically, SUNY strictly prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking. These acts have a real impact on the lives of victims. They not only violate a person's feelings of trust and safety, but they can also substantially interfere with a student's education. It is the policy of SUNY Ulster that, upon learning that an act of sexual misconduct has taken place, immediate action will be taken to address the situation and punish the perpetrator. This includes working with State and local law enforcement to bring possible criminal charges, seeking disciplinary action through the College, and enforcing mandatory transcript notifications so other institutions are on notice of the offense committed.

SUNY Ulster encourages the reporting of sexual misconduct that is prompt and accurate. This allows the College community to quickly respond to allegations and offer immediate support to the victim. SUNY Ulster is committed to protecting the confidentiality of victims, and will work closely with students who wish to obtain confidential assistance regarding an incident of sexual misconduct. All allegations will be investigated promptly and thoroughly, and both the victim and the accused will be afforded equitable rights during the investigative process.

It is the collective responsibility of all members of the SUNY Ulster community to foster a safe and secure campus environment. In an effort to promote this environment and prevent acts of sexual misconduct from occurring, the College engages in ongoing prevention and awareness education programs. All incoming students and employees are required to participate in these programs, and all members of the College community are encouraged to participate throughout the year in ongoing campaigns and trainings focused on the prevention of sexual misconduct on campus.

## Scope

Who: This policy applies to all members of the SUNY Ulster community, including students, faculty, staff, visitors, independent contractors, and other third parties who are on campus and involved in an incident of sexual misconduct (this can be someone who witnessed an incident or who wishes to report an incident on behalf of another). The policy applies to these parties regardless of sexual orientation or gender identity.

What: This policy prohibits all forms of sexual misconduct. This broad term includes, but is not limited to, acts of sexual harassment, sexual violence, sexual coercion, sexual threats or intimidation, domestic violence, dating violence, sexual assault, stalking, and cyber-stalking. Please refer to the Definitions section for a list of terms and prohibited acts.

Where: This policy covers conduct that takes place on the College campus. This includes any building or property owned or controlled by SUNY Ulster and used in direct support of, or in a manner related to, the school's educational purposes, including dining halls and public property within or immediately adjacent to and accessible from campus. This also includes any building or property owned or controlled by a student organization that is officially recognized by the College and any building or property not within the same reasonably contiguous geographic area of the College that supports or relates to the school's educational purposes and is frequently used by students. This policy also covers conduct that takes place off-campus that may have a nexus to the College community.

Programs: This policy covers all educational, extracurricular, athletic, or other campus programs.

Activities: This policy covers all campus and school-related activities, including, but not limited to, student organizations (academic, multicultural, religious, service, social and support, sports and recreational), community organizations with student and/or faculty participation, and all other educational or extracurricular events hosted by or at the College.

Relationships: This policy covers sexual misconduct occurring between individuals in various types of relationships. These include, but are not limited to, student to student, staff to staff, faculty member to faculty member, visitor/contracted employee to faculty/staff, faculty member to student, staff to student, supervisor to subordinate, and coach to student athlete. Sexual misconduct may be acts committed by an individual or collective actions committed by members of a group or organization. These acts may be

committed against an individual or against a group or organization. These acts may be committed by a stranger, an acquaintance, or someone with whom the victim has a social, romantic, or intimate relationship. These acts may be committed by or against any individual, regardless of sexual orientation or gender identity.

**Confidentiality:** The College is committed to maintaining the privacy of all individuals involved in a report of sexual misconduct. While the College encourages victims to report an incident of sexual misconduct, there are many options available for students to speak with someone about what happened while maintaining confidentiality.

### Resources Available for Support

After an allegation that an act of sexual violence has occurred, including any act of dating violence, domestic violence, sexual assault, or stalking, the College offers students a range of protective measures.

- 1. Resources for Immediate Assistance:** The information below provides contacts for trained on- and off- campus advocates and counselors who can provide an immediate confidential response in a crisis situation. Also provided are emergency numbers for on- and off- campus safety, law enforcement, and other first responders.

**Confidential Resources:** The College encourages all members of the school community to report any incidents of sexual misconduct; however, there are several confidential resources available to students, faculty, and staff who are not yet ready to report an incident. These individuals can help a victim obtain needed resources, explain reporting options, and assist in navigating the reporting process. These resources are required by law to keep all communications confidential without an individual’s express consent to release information.

| On-Campus   | Off-Campus                              |
|---|---|
| (advocates)   | Domestic Violence Outreach 845 338 2370 |
| (counselors) Ashley Brown, LCSW-R<br>CONFIDENTIAL<br>Crisis Counselor<br>brown@sunyulster.edu<br>845 687 5192<br>VAN 119F | Family of Woodstock 845 679 2485        |
| Elena Valencia (she/her/hers)<br>CONFIDENTIAL<br>Crime Victims Counselor and “Enough Is Enough” Coordinator               | SANE 845 340 3363                       |



|   |                                       |
|---|---------------------------------------|
| <a href="mailto:neva@co.ulster.us">neva@co.ulster.us</a> , 845-332-5221,<br>VAN119K |                                       |
| (emergency response)  | Crime Victims Assistance 845 340 3443 |

**Campus Resources:** These are resources provided by the College community offering intervention services, counseling, academic support, and medical services. These resources are not bound by confidentiality, but will work together to maintain individual privacy.

| On-Campus  |
|--|
| (college police) Public Safety 845 687 5221  |
| (campus health services) Health Services 845 687 5246  |
| Assistant Dean of Students, Matthew Brennie 845-688-6068   |
| Title IX Coordinator, Kenneth Juras (he/him/his) TitleIX@sunyulster.edu, (845-687-5108), CLI 212 |

**Community Resources:** These are resources located off-campus in the local community offering intervention services and counseling.

| Off-Campus                                    |
|---|
| Ulster County Sheriff 845 338 3640            |
| State Police 845 338 1702                     |
| Family of Woodstock 845 679 2485/845 338 2370 |
| Crime Victims Assistance 845 340 3443         |

**Health Care Resources:** Medical assistance is available during business hours by calling 845 687 5246 or 24/7 by calling 845 687 5221. Every victim has the option to seek treatment for injuries sustained during an incident of sexual misconduct, preventative treatment for sexually transmitted diseases, and other health services. A medical exam is also an important way for a health provider to properly collect and preserve evidence.

| Immediate Medical Attention  |
|--|
| (911)  |
| (local hospital) Kingston Hospital 845 331 3131                          |
| (campus health services) Health Services 845 687 5246                    |
| (local rape crisis center) Family of Woodstock 845 679 2485/845 338 2370 |
| Crime Victims Assistance 845 340 3443                                    |

2. **Resources for Ongoing Assistance:** The information below provides contacts for trained on- and off- campus advocates who can provide on-going counseling, advocacy, and support following an incidence of sexual misconduct.

**Confidential Resources:** These are resources on- and off- campus where the victim may disclose confidentially with counseling, advocacy, health, mental health, or sexual-misconduct-related resources.

| On-Campus  | Off-Campus                              |
|--|---|
| (advocates)  | Domestic Violence Outreach 845 338 2370 |
| Elena Valencia (she/her/hers)<br>CONFIDENTIAL<br>Crime Victims Counselor and “Enough Is Enough” Coordinator<br><a href="mailto:neva@co.ulster.us">neva@co.ulster.us</a> , 845-332-5221,<br>VAN119K | Family of Woodstock 845 679 2485        |
| Ashley Brown, LCSW-R<br>CONFIDENTIAL<br>Crisis Counselor<br><a href="mailto:browna@sunyulster.edu">browna@sunyulster.edu</a><br>845 687 5192<br>VAN 119F   |   |

**Campus Resources:** These are resources provided by the college/university community offering counseling and support for victims of sexual misconduct, whether or not a victim chooses to make an official report or participate in the institutional disciplinary or criminal process. These individuals can also provide ongoing support during the institutional disciplinary and criminal process.

| On-Campus  |
|--|
| (crisis counseling) Ashley Brown, CONFIDENTIAL VAN 119F 845 687 5192 |
| Title IX Coordinator, Kenneth Juras (845-687-5108)                   |
| (campus health services) Health Services 845 687 5246                |

**Academic Accommodations:** The College is committed to ensuring the safety and well-being of the victim. A student who has been a victim of sexual misconduct may request an academic accommodation after a report of sexual misconduct. Any individual who makes a request will receive appropriate and reasonable accommodation. Possible requests include the ability to change academic schedules or work schedules, withdraw from or retake a class without penalty, and access academic support such as tutoring services.

**Interim Measures:** In situations where it is necessary, the College will take immediate steps to protect victims pending the final outcome of an investigation. These steps include the accommodations listed above in addition to issuing no contact orders.

Pending resolution of the complaint, the accused may be prohibited from contacting the victim and may be placed on suspension or denied access to campus. Also, the College may change the course schedule of the accused. Please refer to the Student Code of Conduct for disciplinary procedures related to acts of sexual misconduct.

### **Title IX Coordinator**

The Title IX Coordinator is responsible for the College's compliance with Title IX of the Education Amendments of 1972. In this role, the Title IX Coordinator administers the review, investigation, and resolution procedures for reports of sexual misconduct. Please refer to the Reporting Policies & Procedures section for additional information on the role and duties of the Title IX Coordinator.

**Kenneth Juras (he/him/his)**

Title IX Coordinator

[TitleIX@sunyulster.edu](mailto:TitleIX@sunyulster.edu), 687-5108, CLI212

**Jamie Capuano (she/her/hers)**

Affirmative Action Officer & Deputy Title IX Coordinator

[TitleIX@sunyulster.edu](mailto:TitleIX@sunyulster.edu), 687-5051, CLI212

**Meg Sheeley (she/her/hers)**

Deputy Title IX Coordinator

[TitleIX@sunyulster.edu](mailto:TitleIX@sunyulster.edu), 688-1946, VAN250

### **Reporting Policies & Procedures**

#### ***A. Where to Report All Acts of Sexual Misconduct/Violence***

##### **1. Filing a Complaint with the College:**

A student may file a complaint with one or more Offices, and each Office is prepared to assist the student with deciding on where complaints may be filed, if any, and the processes associated with each Office's complaint procedures. In addition, each Office is able to refer a student for academic accommodations and health care services.

A student may report sexual misconduct, including sexual harassment, sexual assault, domestic violence, dating violence, sexual assault, stalking, and cyber-stalking to the following offices:

1. Criminal complaint
  - a. Public Safety (687 5023 or in an emergency 687 5221)

2. Institutional complaint
  - a. Title IX Coordinator (687 5108)
  - b. Health Services (687 5246)
  - c. Crisis Counselor (687 5192)
  - d. Employee Discipline - Office of Human Resources (845 687 5251)

## 2. **Filing a Complaint with a State and/or Federal Agency:**

A student who is not satisfied with the College's handling of a complaint, may also file a complaint with federal and state agencies. Attached is an Appendix listing the agencies and their respective contact information.

## 3. **Dual Filing a Complaint with the College and a State and/or Federal Agency:**

In addition, the Complainant may file a complaint with the appropriate State or Federal agency at any point during the process.

### ***Role of the Title IX Coordinator in the Complaint Process:***

*The Title IX Coordinator shall be notified of all sexual misconduct complaints by the College employee who took the complaint in order for the Title IX Coordinator to oversee the complaint processes and accommodations for the student.*

## **B. Investigatory Procedures:**

1. ***Criminal complaints:*** the NYS and/or federal penal codes will apply, and the matter will follow the criminal processes through a police investigation, a referral to the District Attorney's Office for prosecution and the criminal court system for resolution.
2. ***Institutional complaints:*** the complaint will be handled through the College's Policy and Procedures Against Sexual Harassment.
3. ***Student Disciplinary complaints:*** the complaint will be handled through the College's Student Disciplinary Code.
4. ***Employee Disciplinary complaints:*** the complaint will be handled through the Office of Human Resources, in accordance with its procedures for complaints against management confidential employees, or for complaints against an employee who is a member of a union, in accordance with the disciplinary procedures set forth in the applicable NYS Collective Bargaining Agreements negotiated statewide through the NYS Governor's Office of Employee Relations.

C. **Evidentiary Standard in Institutional, Student Disciplinary and Employee Disciplinary Complaints:**

**Preponderance of the Evidence:** the standard of proof in sexual misconduct cases, which asks whether it is “more likely than not” that the sexual misconduct occurred.

**Potential Outcomes under the Procedures:**

1. **Criminal Complaints:** The complaint may result in criminal penalties, such as fine, community service, probation, jail sentence, registration as a sex offender with the NYS or federal data bases.
2. **Institutional Complaints:**
  - a. Under the **sexual harassment policy**, if there is a finding that a sexual assault may have occurred **and the alleged perpetrator is** A **student**, then the matter is referred to the Student Discipline process for student discipline, and the penalties may be disciplinary probation, suspension or expulsion from the College. An **employee**, then the matter is referred to the Office of Human Resources for employee discipline and the penalties may include fines, formal counseling, probation, suspension with or without pay, or termination from employment.
  - b. Under the **Student Discipline process**, the penalties may be disciplinary probation or suspension or expulsion from the College.
  - c. Under the **Employee Disciplinary process**, the penalties may be fines, formal counseling, probation, suspension with or without pay, or termination from employment.

D. **Retaliation**

The College is firmly committed to a policy that encourages timely disclosure of sexual misconduct. Any person, who, in good faith, reports sexual misconduct will be protected from retaliation (defined as an adverse action taken because an individual has engaged in protected activities), threats of retaliation, suspension or discharge from an educational opportunity or employment, or any other forms or means of discrimination because this person reported alleged sexual misconduct.

E. *Confidentiality and Reporting Protocol*

If a crime of sexual misconduct has occurred, including dating violence, domestic violence, sexual assault, or stalking, the College encourages accurate and prompt reporting of these crimes to the campus police or State and local police agencies. However, it can be difficult for a victim to come forward after such an event, and there are several options available for students who wish to maintain confidentiality while getting the support they need. Different employees on campus have different abilities to maintain a victim’s confidentiality:

1. **Privileged Communications**: Some employees are required to maintain near complete confidentiality; talking to them is sometimes called a “privileged communication.”
2. **No Personally Identifying Information**: Other employees may talk to a victim in confidence, and generally only report to the College that an incident occurred without revealing any personally identifying information. Disclosures to these employees will not trigger a College investigation into an incident against the victim’s wishes.
3. **Responsible Employees**: These employees are required to report all the details of an incident (including the identities of both the victim and accused) to the Title IX coordinator. A report to these employees (called “responsible employees”) constitutes a report to the College—and generally obligates the College to investigate the incident and take appropriate steps to address the situation.

1. **Privileged & Confidential Communications:**

**Professional and Pastoral Counselors:**

Professional, licensed counselors and pastoral counselors who provide mental-health counseling to members of the school community (and including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX coordinator without a victim’s permission. Following is the contact information for these individuals:

|  |
|--|
| Professional & Pastoral Counselors   |
| Crime Victims Assistance 845 340 3443  |
| Elena Valencia (she/her/hers) CONFIDENTIAL<br>Crime Victims Counselor and “Enough Is Enough” Coordinator<br><a href="mailto:neva@co.ulster.us">neva@co.ulster.us</a> , 845-332-5221, VAN119K |
| Ashley Brown, LCSW-R   |

CONFIDENTIAL  
Crisis Counselor  
brown@sunyulster.edu  
845 687 5192  
VAN 119F

## 2. **No Personally Identifying Information:**

### Non-Professional Counselors and Advocates:

Individuals who work or volunteer in the on-campus College Counselor's Office can generally talk to a victim without revealing any personally identifying information about an incident to the College. A victim can seek assistance and support from these individuals without triggering a College investigation that could reveal the victim's identity or that the victim has disclosed the incident. While maintaining a victim's confidentiality, these individuals or their office should report the nature, date, time, and general location of an incident to the Title IX Coordinator. This limited report – which includes no information that would directly or indirectly identify the victim – helps keep the Title IX Coordinator informed of the general extent and nature of sexual violence on and off campus so the coordinator can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses. Before reporting any information to the Title IX Coordinator, these individuals will consult with the victim to ensure that no personally identifying details are shared with the Title IX Coordinator. A victim who speaks to a professional or non-professional counselor or advocate must understand that, if the victim wants to maintain confidentiality, the College will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the accused. Even so, these counselors and advocates will still assist the victim in receiving other necessary protection and support, such as victim advocacy, academic support or accommodations, disability, health or mental health services, and changes to working or course schedules. A victim who at first requests confidentiality may later decide to file a complaint with the school or report the incident to local law enforcement, and thus have the incident fully investigated. These counselors and advocates will provide the victim with assistance if the victim wishes to do so. Following is contact information for these non-professional counselors and advocates:

### Non-Professional Counselors and Advocates

Jennifer Shute, Transition Coordinator, A.C.E.S. ACCES-VR, Mental Health Association in Ulster County, Inc., Vanderlyn 128C, [shutej@sunyulster.edu](mailto:shutej@sunyulster.edu), 845-687-5073

## 3. **Reporting to Responsible Employees:**

A "responsible employee" is a College employee who has the authority to redress sexual violence, who has the duty to report incidents of sexual violence or other student misconduct, or who a student could reasonably believe has this authority or duty. When a victim tells a responsible employee about an incident of sexual violence, the victim has

the right to expect the College to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably. A responsible employee must report to the Title IX coordinator all relevant details about the alleged sexual violence shared by the victim and that the College will need to determine what happened – including the names of the victim and accused, any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident. To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling the College’s response to the report. A responsible employee should not share information with law enforcement without the victim’s consent or unless the victim has also reported the incident to law enforcement. Before a victim reveals any information to a responsible employee, the employee should ensure that the victim understands the employee’s reporting obligations – and, if the victim wants to maintain confidentiality, direct the victim to confidential resources. If the victim wants to tell the responsible employee what happened but also maintain confidentiality, the employee should tell the victim that the College will consider the request, but cannot guarantee that the College will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the responsible employee will also inform the Coordinator of the victim’s request for confidentiality. Responsible employees will not pressure a victim to request confidentiality, but will honor and support the victim’s wishes, including for the College to fully investigate an incident. By the same token, responsible employees will not pressure a victim to make a full report if the victim is not ready to.

|  |
|--|
| Responsible Employees  |
| All employees not listed otherwise in this policy as Professional/Pastoral Counselor or Non-Professional Counselor and Advocates |

**4. Requesting Confidentiality:**

If a victim discloses an incident to a responsible employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the College must weigh that request against the College’s obligation to provide a safe, non-discriminatory environment for all students, including the victim. If the College honors the request for confidentiality, a victim must understand that the College’s ability to meaningfully investigate the incident and pursue disciplinary action against the accused may be limited. Although rare, there are times when the College may not be able to honor a victim’s request in order to provide a safe, non-discriminatory environment for all students. The College has designated the following individual(s) to evaluate requests for confidentiality once a responsible employee is on notice of alleged sexual violence:



|                              |
|------------------------------|
| Requests for Confidentiality |
|------------------------------|

|                                 |
|---------------------------------|
| William Ryan - College Attorney |
|---------------------------------|

When weighing a victim's request for confidentiality or that no investigation or discipline be pursued, the College Attorney will consider a range of factors, including the following:

- The increased risk that the accused will commit additional acts of sexual or other violence, such as:
  - whether there have been other sexual violence complaints about the same accused individual;
  - whether the accused has a history of arrests or records from a prior school indicating a history of violence;
  - whether the accused threatened further sexual violence or other violence against the victim or others;
  - whether the sexual violence was committed by multiple perpetrators;
  - whether the sexual violence was perpetrated with a weapon;
  - whether the victim is a minor;
  - whether the College possesses other means to obtain relevant evidence of the sexual violence (e.g., security cameras or personnel, physical evidence);
  - whether the victim's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group

The presence of one or more of these factors could lead the College to investigate and, if appropriate, pursue disciplinary action. If none of these factors is present, the College will likely respect the victim's request for confidentiality. If the College determines that it cannot maintain a victim's confidentiality, the College will inform the victim prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the College's response. The College will remain ever mindful of the victim's well-being, and will take ongoing steps to protect the victim from retaliation or harm and work with the victim to create a safety plan. Retaliation against the victim, whether by students or College employees, will not be tolerated.

The College will also:

- Assist the victim in accessing other available victim advocacy, academic support, counseling, disability, health or mental health services, and legal assistance both on and off campus (see portion of policy identifying these);
- Provide other security and support, which could include issuing a no-contact order, helping arrange a change of working arrangements or course schedules (including for the accused pending the outcome of an investigation) or adjustments for

assignments or tests; and inform the victim of the right to report a crime to campus or local law enforcement – and provide the victim with assistance if the victim wishes to do so.

The College may not require a victim to participate in any investigation or disciplinary proceeding. Because the College is under a continuing obligation to address the issue of sexual violence campus-wide, reports of sexual violence (including non-identifying reports) will also prompt the College to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported sexual violence occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and/or revisiting its policies and practices. If the College determines that it can respect a victim’s request for confidentiality, the College will also take immediate action as necessary to protect and assist the victim.

#### 5. **Other Confidential Avenues:**

There are other ways to disclose a sexual assault that will be handled confidentially:

##### **a. Take Back the Night and other Public Awareness Events**

If a student discloses a situation through a public awareness event such as "Take Back the Night," candlelight vigils, protests, a Student Survivor Advocacy Alliance forum, or other public event, the information the student provides will not result in an investigation. The College may use the information the student provides to inform the need for additional education and prevention efforts.

##### **b. Anonymous Reporting**

A student may call the College Counselor anonymously at 845 687 5192 to talk about the situation and find out information about the student’s options. The student should simply tell the receptionist that he or she would prefer not to give his or her name. The student can talk confidentially with the Counselor, and disclose as much or as little information as the student would like to. The student may also complete a Sexual Assault Anonymous Report.

##### **c. Off-Campus Counselors and Advocates**

Crisis Services and off-campus healthcare providers will generally maintain confidentiality unless a student signs a consent or waiver form.

#### Timely Warnings and Emergency Notifications

#### 1. **What warrants a "timely warning" or "emergency notification"?**

**Timely Warnings** shall be issued whenever a Clery Crime that is considered to represent a serious or continuing threat to students and employees is reported to Public Safety or a local police agency and has occurred within the College’s Clery Geography. Whenever a timely warning is sent it may be sent to the entire Campus Community or to the relevant population if technology allows.

**Emergency Notifications** shall be issued when a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurs on the campus. As appropriate, emergency notifications may be targeted at only a segment or segments of the campus community that is at risk. Emergency notifications will be issued without delay unless doing so would compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

**Who decides?** The President or a designee of the President, in conjunction with the Director of Public Safety and/or other campus and non-campus officials as appropriate, shall confirm the existence of a situation that may warrant a warning or notification and determine if a timely warning or emergency notification is warranted and the extent of the notification as appropriate. In addition to criminal incidents emergency notifications may be issued in situations such as, but not limited to:

1. Safety Related Issues:

- An incident that occurs ON any of our campuses that affects the personal safety and security of our population.
- An incident that occurs in close proximity to the campus that may potentially affect the personal safety and security of our student, faculty and staff population.

2. Health Related Issues:

- A member of our population is diagnosed with a serious or life threatening communicable/infectious disease.
- Evidence of bio terrorism.

***The only reason an immediate notification for a confirmed emergency or dangerous situation would not be issued is if doing so will compromise efforts to: assist a victim, contain the emergency, respond to the emergency, or otherwise mitigate the emergency.***

2. How will a Timely Warning or an Emergency Notification be Communicated?

**For Safety Related Issues:** The means of communication will be chosen by the President or the designee based upon the nature of the incident. Possible means of communication are:

- E-mail to all students and/or faculty/staff
- Postings on campus
- Posting of notification in Public Safety Area
- **SUNY NY Alert in the case of a critical campus wide emergency**

- Post to web portal

**For Health Related Issues:** The means of communication will be chosen by the President or the designee based upon the nature of the incident. Possible means of communication are:

- Letters to students and/or parents (communication to parents is extremely minimal, most likely done in cases of measles, mumps, or rubella. Viral Meningitis would be communicated to the parents whose students are directly affected.)
- Letters to faculty and staff, if appropriate
- Posting of notification on the College web-site

### **Investigation, Grievance, & Adjudication Procedures**

#### ESTABLISHING TIME FRAMES FOR THE REVIEW PROCESS

*The College will conduct a review of all sexual harassment complaints as prescribed in The College's Sexual Harassment Policy and Procedures.*

*The College will conduct a timely review of all complaints of domestic violence, dating violence, and/or stalking. Absent extenuating circumstances, review and resolution is expected to take place within sixty (60) calendar days from receipt of the complaint.*

*The preliminary review of all complaints, including any necessary interviews to be conducted and any necessary interim measures to be put in place, will usually be completed within 15 days of receipt of the complaint.*

*The subsequent, comprehensive review and investigation of the complaint, including interviews with all involved parties and gathering of evidence, is usually completed within 30 days of receipt of the complaint.*

*Results of the complaint, via either a formal hearing or waiver of hearing are typically issued within 45 days of receipt of the complaint.*

*An appeal of the results must be submitted within 7 days of receipt of the written result. Absent extenuating circumstances, decisions on appeals are typically issued within 7 days of submission of the appeal.*

#### BURDEN OF PROOF

*The burden of proof in all cases is "the preponderance of the evidence" – whether it is "more likely than not" that the sex discrimination, dating violence, domestic violence, sexual assault, or stalking occurred. If the evidence presented meets this standard, then the respondent must be found responsible.*

EXTENSIONS

*All deadlines and time requirements in the Code may be extended for good cause as determined by the Title IX Coordinator. Both the respondent and the complainant will be notified in writing of the delay, the reason for delay, and provided the date of the new deadline or event. Extensions will not be longer than 5 business/school days.*

DOCUMENTARY EVIDENCE

*Documentary Evidence to be presented by complainant(s) and respondent(s) during any hearing on the charges must be shared with the opposing party at least two (2) business days in advance of the scheduled hearing. The College Official(s) presiding at and/or hearing the case may exclude evidence that has not been shared or adjourn the hearing to afford all parties the opportunity to review evidence to be presented during the hearing. The College Official(s) presiding at and/or hearing the case will make the final decision relating to the admissibility of all evidence.*

PARTIES' RIGHTS TO ADVISORS

*The respondent and complainant may be assisted during disciplinary hearings and related meetings, by an advisor of their choice. The respondent and complainant may present witnesses and may produce other evidence for consideration by the student conduct body. The respondent and complainant are responsible for presenting evidence on their own behalf. Advisors may speak privately to their advisee, respondent or complainant, during the proceeding. Either party may request a brief recess to consult with their advisor which will be granted at the discretion of the hearing body. Advisors for the respondent and complainant may not present evidence or question witnesses.*

Notification of findings

*Within five (5) class days after the adjournment of the hearing, the student conduct hearing body shall submit written findings of fact, conclusions regarding the charge(s), and imposition of a sanction, if any, to the respondent and any College official who is determined by the Assistant Dean of Students to have a legitimate interest in the result. In the case of sexual misconduct and violations involving dating violence, domestic violence, sexual assault, or stalking, both the complainant and respondent shall also receive simultaneous notice of the results and sanctions imposed (and the rationale for the result and sanctions), as well as notice of the appellate procedures available, any possible changes to the result that may occur before it becomes final, and when the result becomes final.*

SANCTIONS

*The College considers dating violence, domestic violence, sexual assault, and stalking as extremely serious violations and subject to SUSPENSION and/or EXPULSION from the College.*

For crimes of violence, including, but not limited to sexual violence, defined as crimes that meet the reporting requirements pursuant to the federal Clery Act established in 20 U.S.C. 1092(f)(1)(F)(i)(I)-(VIII), the Registrar shall make a notation on the transcript of students found responsible after a conduct process that they were “suspended after a finding of responsibility for a code of conduct violation” or “expelled after a finding of responsibility for a code of conduct violation.” For the respondent who withdraws from the College while such conduct charges are pending, and declines to complete the disciplinary process, the Registrar shall make a notation on the transcript of such students that they “withdrew with conduct charges pending.” If a finding of responsibility is vacated for any reason, any such transcript notation shall be removed.

RETALIATION

*No member of the College community shall retaliate, intimidate, threaten, coerce or otherwise discriminate against a person who files a Title IX complaint, serves as a witness, or assists or participate in a Title IX proceeding in any manner. Participants who experience retaliation should report the incident to the Title IX Coordinator.*

### **How to Help as a Bystander**

The College expects all members of the campus community to take reasonable and prudent actions to prevent or stop an act of sexual misconduct. Educating and engaging bystanders are effective ways to help prevent acts of sexual misconduct. Bystanders can help in several different ways, including direct intervention, seeking assistance from an authority figure, notifying campus security, or calling State or local law enforcement.

If you see an act of sexual misconduct: It is important to understand that no individual has the right to be violent, even if two people are in a relationship. Recognizing when acts of sexual misconduct are occurring is the first step to intervening. Required campus education and training programs give a full synopsis on recognizing when sexual misconduct is taking place. If you make the decision to intervene, do so safely—violence does not stop violence, and, if you cannot stop the act with your words, call law enforcement. Do not be afraid to ask other students, faculty or staff for help.

If a victim confides in you: It is important to let the victim tell their story. Listen respectfully, and help them explain and identify what has happened to them. Help the victim identify others in their network who they can confide in. Ask the victim what they

need to feel safe, encourage them to seek medical attention and counseling, and encourage them to report the act if they feel comfortable doing so.

### **Prevention Education & Awareness Programs/Trainings**

The College has education programs to promote the awareness of rape, acquaintance rape, dating violence, domestic violence, sexual assault, and stalking. These education programs include primary prevention and awareness programs for all incoming students and new employees. These education programs will include: a statement that these crimes are prohibited at the College; definitions of consent, domestic violence, dating violence, sexual assault, and stalking in the College's jurisdiction; safe and positive bystander intervention when there's a risk of one of those incidents; information on risk reduction to recognize warning signs of abusive behavior and avoiding potential attacks; and information about the institutional disciplinary procedures. The various programs and trainings offered by the College are described below:

1. *Prevention Programs*: These are programs to prevent dating violence, domestic violence, sexual assault, and stalking. The programs are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome. They also consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.
2. *Awareness Programs*: These are community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.
3. *Bystander Intervention*: These programs and trainings offer safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. They include recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.
4. *Ongoing Prevention & Awareness Campaigns*: These include programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a

range of strategies with audiences throughout the college/university and including information provided in campus education programs.

5. Primary Prevention Programs: These include programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.
6. Risk Reduction Programs: These programs present options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

## Definitions:

### **DATING VIOLENCE**

*Dating violence is any act of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the victim's statement and with consideration of the type and length of the relationship and the frequency of interaction between the persons involved in the relationship. Two people may be in a romantic or intimate relationship, regardless of whether the relationship is sexual in nature; however, neither a casual acquaintance nor ordinary fraternization between two individuals in a business or social context shall constitute a romantic or intimate relationship. This definition does not include acts covered under domestic violence.*

### **DOMESTIC VIOLENCE**

*Domestic violence is any violent felony or misdemeanor crime committed by a current or former spouse or intimate partner of the victim, a person sharing a child with the victim, or a person cohabitating with the victim as a spouse or intimate partner.*

### **STALKING**

*The term stalking means intentionally engaging in a course of conduct, directed at a specific person, which is likely to causes a reasonable person to fear for his or her safety or the safety of others or cause that person to suffer substantial emotional damage. 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(s) in a manner likely to intimidate, annoy, or alarm him or her.*

#### **AFFIRMATIVE CONSENT**

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

***In addition:*** *Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.*

*a) Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.*

*b) Consent may be initially given but withdrawn at any time.*

*c) Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity.*

*Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.*

*d) Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.*

*e) When consent is withdrawn or can no longer be given, sexual activity must stop.*

#### **APPENDIX:**

#### **NYS Division of Human Rights**

##### State Headquarters

New York State Division of Human Rights

One Fordham Plaza, 4th Floor

Bronx, New York 10458

Tel: (718) 741-8400

Fax: (718) 741-3214

##### Albany

New York State Division of Human Rights

Empire State Plaza, Corning Tower, 28th Floor

Post Office Box 2049

Albany, New York 12220

Tel: (518) 474-2705

Fax: (518) 473-3422

Office of Sexual Harassment

New York State Division of Human Rights

Office of Sexual Harassment

55 Hanson Place, Suite 347

Brooklyn, New York 11217

Tel: (718) 722-2060 or 1-800-427-2773

Fax: (718) 722-4525

Office of AIDS Discrimination

New York State Division of Human Rights

Office of AIDS Discrimination

20 Exchange Place, 2nd Floor

New York, New York 10005

Tel: (212) 480-2522 or 1-800-522-4369

Fax: (212) 480-0143

**United States Department of Labor**

Office of Federal Contract Compliance Programs (OFCCP)

201 Varick Street, Room 750

New York, NY 10014

Tel: (212) 337-2006

Fax: (212) 620-7705

OFCCP New York District Office

26 Federal Plaza, Room 36-116

New York, NY 10278-0002

Tel: (212) 264-7742

Fax: (212) 264-8166

**New York State Department of Labor**

State Campus, Building 12, Room 500

Albany, NY 12240-0003

Tel: (518) 457-2741

Fax: (518) 457-6908

**United States Equal Employment Opportunity Commission**

EEOC National Headquarters

131 Main Street NE, Fourth Fl. Suite 4NW02F  
Washington, D. C. 20507  
Tel: (202) 663-4900  
Fax: (202) 663-4912  
EEOC Field Office  
6 Fountain Plaza, Suite 350  
Buffalo, New York 14202  
Tel: (716) 551-4441  
Fax: (716) 551-4387

**Office for Civil Rights**

OCR National Headquarters  
U. S. Department of Education  
Office of Civil Rights, Customer Service Team  
Mary E. Switzer Building  
330 C. Street, S. W.  
Washington, D. C. 20202  
Tel: (800) 421-3481  
Fax: (202) 205-9862

Office for Civil Rights, New York Office  
32 Old Slip, 26<sup>th</sup> Floor  
New York, NY 10005-2500  
Tel: (646) 428-3800  
Fax: (646) 428-3843

Adopted August 21, 2014 (14-8-120)  
Amended August 16, 2016 (16-8-108)  
Amended May 15, 2018 (18-5-104)

|                       |  |
|-----------------------|--|
| <b>Policy Section</b> |  |
| <b>4.19</b>           | <b>POLICY ON SEXUAL VIOLENCE PREVENTION AND RESPONSE</b> |

Approval Date: December 16, 2014

WHEREAS, the Senior Vice President of Enrollment Management and Student Services and College Attorney have reviewed College Board policy 4.19 Sexual Violence Prevention and Response, and

WHEREAS, the Senior Vice President of Enrollment Management and Student Services recommends, and the President concurs, and

WHEREAS, the Personnel, Educational Programs and Services Committee has met and concurs, now, therefore be it

RESOLVED, that the Board of Trustees approves amendments to Board Policy 4.19 Sexual Violence Prevention and Response, a copy of which Policy is attached hereto.

## Definition of Affirmative Consent

Affirmative Consent: Is a knowing, voluntary and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. Persons who do not have the capacity to understand the act, its nature and possible consequences of the act can never give affirmative consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

**In addition:** Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent or any other sexual act.

- a) Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- b) Consent may be initially given but withdrawn at any time without fear of retaliation. Retaliation is defined as any intimidating, harassing, or retributive action including but not limited to violence, threats of violence, property destruction, adverse educational or employment consequences and bullying of any person for reporting a violation or participating in any way in the investigation or conduct process.
- c) Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being under a degree of intoxication, someone who is under the influence of alcohol, drugs or other intoxicants may be incapacitated and therefore unable to give consent.
- d) Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
- e) When consent is withdrawn or can no longer be given, sexual activity must stop.

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

The health and safety of every student at the State University of New York and its State-operated and community colleges is of utmost importance. Ulster County 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. Ulster County Community College strongly encourages students to report incidents of domestic violence, dating violence, stalking, or sexual assault to institution

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 Ulster County Community College officials or law enforcement will not be subject to Ulster County Community College's 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. This amnesty provision does not limit the College from seeking help for a student who is struggling with drug or alcohol addiction or is otherwise in danger nor from imposing removal or restrictions for those using drugs or alcohol who are involved in a clinical or similar setting wherein external laws, policies or accreditation requirements require such removal or restriction. In addition this policy is not intended to grant amnesty for drug sale, distribution or for drugging another individual.

### Campus Climate Assessment Policy

Climate assessments afford the College the opportunity to better understand our campus and to make informed decisions when it comes to providing a safe educational environment. The College will annually conduct a uniform climate survey that ascertains student experience with and knowledge of reporting and college adjudicatory processes for sexual harassment, including sexual violence, and other related crimes.

The survey will address the following:

- Student and employee knowledge about:
  - The Title IX Coordinator's role;
  - Campus policies and procedures addressing sexual assault;
  - How and where to report sexual violence as a victim/survivor or witness;
  - The availability of resources on and off campus, such as counseling, health, academic assistance;
  - The prevalence of victimization and perpetration of sexual assault, domestic violence, dating violence, and stalking on and off campus during a set time period (for example, the last two years);
  - Bystander attitudes and behavior;
  - Whether victims/survivors reported to the College and/or police, and reasons why they did or did not report.
  - The general awareness of the difference, if any, between the institution's policies and the penal law;
  - The general awareness of the definition of affirmative consent.

The College shall take steps to ensure that answers remain anonymous and that no individual is identified. Results will be published on the campus website providing no

personally identifiable information shall be shared.

## Sexual Violence Response Policy

In accordance with the Student's Bill of Rights, reporting individuals 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:

### I- **Reporting:**

- To disclose *anonymously* an 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 Options for Confidentially Disclosing Sexual Violence
  - Click: [http://people.sunyulster.edu/Portal/Report\\_Something/form\\_p.asp?param=public](http://people.sunyulster.edu/Portal/Report_Something/form_p.asp?param=public)
  - Call to report anonymously: [845-688-6060](tel:845-688-6060)
  - Counselor, Ashley Brown VAN 119F 845-687-5192
- To disclose *confidentially* the incident and obtain services from the New York State, New York City or county hotlines: <http://www.opdv.ny.gov/help/dvhotlines.html>. Additional disclosure and assistance options 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:
  - SurvJustice: <http://survjustice.org/our-services/civil-rights-complaints/>;
  - Legal Momentum: <https://www.legalmomentum.org/>;
  - NYSCASA: <http://nyscasa.org/responding>;
  - NYSCADV: <http://www.nyscadv.org/>;
  - Pandora's Project: <http://www.pandys.org/lgbtsurvivors.html>;
  - LGBTQ Domestic Violence Project: <http://www.glbtqdv.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. Reporting individuals are encouraged to additionally contact a campus confidential or private resource so that the campus can take appropriate action in these cases).
- To disclose the incident to one of the following college officials who can offer *privacy* and can provide information about remedies, accommodations, evidence preservation, and how to obtain resources. Those officials will also provide the information contained in the Students' Bill of Rights, including the

right to choose when and where to report, to be protected by the institution from retaliation, and to receive assistance and resources from the institution. These college officials will disclose that they are private and not confidential resources, and they 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. They will notify reporting individuals that the criminal justice process uses different standards of proof and evidence than internal procedures, and questions about the penal law or the criminal process should be directed to law enforcement or district attorney:

| <b>On-Campus</b>   |
|--|
| Counselors, Ashley Brown VAN 119F 845-687-5192                   |
| Public Safety 845-687-5221 – available 24 hours/day; 7 days/week |
| Health Services 845-687-5246                                     |
| Assistant Dean of Students, Matthew Brennie 845-688-6068         |
| Title IX Coordinator, Kenneth Juras ( 845) 687-5108              |

- o To file a criminal complaint with Campus Public Safety and/or with local law enforcement and/or state police, contact College Public Safety Office, (845) 687- 5221, HAS 134, or you may file directly with the following off-campus resources:

| <b>Off-Campus</b>   |
|---|
| Ulster County Sheriff 845-338-3640  |
| State Police 845-338-1702   |
| Family of Woodstock 845-679-2485/845-338-2370   |
| Crime Victims Assistance 845-340-3443   |
| State Police 24-hour hotline to report sexual assault on NY college campus:<br>1-844-845-7269 |

The resources above can assist you with receiving assistance by initiating legal proceedings in family court or civil court.

- To file a report of sexual assault, domestic violence, dating violence, and/or stalking, and/or talk to the Title IX Coordinator, Kenneth Juras (845-687-5108) for information and assistance. Reports will be investigated in accordance with Ulster County Community College policy and the reporting individual’s identity shall remain private at all times if said reporting individual wishes to maintain privacy. If a reporting individual wishes to keep his/her identity anonymous, he or she may report anonymously via an internet reporting system by clicking [here](http://people.sunyulster.edu/Portal/Report_Something/form_p.asp?param=public): ([http://people.sunyulster.edu/Portal/Report\\_Something/form\\_p.asp?param=public](http://people.sunyulster.edu/Portal/Report_Something/form_p.asp?param=public)) or telephone a report anonymously by calling [845-688-6060](tel:845-688-6060) to discuss the



situation and available options (see policy [here: http://people.sunyulster.edu/portal/title\\_ix\\_policies.htm](http://people.sunyulster.edu/portal/title_ix_policies.htm)):

- When the accused is an employee, a reporting individual may also report the incident to the Office of Human Resources or may request that one of the above referenced confidential or private employees assist in reporting to Employee Relations or 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 reporting individual, 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. SUNY Ulster Human Resources may be reached at (845) 687-5101.
- You may withdraw your complaint or involvement from the Ulster County Community College process at any time.

II- Every college shall ensure that, at a minimum, at the first instance of disclosure by a reporting individual to a college representative, the following information shall be presented to the reporting individual: “You have the right to make a report to University Police or 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”

III- **Resources:**

- To obtain effective intervention services.
  - Ashley Brown, VAN 119F, 845-687-5192, These are offered free of charge.
  - Health Services, SEN 139, 845-687-5246. These are offered free of charge. Sexual contact can transmit Sexually Transmitted Infections (STI) and may result in pregnancy. Testing for STIs and emergency contraception is available at

| <b>Off-Campus</b>                       |
|---|
| Domestic Violence Outreach 845-338-2370 |
| Family of Woodstock 845-679-2485        |
| SANE 845-340-3363                       |
| Crime Victims Assistance 845-340-3443   |

- 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 may be found here: <https://www.ovs.ny.gov/sites/default/files/brochure/ovsrightsofvcbooklet.pdf>, or by calling 1-800-247-8035. Options are explained here: <https://www.ovs.ny.gov/help-crime-victims>.

- To best preserve evidence, victims/survivors should avoid showering, washing, changing clothes, combing hair, drinking, eating, or doing anything to alter physical appearance until after a physical exam has been completed.

#### IV- **Protection and Accommodations:**

- When the accused is a student, to have the college issue a “No Contact Order,” consistent with college policy and procedure, 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. Both the accused/respondent and reporting individual may request a prompt review of the need for and terms of a No Contact Order, consistent with Ulster Community College policy. Parties may submit evidence in support of their request. To have assistance from Campus Public Safety or other college officials in initiating legal proceedings in family court or civil court, including but not limited to obtaining an Order of Protection or, if outside of New York State, an equivalent protective or restraining order.
- To receive a copy of the Order of Protection or equivalent and have an opportunity to meet or speak with a college official 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 charges, and interim suspension.
- To have assistance from Campus Public Safety in effecting 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 Campus Public Safety or, if outside of the jurisdiction or [if Campus Security does not have arresting powers] to call on and assist 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. Parties may request a prompt review of the need for and terms of an interim suspension. When the accused is not a student but is a member of the college community and presents a continuing

threat to the health and safety of the community, to subject the accused to interim measures in accordance with applicable collective bargaining agreements, employee handbooks, and Ulster County Community College policies and rules.

- When the accused is not a member of the college community, to have assistance from Campus Public Safety or other college officials in obtaining a barring notice; 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 arrangements in order to ensure safety, prevent retaliation, and avoid an ongoing hostile environment. Parties may request a prompt review of the need for and terms of any interim measures and accommodations that directly affect them. While reporting individuals may request accommodations through any of the offices referenced in this policy, the following office can serve as a point to assist with these measures:

|   |
|---|
| Assistant Dean of Student Services, Matthew Brennie, 845-688-6068, SEN<br>113 |
|---|

**V- Student Conduct Process:**

- To request that student conduct charges be filed against the accused. Conduct proceedings are governed by the procedures set forth in Board Policy 6.3.10 and as contained in the College Catalog found at <http://catalog.sunyulster.edu/> and on the college portal at my.sunyulster.edu 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 respondent and the reporting individual will have:
  - The same opportunity to be accompanied by an advisor of their choice who may assist and advise the parties throughout the conduct process and any related hearings or meetings. Participation of the advisor in any proceeding is governed by federal law and the Student Code of Conduct;
  - The right to a prompt response to any complaint and to have their complaint investigated and adjudicated in an impartial, timely, and thorough manner by individuals who receive annual training in conducting investigations of sexual violence, the effects of trauma, impartiality, the rights of the respondent, including the right to a presumption that the respondent is “not responsible” until a finding of responsibility is made, 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 recognizes the legal and policy requirements of due process (including fairness, impartiality, and a meaningful opportunity to be heard) and is not conducted by individuals with a conflict of interest.

- o The right to receive advance written or electronic notice of the date, time, and location of any meeting or hearing they are required to or are eligible to attend. Accused individuals will also be told the factual allegations concerning the violation, a reference to the specific code of conduct provisions alleged to have been violated, and possible sanctions.
- o 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.
- o The right to offer evidence during an investigation and to review available relevant evidence in the case file (or otherwise held by Ulster County Community College).
- o The right to present evidence and testimony at a hearing, where appropriate.
- o The right to a range of options for providing testimony via alternative arrangements, including telephone/videoconferencing or testifying with a room partition.
- o The right to exclude prior sexual history with persons other than the other party in the conduct process or their own mental health diagnosis or treatment from admittance in college disciplinary stage that determines responsibility. Past findings of domestic violence, dating violence, stalking, or sexual assault may be admissible in the disciplinary stage that determines sanction.
- o 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.
- o The right to make an impact statement during the point of the proceeding where the decision maker is deliberating on appropriate sanctions.
- o The right to simultaneous (among the parties) written or electronic notification of the outcome of a conduct proceeding, including the decision, any sanctions, and the rationale for the decision and any sanctions.
- o The right to written or electronic notice about the sanction(s) that may be imposed on the accused based upon the outcome of the conduct proceeding. For students found responsible for sexual assault, the available sanctions are suspension with additional requirements and expulsion/dismissal.
- o Access to at least one level of appeal of a determination before a panel, which may include one or more students, that is fair and impartial and does not include individuals with a conflict of interest.

- o The right to have access to a full and fair record of a student conduct hearing, which shall be preserved and maintained for at least five years.

Assistant Dean of Student Services, Matthew Brennie, 845-688-6068, SEN  
113

- o The right to choose whether to disclose or discuss the outcome of a conduct hearing.
- o The right to have all information obtained during the course of the conduct or judicial process be protected from public release until the appeals panel makes a final determination unless otherwise required by law.

### Options for Confidentially Disclosing Sexual Violence

The State University of New York and Ulster County Community College 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.

#### **In this Policy:**

- Privileged and Confidential Resources.
- Non-Professional Counselors and Advocates.
- Privacy versus Confidentiality.
- Requesting Confidentiality: How the College/University Will Weigh the Request and Respond.
- Public Awareness/Advocacy Events.
- Anonymous Disclosure.
- Institutional Crime Reporting.

#### **Privileged and Confidential Resources:**

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

- Off-campus counselors and advocates. Crisis services offices will generally maintain confidentiality unless you request disclosure and sign a consent or waiver form. More information on an agency's policies on confidentiality may be obtained directly from the Ulster County Crime Victims Assistance Program.

| <b>Off-Campus</b>                       |
|---|
| Domestic Violence Outreach 845-338-2370 |
| Family of Woodstock 845-679-2485        |
| Ulster County SANE 845-340-3363         |
| Crime Victims Assistance 845-340-3443   |

- Off-campus healthcare providers
  - Note that medical office and insurance billing practices may reveal information to the insurance policyholder, including medication and/or examinations paid for or administered. 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 compensation. More information may be found here:  
[http://www.ovs.ny.gov/files/ovs\\_rights\\_of\\_cv\\_booklet.pdf](http://www.ovs.ny.gov/files/ovs_rights_of_cv_booklet.pdf), or by calling 1-800-247-8035. Options are explained here:  
<http://www.ovs.ny.gov/helpforcrimevictims.html>.

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.

**Non-Professional Counselors and Advocates:**

Non-professional counselors and advocates can also assist you without sharing information that could identify you. At Ulster County Community College, this includes Jennifer Shute, Transition Coordinator, A.C.E.S. ACCES-VR, Mental Health Association in Ulster County, Inc., Vanderlyn 128C, [shutej@sunyulster.edu](mailto:shutej@sunyulster.edu), 845-687-5073. These individuals will report the nature, date, time, and general location of an incident to Ulster County Community College's Title IX Coordinator, but will consult with you to ensure no personally identifying details are shared without your consent.

**Privacy versus Confidentiality:**

Ulster County 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 to investigate and/or seek a resolution and to notify the Title IX Coordinator or designee, who is responsible under the law for tracking patterns and spotting systemic issues. Ulster County 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.

**Requesting Confidentiality: How Ulster County Community College Will Weigh the Request and Respond:**

If you disclose an incident to a Ulster County 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 will assist you with academic, employment, and other reasonable and available accommodations regardless of your reporting choices. While reporting individuals may request accommodations through several college offices, the following office can serve as a primary point of contact to assist with these measures [Ashley Brown, Crisis Counselor, VAN 119F, ext. 5192]. 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.

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 Ulster County Community College's failure to act does not adequately mitigate the risk of harm to you or other members of the Ulster County 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.

When you disclose an incident to someone who is responsible for responding to or reporting sexual violence or sexual harassment, but wish to maintain confidentiality, Ulster County Community College will consider many factors to determine whether to proceed despite that request. These factors include, but are not limited to:

- Whether the accused has a history of violent behavior or is a repeat offender;
- Whether the incident represents escalation, such as a situation that previously involved sustained stalking,
- The increased risk that the accused will commit additional acts of violence;
- Whether the accused used a weapon or force;
- Whether the reporting individual is a minor; and
- 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.

If Ulster County Community College determines that it must move forward with an investigation, the reporting individual or victim/survivor will be notified and Ulster County Community will take immediate action as necessary to protect and assist them.

#### **Public Awareness/Advocacy Events:**

If you disclose a situation through a public awareness event such as “Take Back the Night,” candlelight vigils, protests, student organization or other event or forum, or other public event, Ulster County Community College is not obligated to begin an investigation. Ulster County Community College may use the information you provide to inform the need for additional education and prevention efforts.

#### **Anonymous Disclosure:**

To report *anonymously* an incident to one of the following college officials, who by law may maintain confidentiality, and can support and assist in obtaining services, you can use our anonymous internet reporting system by clicking [here](#), or you can telephone a report anonymously by calling [845-688-6060](tel:845-688-6060).



To disclose *confidentially* an incident and obtain services, call the New York State Hotline for Sexual Assault and Domestic Violence: 1-800-942-6906. The Hotline is for crisis intervention, resources and referrals and is **not a reporting mechanism**.

#### **Institutional Crime Reporting**

Reports of certain crimes occurring in certain geographic locations will be included in the Ulster County Community College Clery Act Annual Security Report in an anonymized manner that neither identifies the specifics of the crime or the identity of the reporting individual or victim/survivor. To report, contact:



- Kenneth Juras, Title IX Coordinator, 845-687-5108,
- Wayne Freer, Director of Public Safety, HAS 134, 845-687-5053.

Ulster County Community College is obligated to issue timely warnings of Clery Act crimes occurring within relevant geography that represent a serious or continuing threat to students and employees (subject to exceptions when potentially compromising law enforcement efforts and when the warning itself could potentially identify the reporting individual or victim/survivor). A reporting individual will never be identified in a timely warning.

The Family Educational Rights and Privacy Act allows institutions to share information with parents when (1) there is a health or safety emergency, or (2) when the student is a dependent on either parents' prior year federal income tax return. Generally, Ulster County Community College will not share information about a report of sexual violence with parents without the permission of the reporting individual.

Adopted December 16, 2014 (14-12-168)

Amended August 16, 2016 (16-8-107)

Amended May 15, 2018 (18-5-105)

|                       |   |
|-----------------------|---|
| <b>Policy Section</b> |   |
| <b>4.20</b>           | <b>SUNY Ulster Coronavirus Vaccination Policy for SUNY Ulster Employees</b> |

Adopted November 16, 2021

In light of the ongoing COVID-19 pandemic, and as part of our continued efforts to in order to ensure a safe and non-disruptive educational experience for employees and SUNY Ulster students, SUNY Ulster is requiring all employees to receive an FDA authorized and/or approved COVID-19 vaccination as a condition of continued employment. Below you will find additional information regarding this policy.

This is an evolving public health emergency. SUNY Ulster fully intends this policy to comply with all applicable federal, state and local law or guidance. SUNY Ulster is monitoring guidance from all applicable public health authorities and we reserve the right to modify this policy as we determine may be necessary or appropriate. It is recommended that employees consult with their healthcare provider regarding whether to obtain a COVID-19 vaccination. Although whether or not someone receives a vaccination may have work implications, the decision whether to be vaccinated, and which vaccine to receive, is still a choice that employees should make in consultation with their medical provider after reviewing all of the available information.

As most vaccinations will require two dosages, we realize it will take time for all covered employees to be fully vaccinated. SUNY Ulster requires all employees to be fully vaccinated against COVID-19, **by December 23, 2021** unless a reasonable accommodation or exemption is approved.

Definitions:

COVID-19 Vaccination: is defined in accordance with the Center for Disease Control and Prevention definition.

Proof of Vaccination: The College will accept the Excelsior pass as the main form of proof of vaccination. Employees may also present their vaccination card to health services. Such information may be subject to confirmation with the New York State Department of Health or other State Department of Health as appropriate. As with all identifiable employee medical information, the SUNY Ulster will safeguard information concerning COVID-19 vaccinations in accordance with applicable law.

Procedures:

**Time off to obtain a vaccine**

All employees will be provided time off to obtain a vaccine in accordance with NYS law.

**Reasonable accommodations**

SUNY Ulster will consider requests to be excused from this policy whenever necessary to comply with legal requirements. SUNY Ulster will consider any requests for accommodations for disabilities, pregnancy, religion or other exemptions on an individual basis in accordance with applicable legal requirements. Employees seeking a reasonable accommodation to receive a waiver from this policy shall submit the applicable accommodation forms to Human Resources for review. Such forms shall be reviewed in cooperation with Health Services.

**Non-Compliance**

Any employee who elects to not receive a COVID-19 vaccination, or does not receive a reasonable accommodation or exemption to be waived from such policy may be eligible for leave of absence up to six months without pay. If such employee does not provide proof of vaccination at the end of the six months period, such employee shall be separated from service. Employees who take such leave without pay shall be eligible to participate in College sponsored health insurance at full cost during such leave. If such an employee provides proof of vaccination during the six months leave of absence period, the employee may be reinstated prior to the end of the six-month period.

**Safety Protocols Following Vaccinations**

Unless notified otherwise in writing by SUNY Ulster, employees must continue to comply with all applicable COVID-19 safety protocols after they are vaccinated, regardless of information that may be available from the CDC or other federal/state/local health authorities. SUNY Ulster will determine, based on guidance from the CDC and applicable state/local public health authorities, whether and when such protocols will be modified or eliminated for fully vaccinated employees.

**Safety Protocols for Employees Who Receive an Accommodation or Exemption from Such Vaccine Mandate**

Employees who receive a reasonable accommodations or exemption to be waived from such policy must continue to participate in weekly on-site COVID-19 testing, maintain social distancing and wear a face mask at all times while on SUNY Ulster's Stone Ridge or Kingston Center campus, and/or traveling in a College issued vehicle; unless eating or drinking alone.

**Failure to Comply or Cooperate with Vaccination Policy**

Depending upon the individual circumstances of the situation and applicable law, failure to comply or cooperate with this vaccination policy may result in disciplinary action, up to and including termination of employment and/or placement on medical or administrative leave.

**Questions**

If you have any questions regarding this policy, please contact Jamie Capuano at 845-687-5051.

Adopted November 16, 2021 (21-11-125)

|                       |                              |
|-----------------------|------------------------------|
| <b>Policy Section</b> |                              |
| <b>4.21</b>           | <b>SEX OFFENDER REGISTRY</b> |

Adopted Procedure August 20, 2019

*Background:*

This additional search for new employees in the National Sex Offender Public Registry is in response to a recommendation by Selective Insurance Company of America during our renewal.

RESOLVED, that in addition to the criminal background check required by Ulster County Local Law number 14 of 2007 the College Director of Personnel shall, prior to commencement of a prospective employee's duties, conduct a search by the first and last name in the National Sex Offender Registry maintained by the United States Department of Justice at [http://www/nsopw.gov/](http://www.nsopw.gov/), beginning August 21, 2019, and be it further

RESOLVED, that the use of any information obtained pursuant to said search shall be consistent with the requirements of the New York State Corrections Law article 23-A.

Adopted August 20, 2019 (19-8-155)